

This rule would increase the assessment rate established for the committee and collected from handlers for the 2004–05 and subsequent crop years from \$0.75 to \$0.85 per hundredweight of assessable dates handled. The committee unanimously recommended 2004–05 expenditures of \$223,000 and the \$0.85 per hundredweight assessment rate at their meeting on June 30, 2004. The proposed assessment rate of \$0.85 is \$0.10 higher than the rate currently in effect. The quantity of assessable dates for the 2004–05 crop year is estimated at 260,000 hundredweight. Thus, the \$0.85 per hundredweight rate should provide \$221,000 in assessment income. This, along with approximately \$2,000 from the surplus account, would be adequate to meet the committee's 2004–05 crop year expenses.

The budgeted administrative expenses for the 2004–05 crop year include \$90,427 for labor and office expenses. This compares to \$123,710 in budgeted expenses in 2003–04. In addition, \$112,499 has been budgeted for marketing and promotion under the marketing order for the 2004–05 crop year. This compares to \$101,655 in budgeted marketing and promotion expenses for the 2003–04 crop year. A total of \$20,074 is budgeted as a contingency reserve. A reserve totaling \$10,000 was budgeted last year.

The committee reviewed and unanimously recommended 2004–05 expenditures of \$223,000 which include marketing and promotion programs. Prior to arriving at this budget, the committee considered alternative expenditure levels and alternative assessment levels. The committee agreed that the increased assessment rate was appropriate to cover expenses and maintain its operating reserve at a satisfactory level (\$35,700). The assessment rate of \$0.85 per hundredweight of assessable dates was then determined by applying the following formula where:

A=Cull Surplus Fund (\$2,000)
 B=2004–05 expected shipments
 (260,000 hundredweight)
 C=2004–05 expenses (\$223,000);
 (C–A) B = \$0.85 per hundredweight.

Estimated shipments should provide \$221,000 in assessment income. Income derived from handler assessments and \$2,000 from the cull surplus fund would be adequate to cover budgeted expenses. Funds in the administrative reserve are expected to total about \$35,700 by September 30, 2005, and therefore would be less than the maximum permitted by the order (not to exceed 50 percent of the average of expenses

incurred during the most recent five preceding crop years as required under § 987.72(c)).

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the grower price for the 2004–05 season could range between \$40 and \$120 per hundredweight of dates. Therefore, the estimated assessment revenue for the 2004–05 crop year as a percentage of total grower revenue could range between .7 and 2.1 percent.

This action would increase the assessment obligation imposed on handlers under the Federal marketing order. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the committee's meeting was widely publicized throughout the California date industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the June 30, 2004, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California date handlers. 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.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

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.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 2004–05 crop year begins on October 1, 2004, and the marketing order requires that the rate of assessment for each crop year apply to all assessable dates handled during such crop year; (2) the committee needs to have sufficient

funds to pay its expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was unanimously recommended by the committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 987 is proposed to be amended as follows:

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

1. The authority citation for 7 CFR part 987 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 987.339 is revised to read as follows: § 987.339 *Assessment rate*.

On and after October 1, 2004, an assessment rate of \$0.85 per hundredweight is established for California dates.

Dated: August 10, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–173–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400, –400D, and –400F Series Airplanes Equipped With General Electric (GE) or Pratt & Whitney (P&W) Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 747–400, –400D, and –400F series airplanes; equipped with GE or P&W series engines, that would have required modifications and functional tests of the wiring of the wire integration unit and the air supply control test unit (ASCTU) of the engine

bleed air distribution system. This new action revises the proposed rule by adding a new requirement. The actions specified by this new proposed AD are intended to prevent inadvertent commanded shutdown of the engine bleed air distribution systems due to an erroneous ASCTU command. That shutdown could cause depressurization of the airplane and subsequent ice build-up on the engine inlets during descent, which could result in ingestion of ice into the engine(s) and consequent loss of thrust on one or more engines. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by September 10, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-173-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2002-NM-173-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Don Eiford, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6465; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be

considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2002-NM-173-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-173-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 747-400, -400D, and -400F series airplanes; equipped with GE or P&W series engines, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on August 11, 2003 (68 FR 47513) (hereafter referred to as the "original NPRM.") The original NPRM would have required modifications and functional tests of the wiring of the wire integration unit and the air supply control test unit (ASCTU) of the engine bleed air distribution system. The original NPRM was prompted by a report that, on two separate occasions, there was a loss of airflow from all four bleed air distribution systems that caused the ASCTU to indicate an

erroneous strut overheat condition, and command shutdown of the bleed air distribution systems. Inadvertent commanded shutdown of the engine bleed air distribution systems due to an erroneous ASCTU command, could cause depressurization of the airplane and subsequent ice build-up on the engine inlets during descent, which could result in ingestion of ice into the engine(s) and consequent loss of thrust on one or more engines

Comments

We have considered the following comments on the original NPRM.

