

2005, Executive Committee meeting, the members and industry representatives discussed the impact of and alternatives to suspending handling and reporting requirements, including extending the current suspensions of outgoing inspection requirements and reporting regulations.

At the March 15, 2005, committee meeting, the members received the recommendations of the Executive Committee and, being in unanimous accord, voted to rescind their previous recommendation to suspend the entire order in favor of recommending that the handling and reporting requirements be suspended indefinitely, including the currently-suspended outgoing inspection and volume control regulations.

The suspension permits the industry to operate for an indefinite period of time without most order requirements. This will allow growers and handlers time to consider which provisions in the marketing order might continue to meet their future needs.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large California dried prune handlers. On the contrary, this action will remove reporting requirements on all prune handlers indefinitely. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this interim final rule.

In addition, the committee's meetings were widely publicized throughout the prune industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues at any meeting in the last two years, including task force meetings. Like all committee meetings, the April 16 and December 8, 2004, meetings; and the February 23 and March 15, 2005, meetings were public meetings; and all entities, both large and small, were encouraged to express views on this issue. The committee itself is composed of twenty-two members. Seven are handlers, fourteen are producers, and one is a public member. Moreover, the committee, its Executive Committee, and the marketing order task force, provide broad industry representation. Thus, this rule reflects their considerable deliberations and determinations. Finally, interested persons are invited to submit information on the regulatory and

informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

The U.S. Trade Representative has reviewed this interim final rule and concurs with its issuance.

This rule invites comments on changes to the handling and reporting requirements prescribed under the marketing order and the import regulation. Any comments timely received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the committee's recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The committee unanimously recommended these changes at a public meeting and interested parties had an opportunity to provide input; (2) these changes relax requirements on handlers and importers; and (3) this rule provides a 60-day comment period and any comments timely received will be considered prior to finalization of this rule.

#### List of Subjects

##### 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

##### 7 CFR Part 999

Dates, Filberts, Food grades and standards, Imports, Nuts, Plums, Prunes, Raisins, Reporting and recordingkeeping requirements, Walnuts.

■ For the reasons set forth in the preamble, 7 CFR parts 993 and 999 are amended as follows:

■ 1. The authority citation for 7 CFR parts 993 and 999 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

#### PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

■ 2. In Part 993, §§ 993.21d, 993.41, 993.48, 993.49, 993.50, 993.51, 993.52, 993.53, 993.54, 993.55, 993.56, 993.57, 993.58, 993.59, 993.62, 993.65, 993.72, 993.73, 993.74, 993.75, 993.97, 993.104, 993.105, 993.106, 993.107, 993.108, 993.149, 993.150, 993.156, 993.157, 993.158, 993.159, 993.162, 993.165, 993.172, 993.173, 993.174, 993.400, 993.409, 993.501, 993.503, 993.504, 993.505, 993.506, 993.515, 993.516, 993.517, 993.518, 993.601, and 993.602 are suspended indefinitely.

■ 3. In § 993.33, the words “salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62” are suspended indefinitely.

■ 4. Paragraph (i) of § 993.36 is suspended indefinitely.

#### PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

■ 5. Section 999.200 is suspended indefinitely.

Dated: May 20, 2005.

**Kenneth C. Clayton,**

*Acting Administrator, Agriculture Marketing Service.*

[FR Doc. 05–10469 Filed 5–26–05; 8:45 am]

**BILLING CODE 3410-02-P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. FAA–2005–21273; Directorate Identifier 2005–NE–15–AD; Amendment 39–14103; AD 2005–11–01]

**RIN 2120-AA64**

##### Airworthiness Directives; Turbomeca S.A. Arrius 1A Turboshift Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for Turbomeca S.A. Arrius 1A turboshift engines. This AD requires initial and repetitive testing of the Free Turbine Overspeed Protection System. This AD results from an investigation into the Digital Electronic Control Unit (DECU) that revealed a malfunction of the Free Turbine Overspeed Protection System. This malfunction can exist despite the DECU passing all functional tests

specified in the Engine Maintenance Manual. We are issuing this AD to prevent uncontained engine failure if a free turbine overspeed occurs.

**DATES:** Effective June 13, 2005. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of June 13, 2005.

We must receive any comments on this AD by July 26, 2005.

**ADDRESSES:** Use one of the following addresses to comment on this AD:

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- Fax: (202) 493-2251.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Turbomeca S.A., 40220 Tarnos, France; telephone 33 05 59 74 40 00, fax 33 05 59 74 45 15, for the service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:**

Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7175; fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition might exist on Turbomeca S.A. Arrius 1A turboshaft engines. The DGAC advises that an investigation into the DECU revealed a malfunction of the Free Turbine Overspeed Protection System. This malfunction can exist despite the DECU passing all functional tests specified in the Engine Maintenance Manual. A malfunction of this overspeed system could lead to uncontained engine failure if a free turbine overspeed occurs.

