

Proposed Rules

Federal Register

Vol. 72, No. 56

Friday, March 23, 2007

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-2007-27531; Directorate Identifier 2007-CE-020-AD]

RIN 2120-AA64

Airworthiness Directives; APEX Aircraft (Type Certificate No. A36EU Formerly Held by AVIONS MUDRY et CIE) Model CAP 10B 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 the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

* * * the discovery of cracks on aileron spades of an in-service CAP 10B aircraft.

The consequence on the aircraft of these cracks might be the loss of the airplane rolling control.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by April 23, 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.

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

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- *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:* Go to <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) 647-5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. This streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

This proposed AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The proposed AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2007-27531; Directorate Identifier 2007-CE-020-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 because 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 about this proposed AD.

Discussion

The Direction générale de l'aviation civile (DGAC), which is the aviation authority for France, has issued AD No. F-2005-049, dated March 30, 2005 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

* * * the discovery of cracks on aileron spades of an in-service CAP 10B aircraft.

The consequence on the aircraft of these cracks might be the loss of the airplane rolling control.

The MCAI requires:

APEX AIRCRAFT has designed new models of inboard and mid-aileron spades supports which shall be installed in place of the previous supports models if cracks are found.

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

Relevant Service Information

APEX Aircraft has issued Mandatory Service Bulletin No. 040401, dated October 29, 2004. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 31 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$2,480, or \$80 per product.

In addition, we estimate that any necessary follow-on actions would take about 6 work-hours and require parts costing \$2,500, for a cost of \$2,980 per product. We have no way of determining the number of products that may need these actions.

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:

APEX Aircraft (Type Certificate No. A36EU formerly held by AVIONS MUDRY et CIE); Docket No. FAA-2007-27531; Directorate Identifier 2007-CE-020-AD.

Comments Due Date

- (a) We must receive comments by April 23, 2007.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to Model CAP 10 B airplanes; serial numbers 001 through 299, fitted with major change 000302 (fiber carbon spar), and serial numbers 300 and up; that are certificated in any category.

Subject

- (d) Air Transport Association of America (ATA) Code 57: Wings.

Reason

- (e) The mandatory continuing airworthiness information (MCAI) states:

* * * the discovery of cracks on aileron spades of an in-service CAP 10B aircraft.

The consequence on the aircraft of these cracks might be the loss of the airplane rolling control.

Actions and Compliance

- (f) Unless already done, do the following actions:

- (1) Within the next 50 hours time-in-service (TIS) after the effective date of this AD and repetitively thereafter at intervals not to exceed 50 hours TIS, inspect the spades supports for cracks following the ACCOMPLISHMENT INSTRUCTIONS of APEX Aircraft Mandatory Service Bulletin No. 040401, dated October 29, 2004. Replacement of the spades supports with ones with a letter "A" marking per APEX Aircraft Mandatory Service Bulletin No. 040401, dated October 29, 2004, terminates the inspection requirements of this AD.

- (2) Before further flight, if cracks are found during any inspection required by paragraph (f)(1) of this AD, replace the spades supports following the ACCOMPLISHMENT INSTRUCTIONS of APEX Aircraft Mandatory Service Bulletin No. 040401, dated October 29, 2004.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: The MCAI and service bulletin require the initial inspection action within 10 hours TIS. We consider 10 hours TIS an urgent safety of flight compliance time, and we do not consider this unsafe condition to be an urgent safety of flight condition. Because we do not consider this unsafe condition to be an urgent safety of flight condition, we are issuing this proposed action through the normal notice of proposed rulemaking (NPRM) AD process. The initial inspection time of 50 hours TIS is an adequate compliance for this proposed AD action and meets the FAA requirements for an NPRM followed by a final rule.

