

2004–05 crop year as a percentage of total grower revenue could range between .7 and 2.1 percent.

This action increases 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.

This rule imposes 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 proposed rule concerning this action was published in the **Federal Register** on August 16, 2004 (69 FR 50339). Copies of the proposed rule were also mailed or sent via facsimile to all date handlers. Finally, the proposal was made available through the Internet by USDA and the Office of the Federal Register. A 30-day comment period ending September 15, 2004, was provided for interested persons to respond to the proposal. No comments were received.

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.

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

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of the rule until 30 days after publication

in the **Federal Register** because the 2004–05 crop year begins October 1, 2004, and the marketing order requires that the rate of assessment for each crop year apply to assessable dates handled during such period. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. Further, handlers are aware of this rule which was unanimously recommended at a public meeting. Also, a 30-day comment period was provided for in the proposed rule, and no comments were received.

#### 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 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: October 7, 2004.

**Kenneth C. Clayton,**  
Associate Administrator, Agricultural Marketing Service.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003-CE-56-AD; Amendment 39-13815; AD 2004-20-10]

**RIN 2120-AA64**

#### Airworthiness Directives; Valentin GmbH & Co. Taifun 17E Sailplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA adopts a new airworthiness directive (AD) for all Valentin GmbH & Co. Taifun 17E sailplanes. This AD requires you to do an operational check of the front wing

locking mechanism left and right, inspect stop key movement, inspect wing and fuselage side root ribs, inspect the wing side shear force fittings, and take any corrective actions that may be required. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this AD to detect and correct malfunction of wing-locking mechanism, which could result in failure of the wing-locking mechanism disengagement. This failure could lead to unlocking of wing in flight and consequent loss of control of the sailplane.

**DATES:** This AD becomes effective on November 24, 2004.

As of November 24, 2004, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

**ADDRESSES:** You may get the service information identified in this AD from KORFF + CO.KG, Dieselstrasse 5, D-63128 Dietzenbach, Germany.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003-CE-56-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Gregory M. Davison, Aerospace Engineer, Small Airplane Directorate, ACE-112, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: 816-329-4130; facsimile: 816-329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

*What events have caused this AD?* The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified FAA that an unsafe condition may exist on all Valentin GmbH & Co. Taifun 17E sailplanes. The LBA reports that during an investigation, an incorrect locked shear force fitting was found.

*What is the potential impact if FAA took no action?* Malfunction of wing-locking mechanism could result in failure of the wing attachment assembly. This failure could lead to unlocking of wing in flight and consequent loss of control of the sailplane.

*Has FAA taken any action to this point?* We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Valentin GmbH & Co. Taifun 17E sailplanes. This proposal was published in the **Federal Register** as a notice of proposed

rulemaking (NPRM) on April 22, 2004 (69 FR 21771). The NPRM proposed to require you to do an operational check of the front wing-locking mechanism left and right, inspect stop key movement, inspect wing and fuselage side root ribs, inspect the wing side shear force fittings, and take any corrective actions that may be required.

### Comments

*Was the public invited to comment?* We provided the public the opportunity to participate in developing this AD. We received no comments on the proposal or on the determination of the cost to the public.

### Conclusion

What is FAA's final determination on this issue? We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

### Changes to 14 CFR Part 39—Effect on the AD

*How does the revision to 14 CFR part 39 affect this AD?* On July 10, 2002, the

FAA published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

### Costs of Compliance

*How many sailplanes does this AD impact?* We estimate that this AD affects 25 sailplanes in the U.S. registry.

*What is the cost impact of this AD on owners/operators of the affected sailplanes?* We estimate the following costs to accomplish the inspections:

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. operators
2 work hours × \$65 per hour = \$130 .....	No parts needed for inspection .....	\$130	\$3,250

We estimate the following costs to accomplish replacement of the stop key F1-1300 that will be required based on the results of the inspections. We have

no way of determining the number of sailplanes that may need the stop key F1-1300 replaced or the number of sailplanes that may need additional

repair because of abrasion. We also do not know the cost that will be associated with any abrasion repair:

Labor cost	Parts cost	Total cost per sailplane
3 workhours × \$65 per hour = \$195 .....	\$16 each × 2 (2 are required) = \$32 .....	\$227

### Regulatory Findings

*Will this AD impact various entities?*

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.

*Will this AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this AD:

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. 2003-CE-56-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

- Accordingly, 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. FAA amends § 39.13 by adding a new AD to read as follows:

#### 2004-20-10 Valentin GmbH & Co.:

Amendment 39-13815; Docket No. 2003-CE-56-AD.

### When Does This AD Become Effective?

(a) This AD becomes effective on November 24, 2004.

