

proposed AD may be less than stated above.

### Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this 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) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 removing amendment 39-12809 (67 FR 47647, July 19, 2002), and by adding a new airworthiness directive (AD), to read as follows:

**McDonnell Douglas:** Docket 2003-NM-69-AD. Supersedes AD 2002-14-09, Amendment 39-12809.

**Applicability:** Model MD-11 and -11F airplanes, as listed in Boeing Alert Service Bulletin MD11-24A178, Revision 02, dated March 11, 2003, and McDonnell Douglas Alert Service Bulletin MD11-24A177, dated July 18, 2003; certificated in any category.

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

To prevent electrical arcing caused by power feeder cable terminal lugs grounding against terminal strip support brackets, which could result in smoke and fire in the main cabin or avionics compartment, accomplish the following:

#### Certain Requirements of AD 2002-14-09, Amendment 39-12809

##### *Replacement, Inspection, and Corrective Action if Necessary*

(a) For airplanes listed in the effectivity of McDonnell Douglas Alert Service Bulletin MD11-24A178, Revision 01, dated December 17, 2001; Within 18 months after August 23, 2002 (the effective date AD 2002-14-09, amendment 39-12809), do the actions specified in paragraphs (a)(1) and (a)(2) of this AD per the service bulletin.

(1) Replace the applicable terminal strips in the avionics compartment with new terminal strips (including inspecting wires for damage, repairing any damaged wire, and removing the nameplate); and

(2) Perform a general visual inspection to detect arcing damage of the surrounding structure of the terminal strips and electrical cables in the avionics compartment. If any damage is detected, before further flight, repair or replace any damaged component with a new component, per the service bulletin; except if the type of structural material of the surrounding structure that has been affected is not covered in the Structural Repair Manual, repair per a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA.

**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 under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, 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."

(b) Accomplishment of the replacement, inspection, and corrective action, before the effective date of this AD, per McDonnell Douglas Alert Service Bulletin MD11-24A178, dated May 14, 2001, is considered acceptable for compliance with the applicable actions specified in paragraph (a) of this AD.

#### New Requirements of This AD

##### *Replacement, Inspection, and Corrective Action if Necessary*

(c) For Groups 3 and 4 airplanes listed in the effectivity of Boeing Alert Service Bulletin MD11-24A178, Revision 02, dated March 11, 2003; Within 18 months after the effective date of this AD, do the actions specified in paragraphs (c)(1) and (c)(2) of this AD per the Accomplishment Instructions of the service bulletin. Although the service bulletin specifies to report inspection findings to the airplane manufacturer, this AD does not include such a requirement.

(1) Replace the applicable terminal strips in the avionics compartment with new terminal strips (including inspecting wires

for damage, repairing any damaged wire, and removing the nameplate); and

(2) Perform a general visual inspection to detect arcing damage of the surrounding structure of the terminal strips and electrical cables in the avionics compartment. If any damage is detected, before further flight, repair or replace any damaged component with a new component, per the service bulletin; except if the type of structural material of the surrounding structure that has been affected is not covered in the Structural Repair Manual, repair per a method approved by the Manager, Los Angeles ACO, FAA.

(d) For airplanes listed in McDonnell Douglas Alert Service Bulletin MD11-24A177, dated July 18, 2003; Within 18 months after the effective date of this AD, replace the terminal board for the applicable item numbers in the aft passenger compartment, per the Accomplishment Instructions of the service bulletin.

**Note 2:** Boeing Service Bulletin Information Notice MD11-24A177 IN 01, dated August 7, 2003, revises service kits numbers specified in paragraph 2.B., "Post-Warranty" of McDonnell Douglas Alert Service Bulletin MD11-24A177, dated July 18, 2003.

#### *Alternative Methods of Compliance*

(e)(1) In accordance with 14 CFR 39.19, the Manager, Los Angeles ACO, FAA, is authorized to approve alternative methods of compliance for this AD.

(2) Alternative methods of compliance, approved previously per AD 2002-14-09, amendment 39-12809, are approved as alternative methods of compliance with paragraph (a) of this AD.

