

**§ 121.3 VS select agents and toxins**

\* \* \* \* \*

(b) VS select agents and toxins:  
 African horse sickness virus;  
 African swine fever virus;  
 Akabane virus;  
 Avian influenza virus (highly pathogenic);  
 Bluetongue virus (exotic);  
 Bovine spongiform encephalopathy agent;  
 Camel pox virus;  
 Classical swine fever virus;  
*Ehrlichia ruminantium* (Heartwater);  
 Foot-and-mouth disease virus;  
 Goat pox virus;  
 Japanese encephalitis virus;  
 Lumpy skin disease virus;  
 Malignant catarrhal fever virus (Alcelaphine herpesvirus type 1);  
 Menangle virus;  
*Mycoplasma capricolum* subspecies *capripneumoniae* (contagious caprine pleuropneumonia);  
*Mycoplasma mycoides* subspecies *mycoides* small colony (MmmSC) (contagious bovine pleuropneumonia);  
 Peste des petits ruminants virus;  
 Rinderpest virus; Sheep pox virus;  
 Swine vesicular disease virus;  
 Vesicular stomatitis virus (exotic).  
 Virulent Newcastle disease virus<sup>4</sup>

\* \* \* \* \*

5. Section 121.4 is amended as follows:  
 a. By revising paragraph (b) to read as set forth below.  
 b. In paragraphs (c) and (d), by redesignating footnotes 3 and 4 as footnotes 4 and 5, respectively.  
 c. By removing paragraph (d)(3).  
 d. In paragraph (f)(3)(i), by removing the words “*Botulinum neurotoxins*,” and “*Francisella tularensis*,”.

**§ 121.4 Overlap select agents and toxins.**

\* \* \* \* \*

(b) Overlap select agents and toxins:  
*Bacillus anthracis*;  
*Brucella abortus*;  
*Brucella melitensis*;  
*Brucella suis*;  
*Burkholderia mallei*;  
*Burkholderia pseudomallei*;  
 Hendra virus;  
 Nipah virus;  
 Rift Valley fever virus;  
 Venezuelan equine encephalitis virus.

\* \* \* \* \*

**§ 121.5 [Amended]**

6. In § 121.5, paragraph (a)(3)(i) is amended by removing the words

“Newcastle disease virus (velogenic)” and adding the words “virulent Newcastle disease virus” in their place.

**§ 121.6 [Amended]**

7. Section 121.6, paragraph (a)(3)(i) is amended by removing the words “*Botulinum neurotoxins*,” and “*Francisella tularensis*,”.

**§§ 121.7 and 121.8 [Amended]**

8. Sections 121.7 and 121.8 are amended by redesignating footnotes 5, 6, and 7 as footnotes 6, 7, and 8, respectively.

**§ 121.9 [Amended]**

9. In § 121.9, paragraph (c)(1) is amended by removing the words “*Botulinum neurotoxins*,” and “*Francisella tularensis*,” and by removing the words “Newcastle disease virus (velogenic)” and adding the words “virulent Newcastle disease virus” in their place.

**§§ 121.12 through 121.16 [Amended]**

10. Sections 121.12 through 121.16 are amended by redesignating footnotes 8 through 13 as footnotes 9 through 14, respectively.

**§ 121.20 [Amended]**

11. Section 121.20 is amended by redesignating footnote 14 as footnote 15.

Done in Washington, DC, this 22nd day of August 2007.

**Elizabeth E. Gaston,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E7-17039 Filed 8-27-07; 8:45 am]

**BILLING CODE 3410-34-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. FAA-2007-28053; Directorate Identifier 2007-NE-18-AD]**

**RIN 2120-AA64**

**Airworthiness Directives; Turbomeca Arrius 2F Turboshift Engines**

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) provided by the aviation authority of France to identify and correct an unsafe condition on Turbomeca Arrius 2F

turboshaft engines. The MCAI states the following:

This AD is issued following a case of non-commanded in-flight engine shutdown which occurred on an Arrius 2F turboshaft engine, following the seizing of the gas generator. The result may be an emergency autorotation landing, or, at worst, an accident.

Investigations of this event have revealed that the seizing of the gas generator was caused by the fracture of the separator cage of the gas generator front bearing, due to high-cycle fatigue cracks initiated in the lubrication slots of the separator cage.

We are proposing this AD to prevent uncommanded shutdown of the engine, which could lead to an accident.

**DATES:** We must receive comments on this proposed AD by September 27, 2007.

**ADDRESSES:** You may send comments by any of the following methods:

- **DOT Docket Web Site:** Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Fax:** (202) 493-2251.

