

# Proposed Rules

Federal Register

Vol. 69, No. 129

Wednesday, July 7, 2004

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 993

[Docket No. FV04-993-1 PR]

#### Dried Prunes Produced in California; Withdrawal of a Proposed Rule

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** This action withdraws a proposed rule published in the **Federal Register** on March 26, 2004 (69 FR 15736), on the establishment of an undersized prune regulation for the 2004-05 crop year under the Federal marketing order for dried prunes (order). The order regulates the handling of dried prunes produced in California and is administered locally by the Prune Marketing Committee (Committee). On June 4, 2004, the California Agriculture Statistics Service (CASS) announced its forecast for the 2004 prune harvest at 70,000 natural condition tons, 60 percent below the average production for the past five years. Based on a 70,000 ton crop, there would be insufficient dried prunes to justify a 2004-05 undersized volume regulation. Therefore, the proposed rule is being withdrawn.

**EFFECTIVE DATE:** July 8, 2004.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487-5901, fax: (559) 487-5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; telephone: (202) 720-2491, fax: (202) 720-8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; telephone: (202) 720-2491, fax: (202) 720-8938, or e-mail: [Jay.Guerber@usda.gov](mailto:Jay.Guerber@usda.gov).

**SUPPLEMENTARY INFORMATION:** Marketing Agreement and Order No. 993, both as amended (7 CFR part 993), regulate the handling of dried prunes produced in California, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This action withdraws a proposed rule published in the **Federal Register** on March 26, 2004 (69 FR 15736), on the establishment of an undersized prune regulation for the 2004-05 crop year for volume control purposes. The proposed rule would have required prunes passing through specified screen openings to be removed from human consumption outlets. For French prunes, the screen opening would have been increased from 23/32 to 24/32 of an inch in diameter; and for non-French prunes, the opening would have been increased from 28/32 to 30/32 of an inch in diameter. The primary intent behind this proposal was to remove the smallest, least desirable of the marketable size dried prunes to help balance the supply of dried prunes with demand. The proposed undersized regulation would have been in effect from August 1, 2004, through July 31, 2005.

Based on the CASS forecast of 70,000 natural condition tons for the 2004 prune harvest, there will be an insufficient supply of California dried prunes to meet the 2004-05 market demand (estimated at 150,000 natural condition tons). Implementation of the proposed undersized regulation would further reduce the supply of prunes entering human consumption outlets during the 2004-05 crop year and would not promote orderly marketing conditions or further marketing order marketing goals. Therefore, the proposed rule is being withdrawn.

The proposed rule regarding the establishment of an undersized regulation for dried prunes for the

2004-05 crop year, published in the **Federal Register** on March 26, 2004 (69 FR 15736), is hereby withdrawn.

#### List of Subjects in 7 CFR Part 993

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

**Authority:** 7 U.S.C. 601-674.

Dated: June 30, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04-15283 Filed 7-6-04; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NE-27-AD]

RIN 2120-AA64

#### Airworthiness Directives; Pratt & Whitney JT9D-59A, -70A, -7Q, and -7Q3 Turbofan Engines

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede an existing airworthiness directive (AD) for Pratt & Whitney (PW) JT9D-59A, -70A, -7Q, and -7Q3 turbofan engines. That AD currently requires fluorescent penetrant inspection (FPI) of high pressure turbine (HPT) second stage airseals, part numbers (P/Ns) 5002537-01, 788945, 753187, and 807410, knife-edges for cracks, each time the engine's HPT second stage airseal is accessible. This proposed AD would require replacing each existing HPT second stage airseal with an improved design HPT second stage airseal and modifying the 2nd stage HPT vane cluster assembly and 1st stage retaining blade HPT plate assembly at next piece-part exposure, but no later than five years after the effective date of the proposed AD. These actions would be considered terminating action to the repetitive inspections required by AD 2002-10-07. This proposed AD results from the manufacturer introducing an improved design HPT second stage airseal and

modifications to increase cooling. We are proposing this AD to prevent failure of the HPT second stage airseal due to cracks in the knife-edges, which if not detected could result in uncontained engine failure and damage to the airplane.

**DATES:** We must receive any comments on this proposed AD by September 7, 2004.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD:

- By mail: Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001-NE-27-AD, 12 New England Executive Park, Burlington, MA 01803-5299.
- By fax: (781) 238-7055.
- By e-mail: [9-ane-adcomment@faa.gov](mailto:9-ane-adcomment@faa.gov).

You can get the service information identified in this proposed AD from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565-8770; fax (860) 565-4503.

You may examine the AD docket at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:**

Kevin Donovan, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01887-5299; telephone (781) 238-7743; fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. 2001-NE-27-AD" in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. If a person contacts us verbally, and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on

whether the style of this document is clear, and your suggestions to improve the clarity of our communications that affect you. You may get more information about plain language at <http://www.faa.gov/language> and <http://www.plainlanguage.gov>.

**Examining the AD Docket**

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. See **ADDRESSES** for the location.

**Discussion**

On May 10, 2002, the FAA issued AD 2002-10-07, Amendment 39-12753 (67 FR 36092, May 23, 2002). That AD requires FPI of HPT second stage airseals, (P/Ns) 5002537-01, 788945, 753187, and 807410, knife-edges for cracks, each time the airseal is accessible. That AD was the result of reports of cracks found in the knife-edges of HPT second stage airseals during HPT disassembly. That condition, if not corrected, could result in failure of the HPT second stage airseal due to cracks in the knife-edges, which if not detected could result in uncontained engine failure and damage to the airplane.

