

consumer-type packages in the contiguous 48 States and the District of Columbia.

The Order provides for the establishment of the Fluid Milk Board, which is composed of 20 members appointed by the Secretary of Agriculture. Fifteen members are fluid milk processors who each represent a separate geographical region, and five are at-large members. Of the five at-large members, at least three must be fluid milk processors and at least one must be from the general public. The members of the Fluid Milk Board serve 3-year terms and are eligible to be appointed to two consecutive terms.

Currently, there are approximately 100 fluid milk processors subject to the provisions of the Fluid Milk Act. Processors that process less than 3,000,000 pounds of milk per month, excluding those fluid milk products delivered directly to the place of residence of a consumer, are exempt from this program. AMS provides federal oversight of the Fluid Milk Program.

A Notice of Review and Request for Written Comments was published in the **Federal Register** on March 30, 2004, (69 FR 16508). No comments were received.

The purpose of the review is to determine whether the Order should be continued without change, amended, or rescinded (consistent with the objectives of the RFA) to minimize the impacts on small entities. In conducting this review, AMS considered the following factors: (1) The continued need for the Fluid Milk Promotion Order (Order); (2) the nature of complaints or comments received from the public concerning the Order; (3) the complexity of the Order; (4) the extent to which the Order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the Order has been evaluated or the degree to which technology, economic conditions, or other factors have changes in the area affected by the Order.

The Order is not unduly complex, and AMS has not identified regulations that duplicate, overlap, or conflict with the Order. Over the years, changes to the regulations of the Order have been made to reflect current industry operating practices and to solve current industry problems to the extent possible. The Order is independently evaluated every year to determine the effectiveness of its programs and the results are reported annually to Congress. The Department has not received any complaints or comments from the public regarding the

Fluid Milk Act, Order, or the regulations issued under the Order.

Based upon the review, AMS has determined that the Order should be continued without change. AMS plans to continue working with the dairy industry in maintaining an effective program.

Dated: March 4, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05-4581 Filed 3-8-05; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003-NE-28-AD; Amendment 39-13994; AD 2005-05-06]

RIN 2120-AA64

Airworthiness Directives; Rolls-Royce plc Models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) for Rolls-Royce plc (RR) models RB211 Trent 768-60, Trent 772-60, and Trent 772-60 turbofan engines. That AD currently requires initial and repetitive surge margin testing of engines. This AD requires the same actions but at updated intervals. This AD also requires installation of updated software for the engine electronic controllers (EECs), and adds a terminating action for the surge margin testing requirement. This AD supersedes results from RR requiring EEC software to be revised, and extending the repetitive interval for surge margin testing for engines that have incorporated the software update for the EECs. This AD also results from RR introducing a stage 1 high pressure (HP) compressor casing and intermediate case outer location ring with wear-resistant coating, to reduce wear to prevent reduction in surge margin. We are issuing this AD to prevent a possible dual-engine in-flight surge, which could result in dual engine power loss.

DATES: Effective March 24, 2005. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of March 24, 2005.

We must receive any comments on this AD by May 9, 2005.

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. 2003-NE-28-AD, 12 New England Executive Park, Burlington, MA 01803-5299.
- By fax: (781) 238-7055.
- By e-mail: 9-ane-adcomment@faa.gov.

You can get the service information referenced in this AD from Rolls-Royce plc, PO Box 31, Derby, England, DE248BJ; telephone: 011-44-1332-242424; fax: 011-44-1332-245-418.

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.

FOR FURTHER INFORMATION CONTACT:

Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7175; fax (781) 238-7199.

SUPPLEMENTARY INFORMATION: On July 24, 2003, the FAA issued AD 2003-15-09, Amendment 39-13252 (68 FR 46444, August 6, 2003). That AD requires initial and repetitive surge margin testing of RR models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 turbofan engines. That AD resulted from several reports of low power surges. That condition, if not corrected, could result in a possible dual-engine in-flight surge, which could result in loss of control of the airplane.

