

# Proposed Rules

Federal Register

Vol. 71, No. 215

Tuesday, November 7, 2006

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 TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-26071; Directorate Identifier 2006-CE-51-AD]

RIN 2120-AA64

#### Airworthiness Directives; Mooney Airplane Company, Inc., (Mooney) Models M20M and M20R Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Mooney Airplane Company, Inc. Models M20M and M20R airplanes. This proposed AD would require you to retorquer the upper left and upper right engine mounting hardware as an interim action. This proposed AD would also require you to remove the upper left and upper right engine mount attaching hardware, cut out and remove the upholstery and insulation between the fuselage tubular frame and the firewall, and replace the upper left and upper right engine mount attaching hardware with the new parts kit. This proposed AD results from failure of the engine mount attaching hardware to maintain torque as a result of firewall insulation and upholstery being compressed between the fuselage tubular frame and the firewall at the upper left and upper right engine mount attach points. We are proposing this AD to prevent the upper right and upper left engine mounting hardware from losing torque, which could result in a reduction in engine mount load carrying capability and could lead to engine mount failure.

**DATES:** We must receive comments on this proposed AD by December 7, 2006.

**ADDRESSES:** Use one of the following addresses to comment 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 20590-0001.

- 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.

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

For service information identified in this proposed AD contact Mooney Airplane Company, Inc., 165 Al Mooney Road North, Kerrville, TX 78028; telephone (830) 896-6000.

#### FOR FURTHER INFORMATION CONTACT:

Andrew McAnaul, Aerospace Engineer, ASW-150 (c/o MDO-43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308-3365; fax: (210) 308-3370.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, "FAA-2006-26071; Directorate Identifier 2006-CE-51-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 received 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 we receive concerning this proposed AD.

##### Discussion

We received information from Mooney Airplane Company, Inc., that

during the manufacturing process of Models M20M Serial Numbers 27-0317 through 27-0355 and Models M20R Serial Numbers 29-0290 through 29-0448, the firewall insulation and upholstery covering attached to the interior surface of the firewall, located behind the instrument panel, may be compressed between the fuselage tubular frame and the stainless steel firewall at the upper left and upper right engine mount points. This may prevent the engine mount attaching hardware from maintaining torque to engineering design.

This condition, if not corrected, could result in failure to maintain proper fastener torque, leading to reduced engine mount load carrying capability and possible engine mount failure.

#### Relevant Service Information

We have reviewed Mooney Airplane Company, Inc. Service Bulletin M20-292, dated September 22, 2006. The service information describes procedures for:

- Retorquing the upper left and upper right engine mounting hardware;
- Removing the upper left and upper right engine mount attaching hardware;
- Cutting out and removing the upholstery and insulation between the fuselage tubular frame and the firewall; and
- Replacing the upper left and upper right engine mount attaching hardware with the new parts kit.

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

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would require you to retorquer the upper left and upper right engine mounting hardware as an interim action. This proposed AD would also require you to remove the upper left and upper right engine mount attaching hardware, cut out and remove the upholstery and insulation between the fuselage tubular frame and the firewall, and replace the upper left and upper right engine mount attaching hardware with the new parts kit.

**Costs of Compliance**

We estimate that this proposed AD would affect 198 airplanes in the U.S. registry.

We estimate the following costs for the proposed procedures:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
Retorquing of the upper left and upper right engine mounting hardware: .5 work-hours × \$80 per hour = \$40.	Not Applicable ....	\$40	198 × \$40 = \$7,920.
Removing insulation and upholstery material at the engine mount upper right and upper left attaching points, and installing engine mount attaching hardware with the new parts kit: 2 work-hours × \$80 per hour = \$160.	\$20 .....	160	198 × \$180 = \$35,640.

**Note:** Mooney will provide warranty credit for parts and labor as specified in the Mooney Airplane Company, Inc. Service Bulletin M20–292, dated September 22, 2006.

**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 and placed it in the AD docket.

**Examining the AD Docket**

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information on the Internet at <http://dms.dot.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**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 AD:

**Mooney Airplane Company, Inc.:** Docket No. FAA–2006–26071; Directorate Identifier 2006–CE–51–AD.

**Comments Due Date**

(a) We must receive comments on this airworthiness directive (AD) action by December 7, 2006.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Model M20M airplanes, serial numbers 27–0317 through 27–0355 and Model M20R airplanes, serial numbers 29–0290 through 29–0448, that are certificated in any category.

**Unsafe Condition**

(d) This AD results from failure of the engine mount attaching hardware to maintain torque as a result of firewall insulation and upholstery being compressed between the fuselage tubular frame and the firewall at the upper left and upper right engine mount attach points. We are issuing this AD to prevent the upper right and upper left engine mounting hardware from losing torque, which could lead to a reduction in engine mount load carrying capability and could result in engine mount failure.

