

Rules and Regulations

Federal Register

Vol. 71, No. 195

Tuesday, October 10, 2006

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1218

[Doc. No. FV-06-705-Notice]

Blueberry Promotion, Research, and Information Order; Results of Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Continuance Referendum Results.

SUMMARY: The Agricultural Marketing Service's Continuance Referendum shows that cultivated blueberry producers and importers favor the continuation of the Blueberry Promotion, Research, and Information Order (Order). The Continuance Referendum was held from August 1, 2006, through August 22, 2006. The Department of Agriculture (Department) will continue the Order if it is favored by a majority of producers and importers voting, who also represent a majority of the volume of blueberries represented in the referendum. The results of the continuance referendum shows 86.9% (293) of producers and importers, who also represent 93.9% (100,685,843 pounds) of the volume of blueberries represented in the referendum, favor the continuance of the Order.

FOR FURTHER INFORMATION CONTACT: Deborah S. Simmons, Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, USDA, Stop 0244, Room 0635-S, 1400 Independence Avenue, SW., Washington, DC 20250-0244, telephone 888-720-9917 (toll free), Fax 202-205-2800, e-mail deborah.simmons@usda.gov.

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research,

and Information Act of 1996 [Pub. L. 104-427, 7 U.S.C. 7401-7425] (Act), a referendum is to be conducted not later than seven years after assessments first begin under an order to ascertain whether continuance of the Order is favored by producers and importers of blueberries. The Order is authorized under the Act.

The initial referendum was conducted during the period of March 13 through April 14, 2000. The final results of the initial referendum were that 67.84 percent of the voters in the referendum favored implementation of the Order. Those voting in favor represented 73.15 percent of the volume represented in the referendum. Therefore, the Order became effective July 17, 2000.

Under section 1218.71 of the Order, the Department is authorized to conduct a referendum every five years or when 10 percent or more of the eligible voters petition the Secretary of Agriculture to hold a referendum to determine if persons subject to assessment favor continuance of the Order. The Department would continue the Order if continuance of the Order is approved by a majority of the producers and importers voting in the referendum who also represent a majority of the volume of blueberries produced or imported during the representative period determined by the Secretary.

A notice of a Continuance Referendum was publicized in the **Federal Register** on May 26, 2006, at 71 FR 30317. Blueberry producers and importers who were engaged in the production or importation of blueberries and paid assessments during the representative period between November 1, 2004, and October 31, 2005, were eligible to vote. Persons who received an exemption from assessments for the entire representative period were ineligible to vote. The referendum was conducted by mail from August 1, 2006, through August 22, 2006.

The results of the continuance referendum shows 86.9% (293) of producers and importers, who also represent 93.9% (100,685,843 pounds) of the volume of blueberries represented in the referendum, favor the continuance of the Order. This is a majority of producers and importers, who also represent a majority of the volume of blueberries represented in the referendum. Therefore, based on the

Continuance Referendum results, the Order shall continue. In accordance with the provisions of the Order, blueberry producers and importers will be provided another opportunity to participate in a continuance referendum in five years.

Authority: 7 U.S.C. 7401-7425.

Dated: October 3, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E6-16636 Filed 10-6-06; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-26004; Directorate Identifier 2006-NM-212-AD; Amendment 39-14785; AD 2006-21-02]

RIN 2120-AA64

Airworthiness Directives; Raytheon (Beech) Model 400, 400A, and 400T Series Airplanes; and Raytheon (Mitsubishi) Model MU-300 Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Raytheon (Beech) Model 400, 400A, and 400T series airplanes; and Raytheon (Mitsubishi) Model MU-300 airplanes. This AD requires revising the airplane flight manual to modify the Operating Limitations, Abnormal Procedures, and Normal Procedures, as applicable, for flight in icing conditions. This AD results from multiple reports of high-altitude, dual-engine flameouts on airplanes operating in certain meteorological conditions. We are issuing this AD to advise the flightcrew that the buildup of ice on certain internal areas of the engine could result in a dual-engine flameout and what action they must take to avoid this hazard.

DATES: This AD becomes effective October 25, 2006.

The Director of the Federal Register approved the incorporation by reference

of certain publications listed in the AD as of October 25, 2006.

We must receive comments on this AD by December 11, 2006.

ADDRESSES: Use one of the following addresses to submit comments on this 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.
 - 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.
- Contact Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201-0085, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT:

Steve Roell, Aerospace Engineer, Flight Test and Program Management Branch, ACE-117W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4146; fax (316) 946-4107.