**Actions Since We Issued AD 2002-10-07**

Since we issued AD 2002-10-07, analysis by PW has revealed that thermal mechanical fatigue causes the cracks in the knife-edges and antirotation slots of HPT second stage airseals. Analysis has also revealed that material creep causes an excessive brace gap of the outer detail of HPT second stage airseals.

**Relevant Service Information**

We have reviewed and approved the technical contents of PW Service Bulletin No. JT9D 6454, Revision 1, dated June 2, 2004, that describes procedures for addressing these conditions by:

- Introducing an improved design HPT second stage airseal that has a more efficient, 4 knife-edge design, to minimize leakage past the seal.
- Modifying the 2nd stage HPT vane cluster assembly and 1st stage retaining blade HPT plate assembly, to allow additional 13th and 15th stage turbine cooling air into the 1-2 Cavity.

**FAA's Determination and Requirements of the Proposed AD**

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or

develop on other engines of this same type design. We are proposing this AD, which would require introducing an improved design HPT second stage airseal, and modifying the 2nd stage HPT vane cluster assembly and 1st stage retaining blade HPT plate assembly, at next piece-part exposure but no later than five years after the effective date of the proposed AD. These actions are considered terminating action to the repetitive inspections required by AD 2002-10-07. The proposed AD would require that you do these actions using the service information described previously.

**Costs of Compliance**

There are about 564 PW JT9D-59A, -70A, -7Q, and -7Q3 turbofan engines of the affected design in the worldwide fleet. We estimate that 176 engines installed on airplanes of U.S. registry would be affected by this proposed AD. We also estimate that it would take approximately 210 work hours per engine to perform the proposed actions, and that the average labor rate is \$65 per work hour. Required parts would cost approximately \$117,696 per engine. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be \$23,116,896.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed 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. Would 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 proposal 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. 2001-NE-27-AD" in your request.

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

Air transportation, Aircraft, Aviation safety, Safety.

## The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 removing Amendment 39–12753 (67 FR 36092, May 23, 2002) and by adding a new airworthiness directive to read as follows:

**Pratt & Whitney:** Docket No. 2001–NE–27–AD. Supersedes AD 2002–10–07, Amendment 39–12753.

#### Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by September 7, 2004.

#### Affected ADs

(b) This AD supersedes AD 2002–10–07, Amendment 39–12753.

**Applicability:** (c) This AD applies to Pratt & Whitney (PW) JT9D–59A, –70A, –7Q, and –7Q3 turbofan engines with high pressure turbine (HPT) second stage airseal, part number (P/N) 5002537–01, 788945, 753187, or 807410, installed. These engines are installed on, but not limited to, Airbus Industrie A300 series, Boeing 747 series, and McDonnell Douglas DC–10 series airplanes.

#### Unsafe Condition

(d) This AD results from the manufacturer introducing an improved design HPT second stage airseal and modifications to increase cooling. We are issuing this AD to prevent failure of the HPT second stage airseal due to cracks in the knife-edges, which if not detected could result in uncontained engine failure and damage to the airplane.

**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.

#### Replacement of HPT Second Stage Airseal

(f) At the next piece-part exposure, but no later than five years after the effective date of this AD, replace the HPT second stage airseal with a P/N HPT second stage airseal that is not listed in this AD, and modify the 2nd stage HPT vane cluster assembly and 1st stage retaining blade HPT plate assembly. Use the Accomplishment Instructions of PW Service Bulletin No. JT9D 6454, Revision 1, dated June 2, 2004, to do this.

#### Alternative Methods of Compliance

(g) 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.

#### Material Incorporated by Reference

(h) None.

#### Related Information

(i) None.

Issued in Burlington, Massachusetts, on June 30, 2004.

**Mark C. Fulmer,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*  
[FR Doc. 04–15391 Filed 7–6–04; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA–2004–18557; Directorate Identifier 2003–NM–174–AD]**

**RIN 2120–AA64**

#### Airworthiness Directives; Lockheed Model 1329 Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Lockheed Model 1329 series airplanes. This proposed AD would require repetitive inspections to detect crack damage in the front spar cap assembly of the lower vertical stabilizer; reworking the spar cap doublers if no crack damage is found during any inspection; and repairing if any crack damage is found during any inspection. This proposed AD is prompted by reports of cracks in the front spar cap assembly of the lower vertical stabilizer at box beam station 24 on the aft side of the 25% chord line. We are proposing this AD to find and fix cracks in the front spar cap assembly of the lower vertical stabilizer, which could result in rapid crack propagation and failure of the front spar cap. Failure of the front spar cap could lead to loss of rudder control and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** We must receive comments on this proposed AD by August 23, 2004.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed 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.

- By 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.

You can get the service information identified in this proposed AD from Lockheed Martin Aircraft & Logistics Center, 120 Orion Street, Greenville, South Carolina 29605.

You may examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, on the plaza level of the Nassif Building, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Carl Gray, Aerospace Engineer, Airframe Branch, ACE–117A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6131; fax (770) 703–6097.

#### SUPPLEMENTARY INFORMATION:

##### Docket Management System (DMS)

The FAA has implemented new procedures for maintaining AD dockets electronically. As of May 17, 2004, new AD actions are posted on DMS and assigned a docket number. We track each action and assign a corresponding directorate identifier. The DMS AD docket number is in the form “Docket No. FAA–2004–99999.” The Transport Airplane Directorate identifier is in the form “Directorate Identifier 2004–NM–999–AD.” Each DMS AD docket also lists the directorate identifier (“Old Docket Number”) as a cross-reference for searching purposes.

#### Comments Invited

We invite you to submit any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2004–18557; Directorate Identifier 2004–NM–174–AD” in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed AD in light of those comments.