Issued in Renton, Washington, on May 18, 2004.

**Kevin M. Mullin,**

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

[FR Doc. 04-11960 Filed 5-26-04; 8:45 am]

**BILLING CODE 4910-13-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IL222-1b; FRL-7666-2]

### Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to approve a revision to the Illinois State Implementation Plan (SIP) for the Louis Berkman Company, doing business as the Swenson Spreader Company (Swenson). The Illinois Environmental Protection Agency requested on September 19, 2003, that EPA approve an adjusted standard for the volatile organic material content limit

applicable to the painting operations at Swenson's plant located in Lindenwood, Ogle County, Illinois.

In the rules section of this **Federal Register**, EPA is approving the SIP revision as a direct final rule without prior proposal, because EPA views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives no adverse comments in response to this proposed rule, EPA will take no further action on this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before June 28, 2004.

Comments may also be submitted electronically or through hand delivery/courier, please follow the detailed instructions described in the Addresses Section and Part(I)(B) of the Supplementary Information section of the related direct final rule which is published in the Rules section of this **Federal Register**.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Chief, Criteria Pollutant Section, Air Programs Branch, United States Environmental Protection Agency, Mailcode AR-18J, 77 West Jackson Boulevard, Chicago, Illinois 60604. [bortzer.jay@epa.gov](mailto:bortzer.jay@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Christos Panos, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch, United States Environmental Protection Agency, Mailcode AR-18J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8328. [panos.christos@epa.gov](mailto:panos.christos@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information, see the Direct Final notice which is located in the Rules section of this **Federal Register**. Copies of the request and the EPA's analysis are available for inspection at the above address. (Please contact Christos Panos at (312) 353-8328 before visiting the Region 5 office.)

Dated: May 7, 2004.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 04-11926 Filed 5-26-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Region 2 Docket No. R02-OAR-2004-NJ-0001, FRL-7667-7]

#### Finding of Failure To Implement a State Implementation Plan; New Jersey Portions of the New York—Northern New Jersey—Long Island and Philadelphia—Wilmington—Trenton Nonattainment Areas; Ozone

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to find that New Jersey has not fully implemented the 1-hour Ozone State Implementation Plan that EPA approved for two nonattainment areas, the New Jersey portions of the New York—Northern New Jersey—Long Island nonattainment area and the Philadelphia—Wilmington—Trenton nonattainment area. If EPA finalizes this proposed determination, New Jersey will be required to correct the identified deficiencies within 18 months of a final determination, or the first set of sanctions will be imposed pursuant to sections 179(a) and (b) of the Clean Air Act and 40 CFR 52.31.

**DATES:** Comments must be received on or before June 28, 2004.

**ADDRESSES:** Submit your comments, identified by Regional Material in EDocket (RME) ID Number R02-OAR-2004-NJ-0001 by one of the following methods:

1. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

2. Agency Web site: <http://docket.epa.gov/rmepub/> Regional Material in EDocket (RME), EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Once in the system, select "quick search," then key in the appropriate RME Docket identification number. Follow the on-line instructions for submitting comments.

3. E-mail: [Werner.Raymond@epa.gov](mailto:Werner.Raymond@epa.gov).

4. Fax: (212) 637-3901.

5. Mail: "RME ID Number R02-OAR-2004-NJ-0001", Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.

6. Hand Delivery or Courier. Deliver your comments to: Raymond Werner,

Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

**Instructions:** Direct your comments to Regional Material in EDocket (RME) ID Number R02-OAR-2004-NJ-0001. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://docket.epa.gov/rmepub/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through Regional Material in EDocket (RME), [regulations.gov](http://regulations.gov), or e-mail. The EPA RME Web site and the federal [regulations.gov](http://regulations.gov) Web site are "anonymous access" systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through RME or [regulations.gov](http://regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the Regional Material in EDocket (RME) index at <http://docket.epa.gov/rmepub/>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy at the Air Programs Branch, Environmental Protection