SUPPLEMENTARY INFORMATION:

Discussion

We have received a report that, on June 14, 2006, a Raytheon Model 400A (Beechjet 400A) airplane lost all power while in cruise flight near Norfolk, Virginia. Both engines restarted and the airplane landed without further incident. The pilots reported that the airplane was in clouds at the time of the incident. Due to concern about entering a cloud deck, the pilots decided to turn on the engine anti-ice. The pilots followed the instruction in the airplane flight manual (AFM) to reduce power before activating anti-ice. Both engines flamed out simultaneously as soon as they retarded the throttles but before they could turn on the engine anti-ice.

We have also received other reports of engine failure on Model Raytheon 400A

(Beechjet 400A) airplanes operating in certain meteorological conditions. Further analysis by the engine manufacturer demonstrated that, with engine anti-ice off, conditions along the engine internal flow path can allow ice crystals to stick on warm surfaces and accrete rapidly in areas like the leading edges of the front inner compressor stator of the engine. The resulting ice buildup could result in a compressor surge or flameout and consequent loss of engine power. This condition, if not corrected, could result in a dual-engine flameout.

Relevant Service Information

We have reviewed the Raytheon temporary changes (TCs), all dated September 15, 2006, to the AFMs specified in the following table. The TCs describe revisions to the AFMs to modify the Operating Limitations, Abnormal Procedures, and Normal Procedures, as applicable, for flight in icing conditions. Accomplishing the revisions to the AFMs as specified in the TCs is intended to adequately address the unsafe condition.

RAYTHEON TEMPORARY CHANGES

For Raytheon airplane model—	Use Raytheon TC—	Subject title—	To the Raytheon AFM—
MU-300 (Diamond I)	MR-0460TC5	In Flight Operation of Ice Protection Systems	MR-0460
MU-300 (Diamond IA)	MR-0873TC5	In Flight Operation of Ice Protection Systems	MR-0873
400 (Beechjet 400)	128-590001-13BTC6	Anti/Deice Systems (In Flight Operation)	128-590001-13B
400A (Beechjet 400A)	128-590001-91TC12	Anti/Deice Systems (In Flight Operation)	128-590001-91
400A (Beechjet 400A)	128-590001-95TC13	Anti/Deice Systems (In Flight Operation)	128-590001-95
400A (Beechjet 400A)	128-590001-107TC11	Anti/Deice Systems (In Flight Operation)	128-590001-107
400A (Beechjet 400A)	128-590001-109TC12	Anti/Deice Systems (In Flight Operation)	128-590001-109
400A (Beechjet 400A), Hawker 400XP (Model 400A)	128-590001-167TC18	Anti/Deice Systems (In Flight Operation)	128-590001-167
400A (Beechjet 400A)	128-590001-169TC9	Anti/Deice Systems (In Flight Operation)	128-590001-169
400T (Beechjet 400T)	132-590002-5TC4	Anti/Deice Systems (In Flight Operation)	132-590002-5
400T (Beechjet 400T (TX))	134-590002-1TC4	Anti/Deice Systems (In Flight Operation)	134-590002-1B1

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other airplanes of the same type design. For this reason, we are issuing this AD to advise the flightcrew that the buildup of ice on certain internal areas of the engine could result in a dual-engine flameout and what action they must take to avoid this hazard. This AD requires accomplishing the actions specified in the service information described previously.

FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists to make this AD effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your

comments to an address listed in the **ADDRESSES** section. Include "Docket No. FAA-2006-26004; Directorate Identifier 2006-NM-212-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD that might suggest a need to modify it.

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 with FAA personnel concerning this AD. Using the search function of that web site, anyone can find and read the comments in any

of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit <http://dms.dot.gov>.

Examining the Docket

You may 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 DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

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 the 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 AD and placed it in the AD docket. 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2006–21–02 Raytheon Aircraft Company (Formerly Beech): Amendment 39–14785. Docket No. FAA–2006–26004; Directorate Identifier 2006–NM–212–AD.

Effective Date

(a) This AD becomes effective October 25, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Raytheon (Beech) Model 400, 400A, and 400T series airplanes; and Raytheon (Mitsubishi) Model MU–300 airplanes; certificated in any category.

Unsafe Condition

(d) This AD results from multiple reports of high-altitude, dual-engine flameout on airplanes operating in certain meteorological conditions. We are issuing this AD to advise the flightcrew that the buildup of ice on certain internal areas of the engine could result in a dual-engine flameout and what action they must take to avoid this hazard.

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.

Revisions to the Airplane Flight Manual (AFM)

(f) Within 7 days after the effective date of this AD, revise the Operating Limitations, Abnormal Procedures, and Normal Procedures sections, as applicable, of the applicable AFM to include the information in the Raytheon temporary changes (TCs), all dated September 15, 2006, as specified in Table 1 of this AD.

