

asked that designations end on August 1 of the market year, followed by two re-designation periods at the beginning of October and November, and then immediately effective re-designations beginning on November 25. These comments requested no other changes to the current requirements. These comments were not adopted for the reasons discussed below.

The existing technology that the Agency uses for this program does not allow FSA to make designations immediately effective. Therefore, this suggestion will not be adopted.

On October 22, 2004, the Fair and Equitable Tobacco Reform Act of 2004 repealed the tobacco marketing quota and acreage allotment and price support programs effective for the 2005 and subsequent crop years. The designation program, part of these programs, will end with the close of the 2004 marketing year. Accordingly, this rule deletes the price support eligibility requirement that flue-cured and burley tobacco farmers designate the locations where they will sell their tobacco. The majority of the commentors wanted the designation program to remain unchanged through the first week of tobacco sales, a time period which has ended for both flue-cured and burley tobaccos. Rescinding the designation requirements effective December 3, 2004, will have the effect of complying with the majority of commentors' requests that designation and subsequent re-designation requirements not be necessary after the first week of sales. Tobacco producers will be able to sell their tobacco where they wish, without waiting for a designation to become effective through this final crop year of the tobacco quota and price support programs.

#### Executive Order 12372

This final rule is not subject to the provisions of Executive Order 12372, which require consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

#### Executive Order 12866

This rule has been determined to be not significant for the purposes of Executive Order 12866 and therefore was not reviewed by the Office of Management and Budget.

#### Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this proposed rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish

a notice of proposed rulemaking with respect to the subject matter of this rule.

#### Unfunded Mandates

This rule contains no Federal mandates under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local and tribal governments or the private sector. Therefore, this rule is not subject to sections 202 and 205 of the UMRA.

#### Federal Assistance Programs

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance to which this rule applies, are: 10.051—Commodity Loans and Loan Deficiency Payments.

#### Environmental Evaluation

The environmental impacts of this rule have been considered under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and regulations of the Farm Service Agency (FSA) of the Department of Agriculture (USDA) for compliance with NEPA, 7 CFR part 799. An environmental evaluation was completed and the action has been determined not to have the potential to significantly impact the quality of the human environment and no environmental assessment or environmental impact statement is necessary. A copy of the environmental evaluation is available for inspection and review upon request.

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 5501 *et seq.*), the information collection or recordkeeping requirements of 7 CFR part 1464 are approved by the Office of Management and Budget (OMB) under OMB control numbers 0560–0058 and 0560–0217. Also, section 642(b) of FETRA provides these regulations be promulgated without regard to the Paperwork Reduction Act, nor be subject to the normal requirement for a 60-day public comment period. Nonetheless, this action will reduce the information collected and the Agency's currently approved burden, thus, a new burden estimate will be submitted to OMB for approval.

#### List of Subjects in 7 CFR Part 1464

Price support programs, Tobacco, Warehouses.

■ Accordingly, 7 CFR part 1464 is amended as follows:

#### PART 1464—TOBACCO

■ 1. The authority citation for 7 CFR part 1464 continues to read as follows:

**Authority:** 7 U.S.C. 1421, 1423, 1441, 1445, 1445–1 and 1445–2; 15 U.S.C. 714b, 714c; Pub. L. 106–78, 113 Stat. 1135; Pub. L. 106–113, 113 Stat. 1501; Pub. L. 1087, 117 Stat. 11.

#### Subpart A—Tobacco Loan Program

■ 2. Amend 7 CFR 1464.2 by removing paragraph (b)(2) and redesignating paragraphs (b)(3), (b)(4) and (b)(5) as (b)(2), (b)(3), and (b)(4), respectively.

Signed at Washington, DC, on November 19, 2004.

**James R. Little,**

*Executive Vice-President, Commodity Credit Corporation.*

[FR Doc. 04–26828 Filed 12–2–04; 2:26 pm]

**BILLING CODE 3410–05–P**

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003–CE–48–AD; Amendment 39–13886; AD 2004–24–10]

**RIN 2120–AA64**

#### Airworthiness Directives; Bombardier, Inc. Model DHC–3 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA adopts a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–3 airplanes modified with A.M. Luton's Supplemental Type Certificate (STC) number SA3777NM. This AD requires you to inspect the wiring for the heating blankets on P<sub>3</sub> and P<sub>Y</sub> pneumatic lines and the push-to-test function lights to ensure that they are wired to the correct schematic; replace the circuit breaker switch as applicable; and replace the flight manual supplement currently in use with Revision G, dated March 28, 2001 (incorporates Revision I of Sheet 1 of Drawing 20075, "Electrical System Schematic," dated October 10, 2000). This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Canada. We are issuing this AD to detect and correct wiring installed in accordance with an incorrect drawing, which shows the pneumatic heating blankets to the P<sub>3</sub> and P<sub>Y</sub> pneumatic lines wired in series with the indicator lights, rather than parallel. This can result in reduced

current for the heating blankets and loss of pneumatic line heating, which can lead to loss of engine power or reverse propeller overspeed governing protection and ultimately loss of control of the airplane.