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

**Examining the AD Docket**

You may examine the AD docket 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 AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:**

Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [Christopher.spinney@faa.gov](mailto:Christopher.spinney@faa.gov); telephone (781) 238-7175, fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

We invite you to send any written relevant data, views, or arguments about

<sup>4</sup> A virulent Newcastle disease virus (avian paramyxovirus serotype 1) has an intracerebral pathogenicity index in day-old chicks (*Gallus gallus*) of 0.7 or greater or having an amino acid sequence at the fusion (F) protein cleavage site that is consistent with virulent strains of Newcastle disease virus.

this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2007–28053; Directorate Identifier 2007–NE–18–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 about this proposed AD.

### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD 2007–0057, dated March 1, 2007, to correct an unsafe condition for the specified products. The EASA AD states:

This AD is issued following a case of non-commanded in-flight engine shutdown which occurred on an Arrius 2F turboshaft engine, following the seizing of the gas generator. The result may be an emergency autorotation landing, or, at worst, an accident.

Investigations of this event have revealed that the seizing of the gas generator was caused by the fracture of the separator cage of the gas generator front bearing, due to high-cycle fatigue cracks initiated in the lubrication slots of the separator cage.

Modification Tf 12 introduces a new gas generator front bearing without lubrication slots on the separator cage.

You may obtain further information by examining the EASA AD in the AD docket.

### Relevant Service Information

Turbomeca has issued Mandatory Service Bulletin No. 319 72 4012, Update No. 1, dated September 19, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the EASA AD.

### FAA’s Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of France and is approved for operation in the United States. Pursuant to our bilateral agreement with France, they have notified us of the unsafe condition described in the EASA AD and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists

and is likely to exist or develop on other products of the same type design. This proposed AD would require replacing the engine module 02 with a module that incorporates Turbomeca Modification Tf 12A. That replacement must occur at the next engine shop visit after the effective date of the proposed AD, but no later than April 30, 2008. Modification Tf 12A installs into the engine module 02, a new gas generator front bearing without lubrication slots on the separator cage.

### Costs of Compliance

We estimate that this proposed AD would affect 61 engines installed on aircraft of U.S. registry. We also estimate that it would take about 10 work-hours per engine to perform the proposed actions, and that the average labor rate is \$80 per work-hour. Required parts would cost about \$111,440 per engine. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be \$6,846,640. Our cost estimate is exclusive of possible warranty coverage.

### 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 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 this 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.

### 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:

**Turbomeca:** Docket No. FAA–2007–28053; Directorate Identifier 2007–NE–18–AD.

#### Comments Due Date

(a) We must receive comments by September 27, 2007.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Turbomeca Arrius 2F turboshaft engines that have not incorporated Turbomeca Modification Tf 12A. These engines are installed on, but not limited to, Eurocopter EC120B helicopters.

#### Reason

(d) European Aviation Safety Agency (EASA) AD No. 2007–0057, dated March 1, 2007, states:

This AD is issued following a case of non-commanded in-flight engine shutdown which occurred on an Arrius 2F turboshaft engine, following the seizing of the gas generator. The result may be an emergency autorotation landing, or, at worst, an accident.

Investigations of this event have revealed that the seizing of the gas generator was caused by the fracture of the separator cage of the gas generator front bearing, due to high-cycle fatigue cracks initiated in the lubrication slots of the separator cage.

Modification Tf12 introduces a new gas generator front bearing without lubrication slots on the separator cage.

#### Actions and Compliance

(e) Unless already done, do the following actions.

(1) At the next engine shop visit after the effective date of this AD, but no later than April 30, 2008, replace the engine module 02 with a module that incorporates Turbomeca Modification Tf 12A. Turbomeca Modification Tf 12A installs into the engine module 02 a new gas generator front bearing without lubrication slots on the separator cage.

(2) Use the Instructions to be Incorporated section of Turbomeca Mandatory Service Bulletin No. 319 72 4012, Update No. 1, dated September 19, 2006, to do the actions in paragraph (e)(1) of this AD.

#### Other FAA AD Provisions

(f) Alternative Methods of Compliance (AMOCs): The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(g) Refer to EASA AD 2007-0057, dated March 1, 2007, for related information.

(h) Contact Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [Christopher.spinney@faa.gov](mailto:Christopher.spinney@faa.gov); telephone (781) 238-7175, fax (781) 238-7199, for more information about this AD.

Issued in Burlington, Massachusetts, on August 22, 2007.

