

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket No. TB-05-03]

#### 7 CFR Part 29

#### Tobacco Inspection, Growers Referendum

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of referendum.

**SUMMARY:** This notice announces that a referendum will be conducted by mail during the period May 9-13, 2005, for producers of all kinds of tobacco who sold their tobacco at auction on designated markets in 2004/05. The referendum is being conducted to determine if the designation of all existing tobacco auction markets should be terminated, thus eliminating the requirement for mandatory, federal inspection and grading for the 2005 and succeeding crop years.

**DATES:** The referendum will be held May 9-13, 2005.

**FOR FURTHER INFORMATION CONTACT:** William O. Coats, Acting Deputy Administrator, United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), Tobacco Programs, Room 502 Cotton Annex Building, Stop 0280, 1400 Independence Avenue, SW., Washington, DC 20250-0280, (202) 205-0567.

**SUPPLEMENTARY INFORMATION:** The Fair and Equitable Tobacco Reform Act of 2004 eliminated the price support and quota system for U.S. produced tobacco. Although mandatory grading is eliminated on types of tobacco eligible for price support, mandatory federal grading of any tobacco sold at auction on a designated market continues under the Tobacco Inspection Act. Currently, there are 70 designated auction markets that sell flue-cured, burley, dark fire-cured, and dark air-cured types of tobacco. The user fee for the inspection

of tobacco at auction markets is \$.90 per hundred pounds.

At a February 1, 2005, meeting of the National Advisory Committee for Tobacco Inspection Services, a request was made to the USDA to conduct a referendum to determine if tobacco producers favored the termination of the designation of all current auction markets, thereby eliminating the requirement for mandatory, federal inspection and grading if they sell their crop at auction. The Committee, which is comprised of members from Farm Bureaus and Granges representing all tobacco producing states, strongly advised that mandatory federal grading, without the benefit of price support, would reduce the monetary returns to producers and create a competitive disadvantage for operators of auction warehouses.

Because the recently enacted legislation eliminates all mandatory inspection except for tobacco sold at auction on designated markets, the USDA determined that a referendum would be an appropriate means of deciding whether to discontinue mandatory grading on all designated auction markets. It is hereby determined that the referendum will be held by mail during the period May 9-13, 2005. Only producers who sold tobacco at auction on a designated market in 2004 are eligible to vote. The purpose of the referendum is to determine whether producers of Flue-Cured tobacco, Types 11-14, Burley tobacco, Type 31, Virginia Fire-Cured tobacco, Type 21, Kentucky and Tennessee Fire-Cured tobacco, Types 22-23, and Dark Air-Cured tobacco, Types 35-37, are in favor of or opposed to terminating the designation of all tobacco auction markets and thereby eliminating mandatory, federal grading of their crop for the 2005 and succeeding crop years. Accordingly, if a majority of the tobacco producers who vote in the referendum favor termination of auction market designations, the designation of all 70 auction markets will be terminated.

The referendum will be held in accordance with the provisions for referenda of the Tobacco Inspection Act, as amended (7 U.S.C. 511d), and the regulations for such referendum set forth in 7 CFR 29.74.

**Authority:** 7 U.S.C. 511 *et seq.*

Dated: April 15, 2005.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 05-8030 Filed 4-20-05; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-21023; Directorate Identifier 2004-NM-262-AD]

**RIN 2120-AA64**

#### Airworthiness Directives; Airbus Model A320 Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Model A320 series airplanes. This proposed AD would require installing insulator and cable ties to the electrical cables of the S routes at the gaps in the raceway in the wing trailing edge and the wing tip and wing root areas. This proposed AD is prompted by the results of fuel system reviews conducted by the manufacturer. We are proposing this AD to prevent injection of high voltage current into the low voltage wiring that passes through the fuel tanks, which could result in a possible fuel tank explosion.

**DATES:** We must receive comments on this proposed AD by May 23, 2005.

**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.
- By 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.

For service information identified in this proposed AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA-2005-21023; the directorate identifier for this docket is 2004-NM-262-AD.

**FOR FURTHER INFORMATION CONTACT:** Tim Dulin, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2141; fax (425) 227-1149.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-21023; Directorate Identifier 2004-NM-262-AD" at the beginning 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 submitted 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.dot.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 our docket 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 can review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you can visit <http://dms.dot.gov>.

##### **Examining the Docket**

You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except

Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

##### **Discussion**

The FAA has examined the underlying safety issues involved in recent fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled "Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements" (67 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 ("SFAR 88," Amendment 21-78, and subsequent Amendments 21-82 and 21-83).