**DATES:** This AD becomes effective on January 6, 2005.

As of January 6, 2005, 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 A. M. Luton, 3025 Eldridge Avenue, Bellingham, WA 98225.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003-CE-48-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:** Richard Simonson, Aerospace Engineer, Special Certification Branch; telephone: (425) 917-6507; facsimile: (425) 917-6590.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

*What events have caused this AD?* Transport Canada, which is the airworthiness authority for Canada, recently notified FAA that an unsafe condition may exist on all Bombardier, Inc. Model DHC-3 airplanes modified with an A.M. Luton Supplemental Type Certificate (STC) number SA3777NM. Transport Canada reports a drawing error on Revisions G and H of Sheet 1 of the Electrical System Schematic Drawing 20075, which shows the pneumatic heating blankets to the P<sub>3</sub> and P<sub>Y</sub> pneumatic lines wired in series with the indicator lights, rather than parallel. This can result in severely

reduced electrical energy going to the heating blankets with loss of pneumatic line heating, which can lead to loss of engine power or reverse propeller overspeed governing protection.

*What is the potential impact if FAA took no action?* Electrical installation using incorrect wiring configurations could result in the electrical energy being absorbed by the light bulbs with insufficient electrical energy for the heating blankets, which would allow ice to form in these lines due to condensation even though the indication lights show the lines being heated. This could result in loss of engine power or reverse propeller overspeed governing protection and lead to loss of control of the airplane.

*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 certain Bombardier, Inc. Model DHC-3 airplanes modified with A.M. Luton's Supplemental Type Certificate (STC) number SA3777NM. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on May 24, 2004 (69 FR 29477). The NPRM proposed to require you to inspect the wiring for the heating blankets on P<sub>3</sub> and P<sub>Y</sub> pneumatic lines and the push-to-test function lights to ensure that they are wired to the correct schematic; replace the circuit breaker switch as applicable; and replace the flight manual supplement currently in use with Revision G, dated March 28, 2001 (incorporates Revision I of Sheet 1 of Drawing 20075, "Electrical System Schematic," dated October 10, 2000).

##### 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 airplanes does this AD impact?* We estimate that this AD affects 32 airplanes in the U.S. registry.

*What is the cost impact of this AD on owners/operators of the affected airplanes?* We have no way of determining the number of airplanes that may need the rewiring or circuit breaker switch replacement. We estimate the following costs to accomplish the inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 workhour est. \$65 per hour = \$65 .....	\$100	\$165	\$5,280

##### 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-48-AD" in your request.

This rulemaking is promulgated under the authority in Subtitle VII, Part A, Subpart III, Section 44701, General requirements. Under that section, the FAA is charged with prescribing minimum standards required in the

interest of safety for the design of aircraft. This regulation is within the scope of that authority since it corrects an unsafe condition in the design of the aircraft caused by incorrect wiring configurations that could result in the electrical energy being absorbed by the light bulbs with insufficient electrical energy for the heating blankets, which would allow ice to form in these lines due to condensation even though the indication lights show the lines being heated.

#### 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:

**2004–24–10 Bombardier, Inc.:** Amendment 39–13886; Docket No. 2003–CE–48–AD.

#### When Does This AD Become Effective?

(a) This AD becomes effective on January 6, 2005.

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

(b) None.

#### What Airplanes Are Affected by This AD?

(c) This AD affects the Model DHC–3 airplanes, all serial numbers, that are:

(1) Modified with STC number SA3777NM; and

(2) Certificated in any category.

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

(d) This AD is the result of a drawing error on Revisions G and H of Sheet 1 of Drawing 20075, Electrical System Schematic. The actions specified in this AD are intended to detect and correct wiring installed according to an incorrect drawing, which shows the pneumatic heating blankets to the P<sub>3</sub> and P<sub>Y</sub> pneumatic lines wired in series with the indicator lights, rather than parallel. This can result in insufficient electrical energy for the heating blankets and loss of pneumatic heating, which can lead to loss of engine power or reverse propeller overspeed governing protection and ultimately loss of control of the airplane.

