

\$15.68 per ton of assessable olives was derived by considering anticipated expenses, the volume of assessable olives first handled from the 2004–05 crop year, and additional pertinent factors.

A review of historical and preliminary information pertaining to the upcoming fiscal year indicates that the grower price for the 2004–05 crop year is estimated to be approximately \$720 per ton for canning fruit and \$276 per ton for limited-use size fruit. Approximately 85 percent of a ton of olives are canning fruit sizes and 10 percent are limited-use sizes, leaving the balance as unusable cull fruit. Total grower revenue on 85,862 tons would then be \$54,917,335 given the percentage of canning and limited-use sizes and current grower prices for those sizes. Therefore, with a \$15.68 per ton assessment rate, the estimated assessment revenue is expected to be approximately 2.33 percent of grower revenue.

This action increases the assessment obligation imposed on handlers. 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 are offset by the benefits derived by the operation of the marketing order. In addition, the committee's meeting was widely publicized throughout the California olive industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the December 13, 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 California olive 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 February 22, 2005 (70 FR 8545). Copies of the rule were mailed or sent via facsimile to all committee members and olive handlers. Finally, the rule was made available through the Internet by USDA and the Office of the **Federal Register**. A 30-day comment period was provided to allow interested persons to respond to the proposal. One comment was received, but that

comment was not relevant to this rulemaking action.

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.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2005 fiscal year began on January 1, 2005, and the marketing order requires that the rate of assessment for each fiscal year apply to all assessable olives handled; (2) the committee needs sufficient funds to pay its expenses which are incurred on a continuous basis; (3) handlers are aware of this action, which was unanimously recommended by the committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) a 30-day comment period was provided for in the proposed rule and no relevant comments were received.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 932.230 is revised to read as follows:

§ 932.230 Assessment rate.

On and after January 1, 2005, an assessment rate of \$15.68 per ton is established for California olives.

Dated: April 21, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20251; Directorate Identifier 2004–NM–164–AD; Amendment 39–14071; AD 2005–09–03]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Raytheon Model Hawker 800XP airplanes. This AD requires inspecting to detect damage of certain wiring in the flight compartment, performing corrective actions if necessary, modifying certain wiring connections, and revising the airplane flight manual. This AD is prompted by reports of miswiring in the power distribution system. We are issuing this AD to ensure that the flightcrew is aware of the source of battery power for certain equipment, and to prevent damage to wiring and surrounding equipment that could result in smoke or fire on the airplane.

DATES: This AD becomes effective June 1, 2005.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of June 1, 2005.

ADDRESSES: For service information identified in this AD, contact Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201–0085.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. 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 U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, Washington, DC. This docket number is FAA–2005–20251; the directorate identifier for this docket is 2004–NM–164–AD.

FOR FURTHER INFORMATION CONTACT:

Philip Petty, Aerospace Engineer, Electrical Systems and Avionics, ACE–119W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road,

room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4139; fax (316) 946-4107.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR Part 39 with an AD for certain Raytheon Model Hawker 800XP airplanes. That action, published in the **Federal Register** on February 2, 2005 (70 FR 5387), proposed to require inspecting to detect damage of certain wiring in the flight compartment, performing corrective

actions if necessary, modifying certain wiring connections, and revising the airplane flight manual.

Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been submitted on the proposed AD or on the determination of the cost to the public.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

There are about 45 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection	18	\$65	None	\$1,170	30	\$35,100
Modification	6	65	435	825	30	24,750

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 this AD:

- (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.

We prepared a regulatory evaluation of the estimated costs to comply with this 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, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2005-09-03 Raytheon Aircraft Company:
Amendment 39-14071. Docket No. FAA-2005-20251; Directorate Identifier 2004-NM-164-AD.

Effective Date

(a) This AD becomes effective June 1, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Raytheon Model Hawker 800XP airplanes, certificated in any category, serial numbers 258541, 258556, and 258567 through 258608 inclusive.

Unsafe Condition

(d) This AD was prompted by reports of miswiring in the power distribution system. We are issuing this AD to ensure that the flightcrew is aware of the source of battery power for certain equipment, and to prevent damage to wiring and surrounding equipment that could result in smoke or fire on the airplane.

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.

Service Information Reference

(f) The term "service bulletin," as used in this AD, means Raytheon Service Bulletin SB 24-3555, Revision 1, dated June 2004.

(1) Where the service bulletin specifies contacting the manufacturer for information, this proposed AD requires, before further flight, contacting the Manager, Wichita Aircraft Certification Office (ACO), FAA. Then, before further flight, any applicable action specified by the Manager, Wichita ACO, must be accomplished in accordance with a method approved by the Manager, Wichita ACO.

(2) The service bulletin also refers to Raytheon Hawker 800XP Temporary Change P/N 140-590032-0005TC7, dated June 3, 2003, which is intended to be inserted into the Emergency Procedures section of the airplane flight manual to inform the flightcrew which standby batteries provide power to what equipment once the actions in the service bulletin have been done.

