

36TWG05453, or 36WF058058 through 36WG058124, or 36WE056944 through 36WF057061, or 36WF057150 through 36WF057232, or 36WF057259 through 36WG057534, or 36WG057556, 36WG057569, 36WG057598, 36WG057616, 36WG057621, 36WG057624, or 36WJ057770 through 36WJ057776, or 36WL058131 no later than 150 hours total time-in-service (TIS) to preclude cylinder head fatigue failure and separation at the head-to-barrel threaded interface.

(h) For cylinder assemblies with more than 150 hours total TIS on the effective date of this AD, a 10 hour TIS extension is permitted for the purpose of flying the aircraft to a location where maintenance action can be done to meet the requirements of this AD.

(i) After the effective date of this AD, do not install any cylinder assemblies with P/Ns SA47000L-A1, SA47000L-A20P, SA47000S-A1, SA47000S-A20P, SA47000S-A21P, SA52000-A1, SA52000-A20P, SA52000-A21P, SA52000-A22P, SA52000-A23P, SA55000-A1, or SA55000-A20P, or SL32000W-A1, SL32000W-A20P, SL32000W-A21P, SL32000WH-A1, SL32000WH-A20P, SL32006W-A1, SL32006W-A20P, SL32006W-A21P, SL36000TW-A1, SL36000TW-A20P, SL36000TW-A21P, SL36000TW-A22P, SL36000W-A1, SL36000W-A20P, SL36000W-A21P, SL36006W-A1, SL36006W-A20P, or SL36006W-A21P with a serial number of 47LE053559 through 47LF053643, or 47SE054212 through 47SF054251, or 52D0531708 through 52H0532197, or 55E05223 through 55G05289, or 32WE059006 through 32WF059067, or 32WHE05379 through 32WHE05392, or 32WF055517 through 32WF055532, or 36TW05430 through 36TWG05453, or 36WF058058 through 36WG058124, or 36WE056944 through 36WF057061, or 36WF057150 through 36WF057232, or 36WF057259 through 36WG057534, or 36WG057556, 36WG057569, 36WG057598, 36WG057616, 36WG057621, 36WG057624, or 36WJ057770 through 36WJ057776, or 36WL058131 into any engine.

#### Alternative Methods of Compliance

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

#### Special Flight Permits

(k) For aircraft with engines that have between 140 hours and 150 hours TIS only, special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be done. Special flight permits may not be issued for aircraft that have utilized the provisions of paragraph (h) of this AD.

#### Related Information

(l) Superior Air Parts, Inc. Mandatory Service Bulletin B06-01, Rev. E, dated

January 24, 2007, contains information related to the subject of this AD.

(m) Contact Jurgen Priester, Aerospace Engineer, Special Certification Office, FAA, Rotorcraft Directorate, Southwest Regional Headquarters, 2601 Meacham Blvd., Fort Worth, Texas 76137; e-mail: [Jurgen.E.Priester@faa.gov](mailto:Jurgen.E.Priester@faa.gov); telephone (817) 222-5159; fax (817) 222-5785 for more information about this AD.

#### Material Incorporated by Reference

(n) None.

Issued in Burlington, Massachusetts, on March 23, 2007.

**Peter A. White,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

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**BILLING CODE 4910-13-P**

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 501

[Docket No. 05-01]

#### Agency Reorganization and Delegations of Authority

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule; corrections.

**SUMMARY:** This document corrects the regulations in sections 501.27 of 46 CFR parts 501 inadvertently omitted from the Final Rule published on February 15, 2005. These revisions to the regulations are non-substantive and no public comments on the Final Rule are necessary.

**DATES:** *Effective Date:* April 2, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Amy W. Larson, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1018, Washington, DC 20573-0001, (202) 523-5740. E-mail: [GeneralCounsel@fmc.gov](mailto:GeneralCounsel@fmc.gov).

Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1018, Washington, DC 20573-0001. (202) 523-5725. E-mail: [Secretary@fmc.gov](mailto:Secretary@fmc.gov).

**SUPPLEMENTARY INFORMATION:** On October 27, 2004, the Federal Maritime Commission ("FMC" or "Commission") issued a final rule changing several provisions in the Commission's agreement rules and delegating authority to the Director, Bureau of Trade Analysis to request certain information. 46 CFR part 535. Docket No. 03-15, 46 CFR parts 501 and 535, *Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984*, 69 FR 64398 (Nov. 4, 2004). On February 10, 2005, the Commission adopted a Final

Rule to amend its regulations in 46 CFR part 501 to reflect the reorganization of the agency that took effect on August 23, 2004. Docket No. 05-01, 46 CFR parts 501, 502, 515, *Agency Reorganization and Delegations of Authority*, 70 FR 7659 (Feb. 15, 2005).

This document revises certain sections of the regulation in part 501 of the Final Rule published on February 15, 2005. The revisions correct certain omissions and errors in the regulations, which were not detected in the course of preparing the Final Rule for publication. The revisions are non-substantive in nature and do not alter the decision adopted by the Commission in this Final Rule. Therefore, no further public comments on the Final Rule are necessary. The following sections in the regulations of part 501 of the Final Rule have been revised.

#### List of Subjects for 46 CFR Part 501

Administrative practice and procedure, Authority delegations (Government agencies).

■ Accordingly, the Federal Maritime Commission corrects 46 CFR part 501 as follows:

**Authority:** 46 U.S.C. 305; 46 U.S.C. 40104; 46 U.S.C. 40302; 46 U.S.C. 40304.

### PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL

■ 1. Amend § 501.27 by revising paragraphs (c) and (d), and adding new paragraphs (o) and (p) to read as follows:

#### § 501.27 Delegation to the Director, Bureau of Trade Analysis.

\* \* \* \* \*

(c) Authority to grant or deny applications filed under § 535.504 of this chapter for waiver of the Information Form requirements in subpart E of part 535.