### What Other ADs Are Affected by This Action?

(b) None.

### What Sailplanes Are Affected by This AD?

(c) This AD affects the following sailplane models and serial numbers that are certificated in any category: Valentin GmbH & Co. Taifun 17E, all serial numbers are affected except those where Service Bulletin 23-818 has been complied with.

### What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of an incorrectly locked shear force fitting, which may have caused wing-locking mechanism disengagement. The actions specified in this AD are intended to detect and correct malfunction of the wing-locking mechanism, which could result in failure of the wing attachment assembly. This failure could lead to unlocking of wing in flight and subsequent loss of control of the sailplane.

### What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
<p>(1) <i>Perform the following actions with the motor glider rigged.</i></p> <p>(i) An operational check of the front wing locking mechanism left and right for damage, deformation, and smooth operation over full travel range.</p> <p>(ii) A visual inspection through the operation hole on the bottom side of the wings, ensure the bolt (item 3 of drawing F1-1340) is in the fully locked front position. Confirm a fully locked position by withdrawal of the signal pin (Item 15 and Item 11 of drawing F1-1340) into the wing's upper surface and ensure the pin is level with that surface. While in this full front stop position, measure the potential movement of the bolt. If residual movement of 2mm or greater exists, replace the stop key (Item 25 of drawing F1-1340).</p>	<p>Inspect within 25 hours time-in-service (TIS) after November 24, 2004 (the effective date of this AD). Repetitively inspect every 25 hours TIS thereafter.</p>	<p>Inspect following the Korff + CO.KG Service Bulletin SB-KOCO 03/818, dated December 12, 2002 (German LBA approved December 20, 2002).</p>
<p>(2) <i>Perform the following actions with the motor glider derigged.</i></p> <p>(i) An operational check of the front wing locking mechanism left and right for damage, deformation, and smooth operation over full travel range.</p> <p>(ii) A visual inspection of the motor glider for stop key movement. You should not be able to move the stop key by hand more than 2mm backwards in the full locked front position.</p> <p>(3) If deficiencies are found during the inspections required in paragraphs (e)(1) and (e)(2), correct, repair, or replace the defective parts.</p>	<p>Inspect within 25 hours TIS after November 24, 2004 (the effective date of this AD). Repetitively inspect every 25 hours TIS thereafter.</p>	<p>Inspect following the Korff + CO.KG Service Bulletin SB-KOCO 03/818, dated December 12, 2002 (German LBA approved December 20, 2002).</p>
<p>(4) <i>Perform the following inspections, and if any of the following conditions are found, contact the manufacturer at the address specified in paragraph (g) of this AD for FAA-approved corrective action and perform the corrective action.</i> You must send a copy of correspondence you send to the manufacturer to the FAA at the address in paragraph (f).</p> <p>(i) Inspect the wing side shear force fittings for abrasion, deformation, and correct screwing to the root rib.</p> <p>(ii) Inspect the wing and fuselage side root ribs for damage (delamination) and around all fittings (shear force fittings, wing connection studs, wing connection bushings, connection to the telescopic rods, rear center studs and bushings). Inspect for defective bonding to the shells as well as defective connections to the spar or the wing spar box.</p> <p>(5) When corrective action or maintenance is done, do an operational check of the motor glider in the rigged and derigged configuration.</p>	<p>Do corrective actions prior to further flight .....</p> <p>Inspect within 25 hours TIS after November 24, 2004 (the effective date of this AD). Repetitively inspect every 25 hours TIS thereafter. Perform corrective action prior to further flight.</p> <p>After corrective action or maintenance is done, you must do the operational check prior to further flight.</p>	<p>Correct, repair, or replace defective parts following the Korff + CO.KG Service Bulletin SB-KOCO 03/818, dated December 12, 2002 (German LBA approved December 20, 2002).</p> <p>Inspect following the Korff + CO.KG Service Bulletin SB-KOCO 03/818, dated December 12, 2002 (German LBA approved December 20, 2002).</p> <p>Do the operational check following the Korff + CO.KG Service Bulletin SB-KOCO 03/818, dated December 12, 2002 (German LBA approved December 20, 2002).</p>

**Note:** We recommend that you make the "Flight Manual" and "Instructions for Continued Airworthiness" changes that are listed under Actions 5 of Korff + CO.KG Service Bulletin SB-KOCO 03/818, dated December 12, 2002 (German LBA approved December 20, 2002).

#### May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, FAA, Small

Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106. For information on any already approved alternative methods of compliance, contact Gregory M. Davison, Aerospace Engineer, Small Airplane Directorate, ACE-112, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: 816-329-4130; facsimile: 816-329-4090.