(3) Where the service bulletin specifies to report compliance information to the manufacturer, this AD does not include that requirement.

Inspection

(g) Within 50 flight hours or 30 days after the effective date of this AD, whichever is first: Perform a detailed inspection for damage (primarily but not limited to evidence of heat damage) of wiring in the

flight compartment, and all applicable corrective actions, by doing all actions in Part 1 of the Accomplishment Instructions of the service bulletin, except as provided by paragraphs (f)(1) and (f)(3) of this AD. Any applicable corrective action must be done before further flight.

Note 1: For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

Modification

(h) At the applicable time specified in paragraph (h)(1) or (h)(2) of this AD, modify wiring in the flight compartment by doing all actions in accordance with Part 2 of the Accomplishment Instructions of the service bulletin. Following accomplishment of the actions in Part 2 of the service bulletin, before further flight, do all actions associated with the functional test, including revising the Emergency Procedures section of the Raytheon Hawker 800XP Airplane Flight Manual to include the information in Temporary Change P/N 140-590032-0005TC7, in accordance with the Accomplishment Instructions of the service bulletin.

(1) If no damage was found during the inspection required by paragraph (g) of this AD: Do paragraph (h) within 300 flight hours or 180 days after the effective date of this AD, whichever is first.

(2) If any damage is found during the inspection required by paragraph (g) of this AD: Do paragraph (h) before further flight after the damage is found.

Alternative Methods of Compliance (AMOCs)

(i) The Manager, Wichita ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(j) You must use Raytheon Service Bulletin SB 24-3555, Revision 1, dated June 2004, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201-0085. To view the AD docket, contact the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC. To review copies of the service information, contact the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on April 18, 2005.

Ali Bahrami,

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

[FR Doc. 05-8272 Filed 4-26-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA-2004-19947; Amendment No. 91-285]

RIN 2120-A142

Pyrotechnic Signaling Device Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Disposition of comments on direct final rule.

SUMMARY: On December 27, 2004, the FAA published a direct final rule to remove the requirement for a pyrotechnic signaling device required for aircraft operated for hire over water and beyond power off gliding distance from shore for air carriers operating under part 121 unless it is a part of a required life raft. All other operators continue to be required to have onboard one pyrotechnic signaling device if they operate aircraft for hire over water and beyond power off gliding distance from shore. The rule was effective February 7, 2005.

ADDRESSES: The complete docket for the final rule on pyrotechnic signaling devices may be examined through the Department of Transportation's Docket Management System at <http://www.dms.dot.gov>. Use the Simple Search selection and type in the docket number, 19947.

FOR FURTHER INFORMATION CONTACT: Joe Keenan, AFS-200, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-9579.

SUPPLEMENTARY INFORMATION:

Background

The final rule, request for comment, was published in response to several requests that the FAA eliminate the requirement that aircraft that operate for hire, over water, and beyond power off gliding distance from shore, carry one pyrotechnic signaling device in addition to those signaling devices required as part of each required life raft. The FAA

considered petitioners arguments that the requirement of an additional pyrotechnic device, or flare gun, was unnecessary because other requirements, such as air traffic control, dispatch/flight following systems, and advanced communications provide an equivalent, if not greater, level of safety as that provided by the pyrotechnic signaling device. This requirement was limited to those operators conducting operations under Part 121 because all of the additional safety redundancies, such as dispatch/flight following, do not exist to the same extent in other operations.

Discussion of Comments

The FAA received seven comments on the pyrotechnic signaling device final rule. Three were from individuals, three were from air carriers (Southwest Airlines, American Airlines, and Net Jets), and one was from a trade association (the Regional Airline Association). Most comments favor the change. One individual commenter did not reflect support or opposition to the change. None of the comments reflect an adverse position to this final rule. The FAA's response to the comments follows:

Safety

All but one commenter expressed concerns about the safety and security of pyrotechnic signaling devices. One individual commenter stated that the devices were a high-pilferage item and pose a hazard of becoming a potential terrorist weapon. Another individual commenter expressed a general concern about a security hazard to the flight crew. Southwest Airlines and Net Jets inferred that pyrotechnic signaling devices are lethal weapons and constitute hazardous materials on the flight deck.

Three commenters, including American Airlines, inferred that these devices do not enhance safety. Southwest Airlines stated that the device would provide minimal value in locating an aircraft following a ditching at sea, assuming that a pilot could find it.

The FAA does not agree that pyrotechnic signaling devices are unsafe if stored and maintained in accordance with the manufacturer's instructions and personnel are properly trained in their use. Pyrotechnic signaling devices are still required whenever life rafts are required to be onboard. The FAA does not agree that a pyrotechnic signaling device might be hard to locate in a ditching emergency. FAA regulations require a passenger briefing composed of instructions to use in preparation for a ditching. Part of this preparation