**Relevant Service Information**

We have reviewed and approved the technical contents of Turbomeca Alert Mandatory Service Bulletin No. A319 77 0804, dated March 24, 2005, that describes procedures for testing the DECU Free Turbine Overspeed

Protection System. The DGAC classified this service bulletin as mandatory and issued AD F-2005-063, dated April 27, 2005, and AD UF-2005-063 R1, dated May 4, 2005, in order to ensure the airworthiness of these Arrius 1A engines in France.

**Bilateral Airworthiness Agreement**

This Turbomeca Arrius 1A engine is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Under this bilateral airworthiness agreement, the DGAC kept the FAA informed of the situation described above. We have examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

**FAA's Determination and Requirements of This AD**

The unsafe condition described previously is likely to exist or develop on other Turbomeca Arrius 1A turboshaft engines of the same type design. This AD requires initial testing of the Free Turbine Overspeed Protection System within 25 flight hours of the effective date of the AD, and repetitive testing at each functional test of the DECU Free Turbine Overspeed Protection System. We are issuing this AD to prevent uncontained engine failure in the event of a free turbine overspeed. You must use the service information described previously to perform the actions required by this AD.

**FAA's Determination of the Effective Date**

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

**Comments Invited**

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. FAA-2005-21273; Directorate Identifier 2005-NE-15-AD" in the subject line of your comments. We specifically invite

comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of the DMS Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

**Examining the AD Docket**

You may examine the docket that contains the AD, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the DMS receives them.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between

the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket No. 2005-NE-15-AD" in your request.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**2005-11-01 Turbomeca S.A.:** Amendment 39-14103. Docket No. FAA-2005-21273; Directorate Identifier 2005-NE-15-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective June 13, 2005.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Turbomeca S.A. Arrius 1A turboshaft engines. These engines are installed on, but not limited to, Eurocopter AS355N Twinstar helicopters.

#### Unsafe Condition

(d) This AD results from an investigation into the Digital Electronic Control Unit (DECU) that revealed a malfunction of the Free Turbine Overspeed Protection System can exist despite the DECU passing all functional tests specified in the Engine

Maintenance Manual. We are issuing this AD to prevent uncontained engine failure in the event of a free turbine overspeed.

#### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

#### Initial Testing

(f) Within 25 flight hours after the effective date of this AD, test the DECU Free Turbine Overspeed Protection System, using paragraph 2.B. of the Instructions to be Incorporated of Turbomeca Alert Mandatory Service Bulletin No. A319 77 0804, dated March 24, 2005.

(g) If the DECU Free Turbine Overspeed Protection System fails the test specified in paragraph (f) of this AD, replace the DECU before further flight.

#### Repetitive Testing

(h) Repeat the testing specified in paragraph (f) of this AD at each functional test of the DECU Free Turbine Overspeed Protection System. Information on the functional tests of the DECU Free Turbine Overspeed Protection System can be found in the Engine Maintenance Manual, Section 77-30-01. Recommended intervals for the functional test of the Turbine Overspeed Protection System can be found in the Engine Maintenance Manual, Section 05-10-02.

#### Alternative Methods of Compliance

(i) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(j) DGAC airworthiness directive F-2005-063, dated April 27, 2005, and UF-2005, 063 R1, dated May 4, 2005, also address the subject of this AD.

#### Material Incorporated by Reference

(k) You must use Turbomeca Alert Mandatory Service Bulletin No. A319 77 0804, dated March 24, 2005, to perform the tests required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Turbomeca S.A., 40220 Tarnos, France; telephone 33 05 59 74 40 00, fax 33 05 59 74 45 15, for a copy of this service information. You may review copies at the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001, on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Burlington, Massachusetts, on May 17, 2005.

**Robert E. Guyotte,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA-2004-19987; Directorate Identifier 2004-NM-203-AD; Amendment 39-14105; AD 2005-11-03]**

**RIN 2120-AA64**

#### **Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain McDonnell Douglas Model 717-200 airplanes. This AD requires replacing eight brake fuses of the hydraulic quantity limiter with new or modified and reidentified fuses. This AD is prompted by reports indicating that brake fuses of the hydraulic quantity limiter of the main landing gear have failed. We are issuing this AD to prevent loss of both hydraulic and brake systems if one fuse on each hydraulic system were to fail simultaneously, and consequent reduced controllability of the airplane.

**DATES:** This AD becomes effective July 1, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of July 1, 2005.

**ADDRESSES:** For service information identified in this AD, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024).

**Docket:** The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at