**Does This AD Incorporate Any Material by Reference?**

(g) You must do the actions required by this AD following the instructions in Korff + CO.KG Service Bulletin SB-KOCO 03/818, dated December 12, 2002 (German LBA approved December 20, 2002). 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. You may get a copy from KORFF + CO.KG, Dieselstrasse 5, D-63128 Dietzenbach, Germany. You may review copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; 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).

**Is There Other Information That Relates to This Subject?**

(h) LBA airworthiness directive 2003-051, dated January 29, 2003; and  
Korff + CO.KG Service Bulletin SB-KOCO 03/818, dated December 20, 2002, also address the subject of this AD.

Issued in Kansas City, Missouri, on September 29, 2004.

**Dorenda D. Baker,**

Manager, Small Airplane Directorate, Aircraft Certification Service.

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

**[Docket No. 86-ANE-7; Amendment 39-13822; AD 2004-21-01]**

**RIN 2120-AA64**

**Airworthiness Directives; Hartzell Propeller Inc. (formerly Hartzell Propeller Products Division) Model HC-B5MP-3( )/M10282A( )+6 Five Bladed Propellers**

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

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

**SUMMARY:** The FAA is superseding an existing AD for certain Hartzell Propeller Inc. (formerly Hartzell Propeller Products Division) Model HC-B5MP-3( )/M10282A( )+6 five bladed propellers. That AD currently requires initial and repetitive torque check inspections on the attach bolts on certain model Hartzell HC-B5MP-3 five bladed propellers, and replacement of attach bolts if necessary. This AD

requires the same inspections, but reduces compliance time for the initial inspection on certain Short Brothers Ltd. Model SD3-30 airplanes to before further flight and within 100 hours time-in-service for propellers installed on certain Aerospatiale (Nord) Model 262A airplanes. This AD also requires repetitive torque check inspections at reduced intervals on SD3-30 airplanes, and requires additional visual inspections of mounting flanges, and threads in hub bolt holes, and replacement of attach bolts and hubs, if necessary. This AD results from four reports in the last 12 months of eleven cracked or failed propeller attach bolts on Short Brothers Model SD3-30 airplanes. We are issuing this AD to prevent propeller separation from the airplane.

**DATES:** Effective October 19, 2004. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of October 19, 2004.

We must receive any comments on this AD by December 13, 2004.

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

- By mail: Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 86-ANE-7, 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 referenced in this AD from Hartzell Propeller Inc. Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778-4200; fax (937) 778-4391.

You may examine the AD docket, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA. You may examine the service information, by appointment, 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:** Tomaso DiPaolo, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL

60018; telephone: (847) 294-7031; fax: (847) 294-7834.

**SUPPLEMENTARY INFORMATION:** On March 7, 1986, the FAA issued AD 86-06-02, Amendment 39-5259 (51 FR 10613, March 28, 1986). That AD requires initial and repetitive torque check inspections on the attach bolts on certain model Hartzell HC-B5MP-3 five bladed propellers installed on Aerospatiale (Nord) Model 262A airplanes modified by Supplemental Type Certificate (STC) SA2369SW, and Short Brothers Ltd. Model SD3-30 airplanes. Some SD3-30 airplanes are military surplus C23-A Sherpas airplanes. That AD was the result of investigations that revealed fretting wear between the engine and propeller mating flanges. The fretting wear results in loss of attach bolt preload, causing failure of the attach bolts. That condition, if not corrected, could result in propeller separation from the airplane.

**Actions Since AD 86-06-02 Was Issued**

Since February 2004, we received four reports of failed propeller attach bolts, part number (P/N) B-3339:

- In February 2004, an operator reported a cracked Hartzell propeller attach bolt. The operator discarded the bolt and we could not perform a metallurgical investigation on the bolt.
- In June of 2004, another operator reported two broken propeller attach bolts. Both bolts were examined and one was selected for metallurgical investigation. This bolt was found to meet type design.
- In September of 2004, the Milwaukee Flight Standards District Office informed us that they received an operator's report of seven cracked or failed propeller attach bolts. All seven bolts were installed on the same propeller, and were found after a pilot reported problems with engine controls. We contacted Hartzell for assistance in investigating the bolt failure. The propeller hub and engine flange are being investigated for fretting, flatness, and thread damage.
- In late September of 2004, during the review of the maintenance history of one of the above propellers, we found a fourth event of a cracked propeller attach bolt.

**Relevant Service Information**

We have reviewed and approved the technical contents of Hartzell Alert Service Bulletin (ASB) A203A, dated January 5, 1995, that describes procedures for performing initial and repetitive inspections of attach bolts and if necessary, visual inspections of propeller mounting flanges.