Note 1: The actions required by paragraph (f) of this AD may be done by inserting a copy of the applicable TC into the applicable AFM. When the information in the applicable TC has been included in the AFM, the general revisions may be inserted in the AFM and the copy of the applicable TC may be removed, provided the relevant information in the general revisions is identical to that in the applicable TC.

TABLE 1.—TEMPORARY CHANGES

For Raytheon airplane model—	Which is identified in the Raytheon TC as—	Use Raytheon TC—	Subject Title—	To the Raytheon AFM—
MU–300	MU–300 Diamond I	MR–0460TC5	In Flight Operation of Ice Protection Systems ..	MR–0460
MU–300	MU–300 Diamond IA ...	MR–0873TC5	In Flight Operation of Ice Protection Systems ..	MR–0873
400	Beechjet 400	128–590001–13BTC6	Anti/Deice Systems (In Flight Operation)	128–590001–13B
400A	Beechjet (Model 400A)	128–590001–91TC12	Anti/Deice Systems (In Flight Operation)	128–590001–91
400A	Beechjet (Model 400A)	128–590001–95TC13	Anti/Deice Systems (In Flight Operation)	128–590001–95
400A	Beechjet (Model 400A)	128–590001–107TC11	Anti/Deice Systems (In Flight Operation)	128–590001–107
400A	Beechjet (Model 400A)	128–590001–109TC12	Anti/Deice Systems (In Flight Operation)	128–590001–109
400A	Beechjet (Model 400A), Hawker 400XP (Model 400A).	128–590001–167TC18	Anti/Deice Systems (In Flight Operation)	128–590001–167
400A	Beechjet (Model 400A)	128–590001–169TC9	Anti/Deice Systems (In Flight Operation)	128–590001–169
400T	Beechjet (Model 400T)	132–590002–5TC4	Anti/Deice Systems (In Flight Operation)	132–590002–5

TABLE 1.—TEMPORARY CHANGES—Continued

For Raytheon airplane model—	Which is identified in the Raytheon TC as—	Use Raytheon TC—	Subject Title—	To the Raytheon AFM—
400T	Beechjet Model 400T (TX).	134-590002-1TC4	Anti/Deice Systems (In Flight Operation)	134-590002-1B1

Alternative Methods of Compliance (AMOCs)

(g)(1) The Manager, Wichita Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA

Flight Standards Certificate Holding District Office.

Material Incorporated by Reference

(h) You must use the service information specified in Table 2 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Raytheon Aircraft Company, Department 62, P.O. Box

85, Wichita, Kansas 67201-0085, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL-401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at 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.

TABLE 2.—MATERIAL INCORPORATED BY REFERENCE

Raytheon temporary change—	Dated—	To the Raytheon airplane flight manual—
128-590001-107TC11	September 15, 2006	128-590001-107
128-590001-109TC12	September 15, 2006	128-590001-109
128-590001-13BTC6	September 15, 2006	128-590001-13B
128-590001-167TC18	September 15, 2006	128-590001-167
128-590001-169TC9	September 15, 2006	128-590001-169
128-590001-91TC12	September 15, 2006	128-590001-91
128-590001-95TC13	September 15, 2006	128-590001-95
132-590002-5TC4	September 15, 2006	132-590002-5
134-590002-1TC4	September 15, 2006	134-590002-1B1
MR-0460TC5	September 15, 2006	MR-0460
MR-0873TC5	September 15, 2006	MR-0873

Issued in Renton, Washington, on September 29, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6-16552 Filed 10-6-06; 8:45 am]

BILLING CODE 4910-13-P

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

[Docket No. FAA-2006-25259; Directorate Identifier 2006-CE-36-AD; Amendment 39-14783; AD 2006-20-13]

RIN 2120-AA64

Airworthiness Directives; Fuji Heavy Industries, Ltd. FA-200 Series Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the

products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. We are issuing this AD to require actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective November 14, 2006.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 14, 2006.

ADDRESSES: You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, Small Airplane Directorate, FAA, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; fax: (816) 329-4090.

SUPPLEMENTARY INFORMATION:**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on August 9, 2006 (71 FR 45449). That NPRM proposed to require creation of inspection holes, corrosion inspection of the flange of the wing spar, repair of corrosion if necessary, and removal of the sealing compound.

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comments received.

Jack Buster with the Modification and Replacement Parts Association (MARPA) provides comments on the MCAI AD process pertaining to how the FAA addresses publishing manufacturer service information as part of a proposed AD action. The commenter states that the proposed rule attempts to require compliance with a public law by reference to a private writing (as referenced in paragraph (e) of the