

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 457

RIN 0563-AB92

#### Common Crop Insurance Regulations, Apple Crop Insurance Provisions; Correction

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule; correction.

**SUMMARY:** The document contains a correction to the final regulation which was published Friday, August 27, 2004 (69 FR 52583-52594). The regulation pertains to the insurance of apples.

**EFFECTIVE DATE:** October 28, 2004.

**FOR FURTHER INFORMATION CONTACT:** Gary Johnson, Risk Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 6501 Beacon Drive, Stop 0812, Room 426, Kansas City, MO 64133-4676, telephone (816) 926-7730.

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulation that is the subject of this correction was intended to provide policy changes to better meet the needs of the insured and include the apple crop insurance regulations with the Common Crop Insurance Policy for ease of use and consistency of terms.

##### Need For Correction

As published, the final regulation contained errors which may prove to be misleading and need to be clarified.

##### Correction of Publication

Accordingly, the publication on August 27, 2004, of the final regulation at 69 FR 52583-52594 is corrected as follows:

### PART 457—[CORRECTED]

1. The authority citation for 7 CFR part 457 continues to read as follows:

**Authority:** 7 U.S.C. 1506(l) and 1506(p).

2. Amend § 457.158 as follows:

a. In section 2, remove the paragraph (a) designation, and redesignate paragraphs (1) and (2) as paragraphs (a) and (b);

b. In section 10(a)(7), add the word “the” between the words “of” and “irrigation”;

c. In section 11(c), remove the phrase “include it” and insert the word “included” in its place;

d. In section 12(a), remove the comma after the word “event”;

e. In section 14(b)(5)(v), revise the citation “14(b)(i)” to read 14(b)(5)(i);

f. In the example in section 14, the last sentence after the word “option” is corrected to add as a separate paragraph leading into the example of the Optional Coverage for Fresh Fruit Quality Adjustment.

g. In the example in section 14, section B is amended by removing the semicolon after the word “apples”;

h. In the example in section 14, section D is amended by revising section vii and adding a new section viii to read as set forth below; and

i. In the example in section 14, sections E, F, and G are revised to read as set forth below.

The revisions and additions read as follows:

#### § 457.158 Apple crop insurance provisions.

\* \* \* \* \*

14. Optional Coverage for Fresh Fruit Quality Adjustment.

\* \* \* \* \*

D. \* \* \*

vii. 5,000 bushels of apples that graded U.S. No. 1 or better minus 3,050 bushels of fresh apple production not grading U.S. Fancy or better = 1,950 bushels of fresh apple production to count.

viii. 1,950 bushels of fresh apples production to count × \$9.10 = \$17,745.00 value of the fresh apple production to count; 1,000 bushels of harvested marketable processing apple production to count × \$4.76 price election = \$4,760.00 value of the processing apple production to count;

E. \$17,745.00 value of the fresh apple production to count + \$4,760.00 value of the processing apple production to count = \$22,505.00 total value of production to count;

F. \$68,880.00 total value of guarantee for all apple acreage – \$22,505.00 total value of production to count = \$46,375.00 value of loss; and

G. \$46,375.00 value of loss × 100 percent share = \$46,375.00 indemnity payment.

\* \* \* \* \*

Signed in Washington, DC on October 19, 2004.

**Ross J. Davidson, Jr.,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 04-23982 Filed 10-27-04; 8:45 am]

BILLING CODE 3410-08-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-NM-173-AD; Amendment 39-13832; AD 2004-22-04]

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:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747-400, -400D, and -400F series airplanes, equipped with GE or P&W series engines. This amendment requires 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 actions specified by this AD are intended to prevent inadvertent commanded shutdown of the engine bleed air distribution systems due to an erroneous ASCTU command. This type of 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:** Effective December 2, 2004.