Among other actions, SFAR 88 requires certain type design (*i.e.*, type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews. In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: single failures, single failures in combination with another latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

The Joint Aviation Authorities (JAA) has issued a regulation that is similar to

SFAR 88. (The JAA is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to co-operate in developing and implementing common safety regulatory standards and procedures.) Under this regulation, the JAA stated that all members of the ECAC that hold type certificates for transport category airplanes are required to conduct a design review against explosion risks.

We have determined that the actions identified in this AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition may exist on certain Airbus Model A320 series airplanes. The DGAC advises that review of electrical installation on an in-service airplane has shown that insulation was not installed on the S cable routes of the wing trailing edge at all the gaps between raceways. Lack of insulation could lead to the injection of high voltage current from the M cable routes into the low voltage wiring S cable routes that pass through the fuel tanks. This condition, if not corrected, could result in a possible fuel tank explosion.

##### **Relevant Service Information**

Airbus has issued Service Bulletin A320-24-1062, Revision 05, dated June 27, 2002. The service bulletin describes procedures for installing insulator and cable ties to the electrical cables of the S routes at the gaps in the raceway of the wing trailing edge and the wing tip and wing root areas. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DGAC mandated the service information and issued French airworthiness directive F-2004-173, dated October 27, 2004, to ensure the continued airworthiness of these airplanes in France.

##### **FAA's Determination and Requirements of the Proposed AD**

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed

of the situation described above. We have examined the DGAC's findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under "Difference Between the Proposed AD and French Airworthiness Directive."

#### **Difference Between the Proposed AD and French Airworthiness Directive**

The applicability of French airworthiness directive F-2004-173, dated October 27, 2004, excludes airplanes that have accomplished Airbus Service Bulletin A320-24-1062, Revision 05, dated June 27, 2002, in service. However, we have not excluded those airplanes in the applicability of this proposed AD; rather, this proposed AD includes a requirement to accomplish the actions specified in that service bulletin. This requirement would ensure that the actions specified in the service bulletin and required by this proposed AD are accomplished on all affected airplanes. Operators must continue to operate the airplane in the configuration required by this proposed AD unless an alternative method of compliance is approved. This difference has been coordinated with the DGAC.

#### **Costs of Compliance**

This proposed AD would affect about 54 airplanes of U.S. registry. The proposed actions would take about 35 work hours per airplane, at an average labor rate of \$65 per work hour. Required parts would cost about \$0 per airplane. Based on these figures, the estimated cost of the proposed AD for U.S. operators is \$122,850, or \$2,275 per airplane.

#### **Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for

safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### **Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify that the 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. 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 regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

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

Air transportation, Aircraft, Aviation safety, Safety.

#### **The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA-2005-21023; Directorate Identifier 2004-NM-262-AD.

#### **Comments Due Date**

- (a) The Federal Aviation Administration must receive comments on this AD action by May 23, 2005.

#### **Affected ADs**

- (b) None.

#### **Applicability**

- (c) This AD applies to Airbus Model A320 series airplanes, certificated in any category,

except those modified in production by Airbus Modification 22626.

#### **Unsafe Condition**

(d) This AD was prompted by the results of fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent injection of high voltage current into the low voltage wiring that passes through the fuel tanks, which could result in a possible fuel tank explosion.

#### **Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### **Modification**

(f) Within 60 months after the effective date of this AD, install insulator and cable ties to the electrical cables of the S routes at the gaps in the raceway in the wing trailing edge and the wing tip and wing root areas, in accordance with Airbus Service Bulletin A320-24-1062, Revision 05, dated June 27, 2002.

#### **Alternative Methods of Compliance (AMOCs)**

(g) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

#### **Related Information**

(h) French airworthiness directive F-2004-173, dated October 27, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on April 13, 2005.

#### **Ali Bahrami,**

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

[FR Doc. 05-7997 Filed 4-20-05; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF DEFENSE**

### **48 CFR Parts 211, 212, and 252**

**[DFARS Case 2004-D011]**

#### **Defense Federal Acquisition Regulation Supplement; Radio Frequency Identification**

**AGENCY:** Department of Defense (DoD).  
**ACTION:** Proposed rule with request for comments.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add policy pertaining to package marking with passive radio frequency identification (RFID) tags. The proposed changes require contractors to affix passive RFID tags at the case and palletized unit load levels when shipping packaged operational rations, clothing, individual equipment, tools,