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

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

Actions	Compliance	Procedures
(1) Inspect the electrical wiring to the P <sub>3</sub> and P <sub>Y</sub> engine pneumatic line heating blankets and the P <sub>3</sub> heater warning light to determine if they are wired in a parallel configuration. If they are not wired in a parallel configuration, they must be rewired.	Inspect within 4 months after January 6, 2005 (the effective date of this AD) or 300 hours time in service (TIS) after January 6, 2005 (the effective date of this AD), whichever occurs first. Rewire prior to further flight after the inspection.	Follow the procedures in the A.M. Luton Service Information Letter SIL–00–10–10, revision dated, March 22, 2001.
(2) Replace Flight Manual Supplement currently in use with Revision G, dated March 28, 2001. This flight manual revision corrects the drawing error on Revisions G and H of Sheet 1 of the Electrical System Schematic Drawing 20075 by incorporating Revision I of Sheet 1 of Drawing 20075, "Electrical System Schematic," dated October 10, 2000. (i) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may accomplish the flight manual replacement requirement of this AD. (ii) Make an entry into the aircraft records showing compliance with this portion of the AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).	Replace within 4 months after January 6, 2005 (the effective date of this AD) or 300 hours TIS after January 6, 2005 (the effective date of this AD), whichever occurs first.	Follow the procedures in the A.M. Luton Service Information Letter SIL–00–10–10, revision dated, March 22, 2001.
(3) Inspect circuit breaker switch for heated engine pneumatic lines circuit. If an engine is installed that uses both P <sub>3</sub> and P <sub>Y</sub> heated pneumatic lines, circuit breaker switch, Part Number (P/N) 20075–3 (5 amp), must be replaced with circuit breaker switch P/N 20075–59 (7.5 amp).	Inspect within 4 months after January 6, 2005 (the effective date of this AD), or 300 hours TIS after January 6, 2005 (the effective date of this AD), whichever occurs first. Replace prior to further flight after the inspection.	Follow the procedures in the A.M. Luton Service Information Letter SIL–00–10–10, revision dated, March 22, 2001.

#### 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, Special Certifications Branch,

Transport Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Richard Simonson, Aerospace Engineer, Special Certifications Branch, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, WA 98055; telephone: 425–917–6507; facsimile: 816–917–6590.

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

(g) You must do the actions required by this AD following the instructions in A.M. Luton Service Information Letter SIL–00–10–10, revision dated March 22, 2001. 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

A.M. Luton, 3025 Eldridge Ave., Bellingham, WA 98225. 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) Airworthiness Directive CF-2002-38, dated August 29, 2002, and Service Information Letter SIL-00-10-10, revision dated March 22, 2001, also pertain to the subject of this AD.

Issued in Kansas City, Missouri, on November 23, 2004.

**David A. Downey,**

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

[FR Doc. 04-26421 Filed 12-3-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2004-19601]

#### Amendment to Class D Airspace; Springfield/Chicopee, MA

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

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action revises the Class D airspace area at Springfield/Chicopee, Westover AFB, MA (KCEF) to revise the Airport Reference Point (ARP) and provide for adequate controlled airspace for those aircraft circling to land.

**DATES:** Effective 0901 UTC, January 20, 2005.

Comments for inclusion in the Rules Docket must be received on or before January 5, 2005.

**ADDRESSES:** Send comments on the rule to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number, FAA-2004-19601/Airspace Docket No. 04-ANE-33, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person at the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office

(telephone 1-800-647-5527) is located on the plaza level of the department of Transportation NASSIF Building at the street address stated above.

An informal docket may also be examined during normal business hours at the office of the Eastern Flight Service Area, New England Region Office, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299. Call the Manager, Operations Support Branch, ANE-530, telephone (781) 238-7530; fax (781) 238-7596, to make prior arrangements for your visit.

**FOR FURTHER INFORMATION CONTACT:** Jon T. Harris, Eastern Flight Service Area, Operations Support Branch, ANE-530, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7530 fax (781) 238-7596.

**SUPPLEMENTARY INFORMATION:** Westover AFB has competed a new airport survey and established a new Airport Reference Point (ARP). In addition, this action increases the class D airspace radius to provide additional controlled airspace for those aircraft using category E circling minima for instrument procedures. Class D airspace designations for airspace areas extending upward from the surface are published in paragraph 5000 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in this Order.

#### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment, and, therefore, issues it as a direct final rule. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be

published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications must identify both docket numbers. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that support the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

#### Agency Findings

This rule does not have federalism implications, as defined in Executive Order No. 13132, because it does 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. Accordingly, the FAA has not consulted with State authorities prior to publication of this rule.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these proposed rules will not have significant economic impact on a substantial