#### Mark A. Rumizen,

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*  
[FR Doc. E7-17003 Filed 8-27-07; 8:45 am]

**BILLING CODE 4910-13-P**

## MILLENNIUM CHALLENGE CORPORATION

### 22 CFR Part 1304

#### Regulations Implementing the Freedom of Information Act

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The purpose of this document is to outline the procedures by which the Millennium Challenge Corporation proposes to implement the relevant provisions of the Freedom of Information Act as required under that statute. This document will assist interested parties in obtaining access to Millennium Challenge Corporation public records.

**DATES:** Submit comments on or before October 29, 2007.

**FOR FURTHER INFORMATION CONTACT:** John Mantini, FOIA Officer, 202-521-3863.

**ADDRESSES:** Send comments to John Mantini, FOIA Officer, Office of the General Counsel, Millennium Challenge

Corporation, 875 Fifteenth Street, NW., Washington, DC 20005-2221.

**SUPPLEMENTARY INFORMATION:** The Millennium Challenge Act (MCA) of 2003 established a new federal agency called the Millennium Challenge Corporation. Congress enacted the Freedom of Information Act (FOIA) in 1966 and last modified it with the Electronic Freedom of Information Act amendments of 1996. This proposed rule addresses electronically available documents, procedures for making requests, agency handling of requests, records not disclosed, changes in fees, and public reading rooms as well as other related provisions.

#### List of Subjects in 22 CFR Part 1304

Freedom of Information Act procedures.

For the reasons set forth in the preamble, the Millennium Challenge Corporation proposes to amend Chapter XIII of title 22 by adding a new part 1304 to read as follows:

### PART 1304—FREEDOM OF INFORMATION ACT PROCEDURES

Sec.

- 1304.1 General Provisions.
- 1304.2 Definitions.
- 1304.3 Records available to the public.
- 1304.4 Requests for records.
- 1304.5 Responsibility for responding to requests.
- 1304.6 Records not disclosed.
- 1304.7 Confidential commercial information.
- 1304.8 Appeals.
- 1304.9 Fees.

**Authority:** 5 U.S.C. 552, as amended.

#### § 1304.1 General Provisions.

This part contains the regulations the Millennium Challenge Corporation (MCC) follows in implementing the Freedom of Information Act (FOIA) (5 U.S.C. 552) as amended. These regulations provide procedures by which you may obtain access to records compiled, created, and maintained by MCC, along with the procedures that MCC must follow in response to such requests for records. These regulations should be read together with the FOIA, which provides additional information about access to records maintained by MCC.

#### § 1304.2 Definitions.

(a) *Agency* has the meaning set forth in 5 U.S.C. 552(f)(1).

(b) *Commercial use requester* means a requester seeking information for a use or purpose that furthers the commercial, trade, or profit interests of himself or the person on whose behalf the request is made, which can include furthering

those interests through litigation. In determining whether a request properly belongs in this category, the FOIA Officer shall determine the use to which the requester will put the documents requested. Where the FOIA Officer has reasonable cause to doubt the use to which the requester will put the records sought, or where that use is not clear from the request itself, the FOIA Officer shall contact the requester for additional clarification before assigning the request to a specific category.

(c) *Confidential commercial information* means records provided to the government by a submitter that arguably contains material exempt from disclosure under Exemption 4 of the FOIA, because disclosure could reasonably be expected to cause substantial competitive harm.

(d) *Direct costs* mean those expenditures by MCC actually incurred in searching for and duplicating records in response to the FOIA request. These costs include the salary of the employee(s) performing the work (basic rate of pay plus a percentage of that rate to cover benefits) and the cost of operating duplicating machinery. Direct costs do not include overhead expenses, such as the cost of space, heating, or lighting of the facility in which the records are stored.

(e) *Duplication* means the process of making a copy of a record in order to respond to a FOIA request, including paper copies, microfilm, audio-video materials, and computer diskettes or other electronic copies.

(f) *Educational institution* refers to a preschool, a public or private elementary or secondary school, an institute of undergraduate higher education, an institute of graduate higher education, an institute of professional education, or an institute of vocational education which operates a program of scholarly research. To qualify for this category, the requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought to further scholarly research.

(g) *FOIA* means the Freedom of Information Act, as amended (5 U.S.C. 552).

(h) *FOIA Officer* means the MCC employee who is authorized to make determinations as provided in this part. The mailing address for the FOIA Officer is: Millennium Challenge Corporation, Attn: FOIA Officer, 875 Fifteenth Street, NW., Washington, DC 20005.

(i) *Non-commercial scientific institution* refers to an institution that is