Actions Since AD 2003-15-09 Was Issued

Since that AD was issued, the Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (U.K.), recently notified us of related actions taken by the manufacturer to improve the engine surge margin. RR has extended the repetitive interval for surge margin testing for engines that have incorporated a certain software revision for the EECs. RR has also introduced a stage 1 HP compressor casing and intermediate case outer location ring with wear-resistant coating. This coating will prevent axial movement of components during operation, preventing wear resulting in increased rotor tip clearance and reduced surge margin. This AD requires initial and repetitive surge margin testing of engines. This AD also requires revised

software for the EEC to increase the in-flight N3 low idle schedule, and to maximize HP compressor surge margin. This AD also requires installing a stage 1 HP compressor casing and intermediate case outer location ring with wear-resistant coating. Incorporating these modifications is a terminating action to the repetitive surge margin testing. The actions specified in this AD are intended to prevent a possible dual-engine in-flight surge, which could result in dual engine power loss.

Relevant Service Information

We have reviewed and approved the technical contents of RR Alert Service Bulletin (ASB) No. RB.211-71-AD509, Revision 3, dated October 17, 2003, which describes procedures for initial and repetitive surge margin testing of engines. We have also reviewed and approved the technical contents of RR Service Bulletin (SB) No. RB.211-72-D574, Revision 1, dated January 12, 2004. That SB describes procedures for installing a stage 1 HP compressor casing and intermediate case outer location ring with wear-resistant coating. The CAA classified these service bulletins as mandatory and issued AD G-2004-010, dated April 8, 2004, in order to ensure the airworthiness of these RR models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 turbofan engines in the U.K.

Differences Between This AD and the Service Information

Although RR ASB No. RB.211-71-AD509, Revision 3, dated October 17, 2003, allows surge margin testing of engines during revenue service, this AD only allows surge margin testing during dedicated maintenance checks.

Bilateral Airworthiness Agreement

This engine model is manufactured in the United Kingdom (U.K.), and is type certificated for operation in the United States under § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. In keeping with this bilateral airworthiness agreement, the CAA has kept us informed of the situation described above. We have examined the findings of the CAA, reviewed all available 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.

FAA's Determination and Requirements of This AD

Although no airplanes that are registered in the United States use these

engines, the possibility exists that they could be used on airplanes that are registered in the United States in the future. The unsafe condition identified previously is likely to exist or develop on other RR models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 turbofan engines of the same type design. We are issuing this AD to prevent a possible dual-engine in-flight surge, which could result in loss of control of the airplane. This AD requires initial and repetitive surge margin testing of engines, and incorporating revised software for the EECs. This AD also requires installing a stage 1 HP compressor casing and intermediate case outer location ring with wear-resistant coating, to reduce wear to prevent reduction in surge margin. These installations are considered terminating action to the repetitive surge margin testing. You must use the service information described previously to perform the actions required by this AD.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this engine model, notice and opportunity for public comment before issuing this AD are unnecessary. Therefore, a situation exists that allows the immediate adoption of this regulation.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. 2003-NE-28-AD" in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it. If a person contacts us verbally, and that contact relates to a substantive part of this AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the AD in light of those comments.

Examining the AD Docket

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. See **ADDRESSES** for the location.

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 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.

For the reasons discussed above, I certify that the 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 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-NE-28-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. The FAA amends § 39.13 by removing Amendment 39–13252 68 FR 46444, August 6, 2003, and by adding a new airworthiness directive, Amendment 39–13994, to read as follows:

2005–05–06 Rolls-Royce plc: Amendment 39–13994. Docket No. 2003–NE–28–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective March 24, 2005.

Affected ADs

(b) This AD supersedes AD 2003–15–09, Amendment 39–13252.

Applicability

(c) This AD applies to Rolls-Royce plc (RR) models RB211 Trent 768–60, Trent 772–60, and Trent 772B–60 turbofan engines. These engines are installed on, but not limited to, Airbus 330 series airplanes.