**Compliance**

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

Actions	Compliance	Procedures
(1) Locate and retorquing the upper left and upper right engine mount attaching hardware.	Within the next 25 hours time-in-service (TIS) after the effective date of this AD.	Follow Mooney Airplane Company, Inc. Service Bulletin M20–292 dated September 22, 2006.

Actions	Compliance	Procedures
(2) Replace the old engine mount attaching hardware by doing the following: (i) Remove and discard the upper left and upper right engine mount attaching hardware; (ii) Cut out and remove the upholstery and insulation material to allow full metal-to-metal contact of the fuselage tubular frame to the firewall; and (iii) Install the new upper left and upper right engine mount attaching hardware Parts Kit.	Within the next 100 hours TIS after the effective date of this AD.	Follow Mooney Airplane Company, Inc. Service Bulletin M20-292 dated September 22, 2006.
(3) If you do the actions of paragraph (e)(2) of this AD before the compliance time specified for the action in paragraph (e)(1) of this AD, it terminates the requirement for the action in paragraph (e)(1) of this AD.	As of the effective date of this AD .....	Follow Mooney Airplane Company, Inc. Service Bulletin M20-292 dated September 22, 2006.

#### Alternative Methods of Compliance (AMOCs)

(f) The Manager, Fort Worth Airplane Certification Office, FAA, ATTN: Andrew McAnaul, Aerospace Engineer, ASW-150 (c/o MIDO-43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308-3365; fax: (210) 308-3370, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(g) To get copies of the service information referenced in this AD, contact the Mooney Airplane Company, Inc., 165 Al Mooney Road North, Kerrville, TX 78028, telephone: 830-896-6000. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC, or on the Internet at <http://dms.dot.gov>.

The docket number is Docket No. FAA-2006-26071; Directorate Identifier 2006-CE-51-AD.

Issued in Kansas City, Missouri, on October 30, 2006.

**Kim Smith,**

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

[FR Doc. E6-18724 Filed 11-6-06; 8:45 am]

BILLING CODE 4910-13-P

## LEGAL SERVICES CORPORATION

### 45 CFR Part 1621

#### Client Grievance Procedure

**AGENCY:** Legal Services Corporation.

**ACTION:** Notice of proposed rulemaking—reopening of comment period.

**SUMMARY:** On August 21, 2006, the Legal Services Corporation (LSC) issued a Notice of Proposed Rulemaking (NPRM) proposing to amend LSC's regulation on client grievance procedures. The comment period closed on September

20, 2006. LSC is reopening the comment period to allow additional time for interested parties to comment on the proposed changes.

**DATES:** Comments on the NPRM are due on December 22, 2006.

**ADDRESSES:** Written comments may be submitted by mail, fax or e-mail to Mattie Cohan, Senior Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 3333 K Street, NW., Washington, DC 20007; 202-295-1624 (ph); 202-337-6519 (fax); [mcohan@lsc.gov](mailto:mcohan@lsc.gov).

**FOR FURTHER INFORMATION CONTACT:** Mattie Cohan, Senior Assistant General Counsel, 202-295-1624 (ph); [mcohan@lsc.gov](mailto:mcohan@lsc.gov).

#### SUPPLEMENTARY INFORMATION:

#### Background

The Legal Services Corporation's (LSC) regulation on client grievance procedures, 45 CFR part 1621, adopted in 1977 and not amended since that time, requires that LSC grant recipients establish grievance procedures pursuant to which clients and applicants for service can pursue complaints with recipients related to the denial of legal assistance or dissatisfaction with the legal assistance provided. LSC initiated a rulemaking on October 29, 2005 to consider revisions to Part 1621 and published a Notice of Proposed Rulemaking proposing changes to the rule on August 21, 2006. 71 FR 48501.

The comment period on the NPRM closed on September 20, 2006. LSC received five timely comments on the proposed changes. The Operations and Regulations Committee of the LSC Board of Directors was scheduled to consider a Draft Final Rule prepared by Management at its meeting of October 27, 2006. Prior to that meeting, the Chairman of the Operations and Regulations Committee received a

request from the National Legal Aid and Defender Association (NLADA) to file additional comments from NLADA's client representative committee. In response to that request, LSC determined that deferring action on the draft final rule to allow additional time for the client representative community (and any other interested parties) to submit comments was appropriate. Accordingly, LSC is reopening the comment period on the NPRM for a period of 45 days. Parties desiring to comment may find the NPRM on the LSC Web site at: <http://www.lsc.gov/pdfs/1621FedRegNotice.pdf>. Other pertinent docket materials in this rulemaking may be found at: [http://www.lsc.gov/laws/open\\_rulemaking.php](http://www.lsc.gov/laws/open_rulemaking.php), under the heading "Revision of 45 CFR Part 1621."

**Victor M. Fortuno,**

*Vice President & General Counsel.*

[FR Doc. E6-18708 Filed 11-6-06; 8:45 am]

BILLING CODE 7050-01-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the Colorado River Cutthroat Trout as Threatened or Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice; opening of public comment period on status review, and announcement of informational workshop.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the