Request To Reduce Compliance Time

One commenter states that a compliance time of 18 months for the modifications and functional tests of the wiring of the wire integration unit and the ASCTU command, as specified in the original NPRM, is too lengthy, and notes that these actions should be done in a more timely manner. The commenter notes that industry has been aware of the condition since the issuance of Boeing Service Bulletin 747-36A2136, dated April 12, 2001 (Revision 1, dated January 17, 2002, was referenced in the original NPRM for accomplishing the specified actions), and adds that the actions take only 8 hours to do. For these reasons, the commenter states that the remaining fleet can be modified within 6 to 9 months. In addition, the commenter states that failure of the identified system poses a significant safety risk should an erroneous ASCTU command and subsequent inadvertent commanded shutdown of the pressurization and de-icing/anti-icing systems occur. Such failure on polar or oceanic routes where the need to divert to distant airports can lead to extended flight in adverse conditions such as icing, low altitude weather, and cold temperatures may be unavoidable. The commenter asks that accomplishment of the actions specified in the original NPRM be done in a more timely manner.

We do not agree. In developing an appropriate compliance time for the modifications and functional tests, we considered the safety implications and normal maintenance schedules for timely accomplishment of the actions. Further, we arrived at the compliance time with operator and manufacturer concurrence. In consideration of these factors, and because the amount of time required for doing the modifications and functional tests is sufficiently long, we determined that the compliance time, as proposed, represents an appropriate interval in which the actions can be accomplished in a timely manner, while

still maintaining an adequate level of safety. Operators are always permitted to do the requirements of an AD at a time earlier than the specified compliance time; therefore, an operator may choose to do the modifications and functional tests before the compliance time. If additional data are presented that would justify a shorter compliance time, we may consider further rulemaking on this issue. No change to the supplemental NPRM is made in this regard.

Request To Confirm Proper Sequence for Modifications/Tests

One commenter asks for FAA confirmation that it is acceptable to do the resistance tests specified in paragraph (a)(3) of the original NPRM before removing the existing ASCTU and installing a new or reworked ASCTU, as specified in paragraph (a)(2) of the original NPRM. The commenter also asks for confirmation that it is acceptable to do the post-installation tests specified in paragraph (a)(3) after doing the removal and installation specified in paragraph (a)(2).

In response to the commenter's request, we contacted Boeing to verify the proper sequence for doing the modifications and functional tests. Boeing verified that the commenter is correct in that the resistance tests should be done without the ASCTU installed; therefore, Boeing has issued, and we have reviewed, Boeing Service Bulletin 747-36A2136, Revision 2, dated May 13, 2004, to incorporate the proper sequence. The procedures specified in Revision 2 are essentially the same as those in Revision 1. However, the procedures in Revision 2 change the sequence of the work steps to specify doing the resistance test after the ASCTU is removed. Therefore, we have revised paragraph (a) of the supplemental NPRM by changing the sequence for doing the modifications and functional tests, and adding Revision 2 of the service bulletin as the appropriate source of service information for accomplishing those actions. In addition, we have changed paragraph (b) of the supplemental NPRM to specify that if the resistance test was done with the ASCTU installed, using the original issue or Revision 1 of the service bulletin, the ASCTU must be removed and the test done again within 18 months after the effective date of this AD.

FAA's Determination and Proposed Requirements of the Supplemental NPRM

The change discussed above expands the scope of the original NPRM;

therefore, we have determined that it is necessary to reopen the comment period to provide additional opportunity for public comment on this supplemental NPRM. This supplemental NPRM would require doing the resistance test again if the test was done with the ASCTU installed.

Cost Impact

There are approximately 414 airplanes of the affected design in the worldwide fleet. The FAA estimates that 70 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed modifications and functional tests, and that the average labor rate is \$65 per work hour. Required parts would be minimal. Based on these figures, the cost impact of the proposed actions on U.S. operators is estimated to be \$36,400, or \$520 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed 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 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 adding the following new airworthiness directive:

Boeing: Docket 2002-NM-173-AD.