Unsafe Condition

(d) This AD results from RR requiring engine electronic controller (EEC) software to be revised, and extending the repetitive interval for surge margin testing for engines that have incorporated the software revision for the EECs. This AD also results from RR introducing a stage 1 high pressure (HP) compressor casing and intermediate case outer location ring with wear-resistant coating, to reduce wear to prevent reduction in surge margin. We are issuing this AD to prevent a possible dual-engine in-flight

surge, which could result in dual engine power loss.

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.

No Revenue Service Surge Margin Testing Allowed

(f) Although RR Alert Service Bulletin (ASB) No. RB.211–71–AD509, Revision 3, dated October 17, 2003, allows surge margin testing of engines during revenue service, this AD only allows surge margin testing during dedicated maintenance checks.

Initial Surge Margin Testing

(g) Perform initial surge margin testing using paragraph 3 and Method A(1) of the Accomplishment Instructions of RR ASB No. RB.211–71–AD509, Revision 3, dated October 17, 2003, as follows:

(1) Before further flight, for engines that have accumulated more than 2,000 cycles-since-new (CSN) on the effective date of this AD; and for engines that have accumulated more than 1,000 cycles-since-overhaul (CSO) of the HP compressor casings and blades.

(2) Before accumulating 2,000 CSN for engines that have not had an overhaul of the HP compressor casing and blades.

(3) Before accumulating 1,000 CSO for engines that have had an overhaul of the HP compressor casings and blades.

EEC Software Update

(h) Within 6 months from the effective date of this AD, install an EEC that features revised software to increase the in-flight N3 low idle schedule. Information on the revised software standard that features the increase in the in-flight N3 low idle schedule can be found in RR SB No. RB.211–73–AE224.

Repetitive Surge Margin Testing

(i) For engines that do not have a revised EEC installed, as specified in paragraph (h) of this AD, perform repetitive surge margin testing at intervals not to exceed 130 cycles-since-last surge margin test. Use paragraph 3 and Method A(1) of the Accomplishment Instructions of RR ASB No. RB.211–71–AD509, Revision 3, dated October 17, 2003, for testing.

(j) For engines that do have a revised EEC installed, as specified in paragraph (h) of this AD, perform repetitive surge margin testing at intervals not to exceed 160 cycles-since-last surge margin test. Use paragraph 3 and Method A(1) of the Accomplishment Instructions of RR ASB No. RB.211–71–AD509, Revision 3, dated October 17, 2003, for testing.

Terminating Action

(k) Within 4,500 cycles-in-service after the effective date of this AD, install a stage 1 HP compressor casing and intermediate case outer location ring with wear-resistant coating. Use paragraph 3.A. of the Accomplishment Instructions of RR Service Bulletin No. RB.211–72–D574, Revision 1, dated January 12, 2004, to do this. Performing these actions is considered terminating action for the repetitive surge margin testing required by this AD.

Alternative Methods of Compliance

(l) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(m) You must use the Rolls-Royce plc service information specified in Table 1 of this AD to perform the testing and modifications required by this AD. The Director of the Federal Register approved the incorporation by reference of the documents listed in Table 1 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You can get a copy from Rolls-Royce plc, PO Box 31, Derby, England, DE248BJ; telephone: 011–44–1332–242424; fax: 011–44–1332–245–418. You may review copies at the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003–NE–28–AD, 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.

Table 1 follows:

TABLE 1.—INCORPORATION BY REFERENCE

Service bulletin No.	Page	Revision	Date
RB.211–71–AD509	All	3	October 17, 2003.
Total Pages: 6			
RB.211–72–D574	All	1	January 12, 2004.
Total Pages: 12			
Supplement to RB.211–72–D574	All	1	January 12, 2004.
Total Pages: 2			

Related Information

(n) CAA airworthiness directive G-2004-010, dated April 8, 2004, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on February 25, 2005.

Jay J. Pardee,

Manager, Engine and Propeller Directorate,
Aircraft Certification Service.

