

Procurement Law, 409 3rd Street, SW., Washington, DC 20416.

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■ 41. In § 134.314, revise the heading and add the following sentence at the end to read as follows:

**§ 134.314 Standard of review and burden of proof.**

\* \* \* The appellant has the burden of proof, by a preponderance of the evidence, in both size and NAICS code appeals.

■ 42. Revise § 134.316(a) by adding the following sentence at the end to read as follows:

**§ 134.316 The decision.**

(a) \* \* \* The Judge will not decide substantive issues raised for the first time on appeal, or which have been abandoned or become moot.

\* \* \* \* \*

Dated: April 28, 2004.

**Hector V. Barreto,**  
*Administrator.*

[FR Doc. 04-10066 Filed 5-20-04; 8:45 am]

BILLING CODE 8025-01-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2002-NM-237-AD; Amendment 39-13642; AD 2004-10-12]

RIN 2120-AA64

**Airworthiness Directives; McDonnell Douglas Model DC-10-30 Airplane**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to a certain McDonnell Douglas Model DC-10-30 airplane, that requires an inspection of the power feeder cable assembly of the auxiliary power unit (APU) for chafing, correct type of clamps, and proper clamp installation; and corrective actions, if necessary. This action is necessary to prevent the loss of the APU generator due to chafing of the generator power feeder cables, and consequent electrical arcing and smoke/fire in the APU compartment. This action is intended to address the identified unsafe condition.

**DATES:** Effective June 25, 2004.

The incorporation by reference of a certain publication listed in the regulations is approved by the Director of the Federal Register as of June 25, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; 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).

**FOR FURTHER INFORMATION CONTACT:**

Natalie Phan-Tran, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5343; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to a certain McDonnell Douglas Model DC-10-30 airplane was published in the **Federal Register** on March 5, 2004 (69 FR 10366). That action proposed to require an inspection of the power feeder cable assembly of the auxiliary power unit (APU) for chafing, correct type of clamps, and proper clamp installation; and corrective actions, if necessary.

**Comments**

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

**Conclusion**

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

**Cost Impact**

The FAA estimates that 1 Model DC-10-30 airplane, having fuselage number 0106, of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required inspection, and that the average labor rate is \$65 per work hour. Based on these figures, the cost impact

of the required inspection on U.S. operators is estimated to be \$65.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

**Regulatory Impact**

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

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

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

**Adoption of the Amendment**

■ Accordingly, pursuant to 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. Section 39.13 is amended by adding the following new airworthiness directive:

**2004-10-12 McDonnell Douglas:**

Amendment 39-13642. Docket 2002-NM-237-AD.

*Applicability:* Model DC-10-30 airplane, fuselage number 0106; certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent the loss of the auxiliary power unit (APU) generator due to chafing of the generator power feeder cables, and consequent electrical arcing and smoke/fire in the APU compartment, accomplish the following:

**Inspection and Corrective Action(s), if Necessary**

(a) Within 12 months after the effective date of this AD, do a general visual inspection of the power feeder cable assembly of the APU for chafing, correct type (including part number) of clamps, and proper clamp installation, per Boeing Alert Service Bulletin DC10-24A137, Revision 02, dated October 15, 2001.

**Note 1:** For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

(1) Condition 1. If no signs of wire chafing are found, and all clamps are of the correct type (including the correct part number) and are installed properly, no further action is required by this AD.

(2) Condition 2. If any wire chafing, incorrect type of any clamp (including incorrect part number), or improper clamp installation is found, before further flight, do the applicable corrective action(s) (e.g., repair, replace, and modify discrepant part) per the Accomplishment Instructions of the service bulletin.

**Actions Accomplished per Previous Issues of Service Bulletin**

(b) Accomplishment of the inspection and any applicable corrective actions, per Boeing Service Bulletin DC10-24-137, dated September 15, 1987; or Boeing Alert Service Bulletin DC10-24A137, Revision 01, dated May 31, 2001; before the effective date of this AD, is considered acceptable for compliance with the requirements of this AD.

**Accomplishment of the Actions per AD 2001-24-22**

(c) Accomplishment of the actions specified in AD 2001-24-22, amendment 39-

12539, is acceptable for compliance with the requirements of this AD.

**Alternative Methods of Compliance**

(d) In accordance with 14 CFR 39.19, the Manager, Los Angeles Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance for this AD.

**Incorporation by Reference**

(e) Unless otherwise specified in this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin DC10-24A137, Revision 02, dated October 15, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; 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).

**Effective Date**

(f) This amendment becomes effective on June 25, 2004.

Issued in Renton, Washington, on May 10, 2004.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 04-11284 Filed 5-20-04; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 89-ANE-10-AD; Amendment 39-13644; AD 2004-10-14]

**RIN 2120-AA64**

**Airworthiness Directives; Lycoming Engines (Formerly Textron Lycoming), Direct-Drive Reciprocating Engines**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) that supersedes an existing AD, for Lycoming Engines (formerly Textron Lycoming), direct-drive reciprocating engines (except O-145, O-320H, O-360E, LO-360E, LTO-360E, O-435,

and TIO-541 series engines). That AD currently requires inspection of the crankshaft gear installation and rework or replacement of the gears where necessary after a propeller strike, sudden stoppage, at overhaul, or whenever gear train repair is required. This AD requires the same actions but makes the correction that the existing gear retaining bolt and lockplate be removed from service and new hardware installed, and revises the definitions for sudden stoppage and propeller strike. This AD results from a change to the definition of a propeller strike or sudden stoppage. We are issuing this AD to prevent loosening or failure of the crankshaft gear retaining bolt, which may cause sudden engine failure.

**DATES:** This AD becomes effective June 25, 2004. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of June 25, 2004.

**ADDRESSES:** You can get the service information identified in this AD from Lycoming Engines, 652 Oliver Street, Williamsport, PA 17701, U.S.A.; telephone (570) 323-6181; fax (570) 327-7101 or from the Lycoming Web site:

[www.lycoming.textron.com.main.jsp](http://www.lycoming.textron.com.main.jsp).

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

**FOR FURTHER INFORMATION CONTACT:**

Norm Perenson, Aerospace Engineer, New York Aircraft Certification Office, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228-7337; fax (516) 794-5531.

**SUPPLEMENTARY INFORMATION:** The FAA proposed to amend 14 CFR Part 39, by superseding an AD with a proposed airworthiness directive (AD). The proposed AD applies to Lycoming Engines direct-drive reciprocating engines (except O-145, O-320H, O-360E, LO-360E, LTO-360E, O-435, and TIO-541 series engines). We published the proposed AD in the **Federal Register** on March 25, 2003 (68 FR 14350). That action proposed to require inspection of