Applicability: Model 747-400, -400D, and -400F series airplanes; as listed in Boeing Service Bulletin 747-36A2136, Revision 2, dated May 13, 2004; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent commanded shutdown of the engine bleed air distribution systems due to an erroneous air supply control test unit (ASCTU) command, which could cause depressurization of the airplane and subsequent ice build-up on the engine inlets during descent, which could result in ingestion of ice into the engine(s) and consequent loss of thrust on one or more engines, accomplish the following:

Modifications/Tests

(a) Within 18 months after the effective date of this AD: Do the modifications and functional tests of the wiring of the wire integration unit (WIU) and the ASCTU of the engine bleed air distribution system specified in paragraphs (a)(1), (a)(2), (a)(3), (a)(4) of this AD, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747-36A2136, Revision 2, dated May 13, 2004. Before further flight after accomplishing paragraphs (a)(2), (a)(3), and (a)(4) of this AD: Do the post-installation tests in accordance with the service bulletin.

(1) Remove the existing ASCTU.

(2) Do the wiring changes between the WIU and ASCTU and the wiring changes to the WIU.

(3) Do the resistance tests.

(4) Install a new or reworked ASCTU.

Credit for Previous Issues of Boeing Service Bulletin

(b) Modifications and tests accomplished before the effective date of this AD in accordance with Boeing Alert Service Bulletin 747-36A2136, dated April 12, 2001; or Revision 1, dated January 17, 2002; are considered acceptable for compliance with

the corresponding actions specified in paragraph (a) of this AD, if the resistance tests were done with the ASCTU removed. If the resistance tests were done with the ASCTU installed, do the actions specified in paragraphs (b)(1), (b)(2), and (b)(3) of this AD, at the time specified in paragraph (a) of this AD, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747-36A2136, Revision 2, dated May 13, 2004. Before further flight after accomplishing paragraph (b)(3) of this AD: Do the post-installation tests in accordance with the service bulletin.

- (1) Remove the existing ASCTU.
- (2) Do the resistance tests.
- (3) Reinstall the ASCTU.

Part Installation

(c) As of the effective date of this AD, no person may install on any airplane an ASCTU having a part number listed in the "Old Part Number" column in the table specified in paragraph 3.C. of the Accomplishment Instructions of Hamilton Sundstrand Service Bulletin 36-186, dated March 30, 2001.

Alternative Methods of Compliance (AMOCs)

(d) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Issued in Renton, Washington, on August 9, 2004.

Ali Bahrami,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 04-18641 Filed 8-13-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2004-18869; Directorate Identifier 2004-NE-23-AD]

RIN 2120-AA64

Airworthiness Directives; General Electric Company CF34-3A1 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for General Electric Company (GE) CF34-3A1 turbofan engines with certain high pressure turbine (HPT) rotating components installed. This proposed AD results from the discovery that the manufacturer removed certain part numbers of HPT rotating components

from the Life Limits section of the CF34 Engine Manual, SEI-756. We are proposing this AD to clarify that these HPT rotating components have life limits in order to prevent low cycle fatigue (LCF) cracking and failure of those components, leading to uncontained engine failure and damage to the airplane.

DATES: We must receive any comments on this proposed AD by October 15, 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 20590-001.

- 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.

You may examine the comments on this proposed AD in the AD docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Robert Grant, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7757; fax (781) 238-7199.

SUPPLEMENTARY INFORMATION:

Docket Management System (DMS)

We have implemented new procedures for maintaining AD dockets electronically. As of May 17, 2004, we posted new AD actions on the DMS and assigned a DMS docket number. We track each action and assign a corresponding Directorate identifier. The DMS docket No. is in the form "Docket No. FAA-200X-XXXXX." Each DMS 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 proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2004-18869; Directorate Identifier 2004-NE-23-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 received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed 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.gov>.

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 can 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 docket that contains the proposal, 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.

Discussion

CF34-3A1 engines are used in both business jet and regional jet applications. The regional jet is used in both commercial, and corporate and private applications. In May of 2003, GE issued a Temporary Revision to the CF34 Engine Manual, SEI-756, that removed the life limits from the following parts used in the commercial application:

- 6078T90P01, Balance Piston Air Seal.
- 6017T00P05, HPT Rotor Shaft.
- 4027T15P03, Stage 1 Front Cooling Plate.