(d) Authority to grant or deny applications filed under § 535.705 of this chapter for waiver of the reporting requirements in subpart G of part 535 of this chapter.

\* \* \* \* \*

(o) Authority to require Monitoring Reports from, or prescribe alternative periodic reporting requirements for, parties to agreements under §§ 535.702(c) and (d) of this chapter.

(p) Authority to require parties to agreements subject to the Monitoring Report requirements in § 535.702(a)(2) of this chapter to report their agreement

commodity data on a sub-trade basis pursuant to § 355.703(d) of this chapter.

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. E7-6060 Filed 3-30-07; 8:45 am]

BILLING CODE 6730-01-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Parts 23 and 26

[Docket OST-97-2550]

RIN 2105-AD51

#### Disadvantaged Business Enterprise Program

**AGENCY:** Office of the Secretary, DOT.  
**ACTION:** Final rule.

**SUMMARY:** This document adjusts the dollar limits and size limits used to define small businesses for the Department of Transportation's Airport Concessions Disadvantaged Business Enterprise (ACDBE) program. The Department of Transportation amends these size limits in order to ensure that the opportunity of small businesses to participate in the ACDBE program remains unchanged after taking inflation into account. This document, as required by statute, also adjusts the dollar limits used to define small businesses for the Department of Transportation's Disadvantaged Business Enterprise (DBE) program, which applies to State and local highway, transit, and airport recipients of DOT financial assistance. This document also corrects a reference error in a previous final rule. Finally, this document makes minor changes to the language of a previous rule in order to accurately explain the role of administrative guidance material.

**DATES:** This rule is effective May 2, 2007.

**FOR FURTHER INFORMATION CONTACT:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590, phone numbers (202) 366-9310 (voice), (202) 3669313 (fax), (202) 755-7687 (TTY), [bob.ashby@dot.gov](mailto:bob.ashby@dot.gov) (e-mail).

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 22, 2005, the Department published a final rule revising 49 CFR Part 23—the regulation governing the airport concessions disadvantaged business enterprise (ACDBE) program.

On the same day, the Department published a supplemental notice of proposed rulemaking (SNPRM) on the business size standards for eligibility in the ACDBE program as well as on two other matters concerning implementation of the program. This final rule addresses the issues raised in the SNPRM and the comments made in response to the SNPRM.

#### The DBE Airport Concessions and Contracting Programs

The DOT-assisted contracts DBE rule and airport concessions DBE rule are based on different statutes. Each statute applies to a distinct type of business that may seek DOT financial assistance. The ACDBE program is designed to give business opportunities to certain small business concerns that operate at airports and that are owned and controlled by socially and economically disadvantaged individuals. The ACDBE program is mandated by 49 U.S.C. 47107(e), originally enacted in 1987 and amended in 1992.

The DBE program for DOT-assisted contracts is a statutory program intended to ensure nondiscriminatory contracting opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals in the Department's highway, mass transit and airport financial assistance programs. The statutory provision governing the DBE program in the highway and mass transit financial assistance programs is 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, August 10, 2005. The statutory provision governing the DBE program as it relates to the airport planning and airport development financial assistance programs is 49 U.S.C. 47113.

#### ACDBE Gross Receipts Size Standards

The ACDBE program is designed to help small business concerns, owned and controlled by socially and economically disadvantaged individuals, become self-sufficient and able to compete with non-disadvantaged firms. Under the current DOT rule, if the airport concessions firm's annual gross receipts averaged over the preceding three fiscal years exceed \$30 million, then it is not considered a small business eligible to be certified as an ACDBE. The Department notes that the existing size standards have not been adjusted for inflation since June 1, 1992. This final rule adjusts the size standards for eligibility as an ACDBE.

A number of comments submitted to the Department supported adjusting the

gross receipts size limit for inflation. One comment suggested that the Department consider distinct size standards for each type of concession. A number of comments also suggested that an employee based size standard is inappropriate because businesses may operate using different business model configurations with different numbers of employees. These comments also point out that verifying the number of employees is more complex than verifying gross receipts, which are recorded in tax returns.

This final rule adjusts the general ACDBE gross receipts cap for inflation. This rule only applies an employee based size standard if the business operates pay telephones or if the business is an automobile dealer. The Department views a general gross receipts size limit that is adjusted for inflation as the most efficient and fair way to establish size limits for the ACDBE program. The adjustment compensates for the rise in the general level of prices over time from the second quarter of 1992 to the third quarter of 2006. In order to ensure that this adjustment is made on a more timely basis in the future, the rule provides for a similar adjustment every two years, using the same methods. At two year intervals, the Department will publish a final rule to update the size standard numbers.

It should be emphasized that this action does not increase the size standard for ACDBEs in real dollar terms. It simply maintains the status quo, adjusting to 2006 dollars. A number of comments opposed the idea of making Part 23 and Part 26 size standards identical because the capitalization requirements for airport concessions are much higher. The Department agrees and will not harmonize the standards.

In order to make an inflation adjustment to the gross receipts figures, the Department of Transportation uses a Department of Commerce price index. The Department of Commerce's Bureau of Economic Analysis prepares constant dollar estimates of state and local government purchases of goods and services by deflating current dollar estimates by suitable price indexes. These indices include purchases of durable and non-durable goods, and other services. Using these price deflators enables the Department to adjust dollar figures for past years' inflation. Given the nature of the Department's DBE Program and ACDBE Program, adjusting the gross receipts cap in the same manner in which inflation adjustments are made to the costs of state and local government