[FR Doc. 05-4076 Filed 3-8-05; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF HOMELAND
SECURITY****Bureau of Customs and Border
Protection****DEPARTMENT OF THE TREASURY****19 CFR Part 12**

[CBP Dec. 05-10]

RIN 1505-AB56

**Extension of Import Restrictions
Imposed on Certain Categories of
Archaeological Material From the
Prehispanic Cultures of the Republic
of El Salvador**

AGENCY: Customs and Border Protection;
Department of Homeland Security;
Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs and Border Protection (CBP) regulations to reflect the extension of the import restrictions on certain categories of archaeological material from the Prehispanic cultures of the Republic of El Salvador which were imposed by T.D. 95-20. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has determined that conditions continue to warrant the imposition of import restrictions. Accordingly, the restrictions will remain in effect for an additional 5 years, and the CBP regulations are being amended to indicate this extension. These restrictions are being extended pursuant to determinations of the United States Department of State made under the terms of the Convention on Cultural Property Implementation Act in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. T.D. 95-20 contains the Designated List of archaeological material representing Prehispanic cultures of El Salvador.

DATES: *Effective Date:* March 8, 2005.

FOR FURTHER INFORMATION CONTACT: For legal aspects, Joseph Howard, (202) 572-8701. For operational aspects, Michael Craig, Chief, Other Government Agencies Branch, (202) 344-1684.

SUPPLEMENTARY INFORMATION:**Background**

Pursuant to the provisions of the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention, codified into U.S. law as the Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*), the United States entered into a bilateral agreement with the Republic of El Salvador on March 8, 1995, concerning the imposition of import restrictions on certain categories of archeological material from the Prehispanic cultures of the Republic of El Salvador. On March 10, 1995, the United States Customs Service published T.D. 95-20 in the **Federal Register** (60 FR 13352), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions and included a list designating the types of article covered by the restrictions.

Import restrictions listed in 19 CFR 12.104g(a) are "effective for no more than five years beginning on the date on which the agreement enters into force with respect to the United States. This period can be extended for additional periods not to exceed five years if it is determined that the factors which justified the initial agreement still pertain and no cause for suspension of the agreement exists" (19 CFR 12.104g(a)).

On March 9, 2000, the United States Customs Service published T.D. 00-16 in the **Federal Register** (65 FR 12470), which amended 19 CFR 12.104g(a) to reflect the extension for an additional period of five years.

Sections 403(1) and 411 of the Homeland Security Act of 2002 (Pub. L. 107-296) transferred the United States Customs Service and certain of its functions from the Department of the Treasury to the Department of Homeland Security. Pursuant to section 1502 of the Act, the President renamed the "Customs Service" as the "Bureau of Customs and Border Protection," also referred to as the "CBP."

After reviewing the findings and recommendations of the Cultural Property Advisory Committee, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, concluding that the cultural heritage of El Salvador continues to be in jeopardy from pillage of Prehispanic archaeological resources, made the necessary determinations to extend the import restrictions for an

additional five years on February 2, 2005. Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The Designated List of Archaeological Material Representing Prehispanic Cultures of El Salvador covered by these import restrictions is set forth in T.D. 95-20. The Designated List and accompanying image database may also be found at the following Internet Web site address: <http://exchanges.state.gov/culprop/esimage.html>. The restrictions on the importation of these archaeological materials from the Republic of El Salvador are to continue in effect for an additional 5 years. Importation of such material continues to be restricted unless:

(1) Accompanied by appropriate export certification issued by the Government of the Republic of El Salvador; or

(2) With respect to Pre-Columbian material from archaeological sites throughout El Salvador, documentation exists that exportation from El Salvador occurred prior to March 10, 1995; or

(3) With respect specifically to Pre-Columbian material from the Cara Sucia archaeological region, documentation exists that exportation from El Salvador occurred prior to September 7, 1987.

**Inapplicability of Notice and Delayed
Effective Date**

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure (5 U.S.C. 553(a)(1)). In addition, CBP has determined that such notice or public procedure would be impracticable and contrary to the public interest because the action being taken is essential to avoid interruption of the application of the existing import restrictions (5 U.S.C. 553(b)(B)). For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

This amendment does not meet the criteria of a "significant regulatory action" as described in Executive Order 12866.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(2).