The incorporation by reference of a certain publication listed in the regulations is approved by the Director of the Federal Register as of December 2, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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 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:** 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:** 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 certain Boeing Model 747-400, -400D, and -400F series airplanes, equipped with GE or P&W series engines, was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on August 16, 2004 (69 FR 50341). That action proposed to require modifications and functional tests of the wiring of the wire integration unit and the air supply control test unit of the engine bleed air distribution system.

#### 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

There are approximately 414 airplanes of the affected design in the worldwide fleet. The FAA estimates that

70 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate is \$65 per work hour. Required parts will be minimal. Based on these figures, the cost impact of the AD 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 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:

**2004-22-04 Boeing:** Amendment 39-13832. 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), and (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.

#### Incorporation by Reference

(e) Unless otherwise specified in this AD, the actions shall be done in accordance with Boeing Service Bulletin 747-36A2136, Revision 2, dated May 13, 2004. 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 Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; 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 December 2, 2004.

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

**Kalene C. Yanamura,**

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

[FR Doc. 04-24030 Filed 10-27-04; 8:45 am]

**BILLING CODE** 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-NM-310-AD; Amendment 39-13834; AD 2004-22-06]

**RIN 2120-AA64**

#### Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD),

applicable to certain Dornier Model 328-100 and -300 series airplanes, that requires inspection of the metal oxide varistor (MOV) modules and transient absorption zener (TAZ) diodes to determine if those parts are outside of tolerance limits, and replacement of MOV modules and TAZ diodes with new parts, if necessary. This action is necessary to prevent the failure of critical ice protection systems following a lightning strike, which could result in reduced controllability and degraded performance of the airplane in the event of an encounter with icing conditions. This action is intended to address the identified unsafe condition.

**DATES:** Effective December 2, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 2, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany. 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 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:

Thomas Groves, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1503; fax (425) 227-1149.

#### 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 certain Dornier Model 328-100 and -300 series airplanes was published in the **Federal Register** on February 26, 2004 (69 FR 8878). That action proposed to require inspection of the metal oxide varistor (MOV) modules and transient absorption zener (TAZ) diodes to determine if those parts are outside of tolerance limits, and replacement of MOV modules and TAZ diodes with new parts, if necessary.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due

consideration has been given to the comments received.

#### Request To Withdraw the Notice of Proposed Rulemaking (NPRM)

One commenter believes that the AD is unwarranted. The commenter notes that Discussion section of the NPRM states, "Further investigation revealed that the airplane maintenance manual (AMM) does not include a check of this equipment following a lightning strike." The commenter points out that in Volume 1 of the AMM, Description and Operation, Section 05-51-02, "Lightning Strike," page 3, Sections C and D, dated September 3, 2003, it states, "After a lightning strike you must do the respective functional tests at all TAZ diodes and MOV modules or you can replace them directly without a functional test." From these comments, the FAA infers that the commenter is requesting that the NPRM be withdrawn.

We do not agree with the request to withdraw the NPRM. The commenter is correct in that the AMM has been updated to include instructions for checking the TAZ diodes and MOV modules following a lightning strike. However, as stated in the Discussion section of the NPRM, 37% of the inspected fleet has been found with TAZ diodes and MOV modules that are out of tolerance. The AD was written to determine if any pre-existing damage to the TAZ diodes or MOV modules exist. The out of tolerance condition, if not corrected, could result in the failure of critical ice protection system following a lightning strike, which could result in reduced controllability and degraded performance of the airplane in an event of an encounter with icing condition. We have determined that this AD action addresses the identified unsafe condition, and issuance of the final rule is necessary.

#### Request To Include Additional Costs

The same commenter states that the Cost Impact section of the NPRM is understated. The commenter contends that it does not take into account the \$2,731 procurement cost of the high voltage test unit, part number (P/N) 771-9-001, necessary to test the TAZ diodes and MOV modules, and the yearly \$148.50 calibration cost. From this comment, we infer that the commenter is requesting a change to the Cost Impact section to account for the cost of special test equipment.

We agree that a change to the Cost Impact section is needed. We have confirmed that a special tool is necessary to perform the inspection required by this AD, and have revised