Other FAA AD Provisions

- (g) The following provisions also apply to this AD:

- (1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

- (2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

- (3) *Reporting Requirements:* For any reporting requirement in this AD, under the

provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(h) Refer to MCAI Direction générale de l'aviation civile AD No. F-2005-049, dated March 30, 2005; and APEX Aircraft Mandatory Service Bulletin No. 040401, dated October 29, 2004.

Issued in Kansas City, Missouri, on March 15, 2007.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-5226 Filed 3-22-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Parts 111, 113, 141, 142 and 143

[USCBP-2006-0001]

RIN 1505-AB20

Remote Location Filing

AGENCIES: Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend title 19 of the Code of Federal Regulations to set forth provisions implementing Remote Location Filing (RLF). The proposed changes implement the terms of section 414 of the Tariff Act of 1930, as added by section 631 within the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act, and would allow a RLF filer to electronically file with CBP those entries and related information that CBP can process in a completely electronic data interchange system from a location other than where the goods will arrive.

DATES: Comments must be received on or before May 22, 2007.

ADDRESSES: You may submit comments, identified by *docket number*, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP 2006-0001.
- *Mail:* Trade and Commercial Regulations Branch, Bureau of Customs

and Border Protection, 1300 Pennsylvania Avenue, NW. (Mint Annex), Washington, DC 20229.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTARY INFORMATION section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, 799 9th Street, NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Joseph Clark at (202) 572-8768.

FOR FURTHER INFORMATION CONTACT: *For systems or automation issues:* Tony Casucci at (202) 772-2041 or Jennifer Engelbach at (562) 366-5593. *For operational or policy issues:* Marla Bianchetta at (202) 344-2693 or via e-mail at remote.filing@dhs.gov.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. The Bureau of Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. If appropriate to a specific comment, the commenter should reference the specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

Background

This document proposes changes to the CBP regulations to provide for Remote Location Filing. Remote Location Filing (RLF) is currently allowed through National Customs Automation Program (NCAP) testing.

The National Customs Automation Program (NCAP)

Title VI of the North American Free Trade Agreement Implementation Act

(the Act), Public Law 103-182, 107 Stat. 2057 (December 8, 1993), contains provisions pertaining to Customs Modernization (107 Stat. 2170). Subpart B of title VI of the Act concerns the National Customs Automation Program (NCAP), an electronic system for the processing of commercial importations. Within subpart B, section 631 of the Act added sections 411 through 414 to the Tariff Act of 1930 (19 U.S.C. 1411-1414). *These sections:* define the NCAP, provide for the establishment of and participation in the NCAP and include a list of existing and planned components (section 411); list the NCAP goals (section 412); provide for the implementation and evaluation of the NCAP (section 413); and, provide for Remote Location Filing (RLF) (section 414). One of the planned NCAP components listed in section 411 is the electronic filing (including RLF under section 414) of entry information with Customs (now "CBP"). *See* 19 U.S.C. 1411(a)(2)(B).

Description of Remote Location Filing Prototype Program

RLF is intended to permit electronic filing of an entry of merchandise with CBP from a location other than where the goods will arrive or the district designated in the entry for examination (a "remote location"). *See* section 414(a)(1).

As a key part of the NCAP entry filing component, RLF is intended to conform CBP practices to trade business processes. By using electronic filing, RLF is intended to reduce paperwork that is costly to create, review and store. RLF is also intended to enable a customs broker with a national permit to serve several port locations without the cost of maintaining multiple offices.

Section 413(b) of the Act provides for the implementation, testing and evaluation of the NCAP and requires that the Secretary of the Treasury consult with the trade community, including importers, customs brokers, shippers, and other affected parties, in the development, implementation and evaluation of the NCAP program and its components. In accordance with this section, CBP has held public meetings on RLF since June, 1994, and has tested the RLF concept via prototypes since 1995. CBP continues to provide RLF information and updates on the Automated Broker Interface (ABI) Administrative Message System and on the CBP Internet Web site located at <http://www.cbp.gov> (type in the search term "Remote Location Filing").

RLF prototypes have been tested in accordance with § 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR