

Inspection Service (APHIS) will conduct its own tests during quarantine.

Two commenters said that the new cancellation policy unnecessarily penalizes those who reserve stall space early and are then required to make legitimate alterations to their bookings. The commenters asked that we consider implementing a small administrative fee for changes made more than 30 days prior to the reservation date.

The purpose of the interim rule was to discourage horse brokers from making several reservations and simply forfeiting the \$40 cancellation fees if a client is not found to fill those reserved spaces. This situation had led some brokers to complain that the potential loss of a \$40 cancellation fee is not an effective deterrent to prevent brokers from reserving stall space before a client is found. Since the publication of our December 2002 interim rule, the problem of late cancellations has been eliminated. We believe that instituting the suggested small fee for canceled reservations would result in a situation similar to the one that existed prior to publication of the interim rule.

All three commenters stated that a policy should be enacted wherein stall space in a horse quarantine facility may be formally transferred from one party to another within 15 days of arrival.

Shipments arriving at quarantine facilities are comprised of horses from several different brokers. As such, the suggested formal transfer policy would require a continual monitoring policy, along with the accompanying paperwork. Such an approach potentially involves a great amount of time, personnel, and expense for all affected parties. As such, this method is not cost effective, nor would it eliminate the practice of speculative reservation.

Two commenters said that the grace period within which shipments may arrive without incurring cancellation fees should be extended from 24 to 48 hours.

Under the regulations in effect prior to the December 2002 interim rule, we required 5 business days' notice for cancellations in order for importers to avoid forfeiture of the total reservation fee. As a result of the interim rule, we, among other things, established a graduated fee schedule for cancellations. Importers or their agents are now required to present for entry, within 24 hours following the designated time of arrival, the horse for which the reservation was made. In our opinion, increasing the time period within which importers must present their horses would lead to a reintroduction of past speculative

reservation practices. The regulations in § 93.304(a)(3)(iv) provide for the return of reservation fees to importers in certain cases when unforeseen circumstances arise that prevent an importer from presenting a horse for entry within the required time period.

One commenter said that the forfeiture amounts as established in the graduated fee schedule set for cancellations are too high.

Prior to publication of the interim rule, we carefully considered a fee schedule that we thought to be appropriate and effective in eliminating the practice of speculative reservations. The USDA quarantine facilities in Florida and New York each lost approximately \$300,000 to \$470,000 yearly in forgone user fees. While we recognize that increasing cancellation fees and the time period required for cancellation affects both horse owners and brokers, the forfeiture amounts must necessarily be set at a level that will serve as a meaningful deterrent to speculative reservation-making and allow APHIS to recover the fixed cost associated with operating quarantine facilities when stall space goes unused.

Two commenters stated that there is a need to specifically create a set of circumstances under which a full refund of the reservation fee would be granted, suggesting that a refund would be appropriate in cases where an airline cancels a flight or a horse is injured during loading.

The regulations already describe the circumstances under which a full refund may be granted. As stated previously, under the regulations at § 93.304(a)(3)(iv), a reservation fee will not be forfeited if the Administrator determines that certain essential services were not available at the necessary time as a result of unforeseen circumstances. These circumstances include, but are not limited to, the closing of an airport due to inclement weather or the unavailability of the reserved space due to the extension of another quarantine. We believe it is appropriate and necessary to limit refunds to the circumstances relating to services, other than those provided by carriers, necessary for the importation of the horses within the required period that are unavailable because of unforeseen circumstances as determined by the Administrator.

Likewise, the issuance of refunds, as may be necessary in the situations described above, is based somewhat on the Administrator's discretion. As such, we believe that any attempt to list all instances where a refund would be granted would unnecessarily limit the Administrator's ability to make

determinations in a wide variety of circumstances. It is necessary to leave the exception as written in order to preserve the flexibility of the regulations.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Order 12988, and the Paperwork Reduction Act.

Further, this action has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

#### List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

#### PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 93 and that was published at 67 FR 72827–72830 on December 9, 2002.

Done in Washington, DC, this 27th day of September 2005.

Elizabeth E. Gaston,

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

[FR Doc. 05–19689 Filed 9–30–05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2005–22534; Directorate Identifier 2005–NE–27–AD; Amendment 39–14305; AD 2005–20–11]

RIN 2120–AA64

**Airworthiness Directives; Rolls-Royce Corporation (RRC) (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) Models 250–C28, –C28B, and –C28C Turboshaft Engines**

**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 Rolls-Royce Corporation (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) (RRC) Models 250-C28, -C28B, and -C28C turboshaft engines. This AD requires a onetime visual inspection of the seal joint in each passage between airfoils at the hub and shroud of third-stage turbine wheels, part number (P/N) 6899383. This AD results from reports of three failed third-stage turbine wheels and from the manufacturer's analysis of those failures. We are issuing this AD to prevent loss of power and uncommanded engine shutdown due to failure of the third-stage turbine wheel.

**DATES:** This AD becomes effective October 18, 2005.

We must receive any comments on this AD by December 2, 2005.

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

- 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.

Contact Rolls-Royce Corporation, PO Box 420, Indianapolis, IN 46206-0420; telephone (317) 230-6400; fax (317) 230-4243 for the service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** John Tallarovic, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, IL 60018-4696; telephone (847) 294-8180; fax (847) 294-7834.

**SUPPLEMENTARY INFORMATION:** In April 2005, we became aware of reports of three failed third-stage turbine wheels, P/N 6899383. The third-stage turbine wheels had partial loss of the blades and shroud. RRC conducted an analysis and found the failures were caused by compromised third-stage blade fillet radii, which led to increased stresses to the third-stage blades and shroud. RRC categorized this finding as a

manufacturer's quality control problem. This condition, if not corrected, could result in loss of power and uncommanded engine shutdown due to failure of the third-stage turbine wheel.

#### FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other RRC Models 250-C28, -C28B, and -C28C turboshaft engines of the same type design. For that reason, we are issuing this AD to prevent loss of power and uncommanded engine shutdown due to failure of the third-stage turbine wheel. This AD requires a onetime visual inspection of the seal joint in each passage between airfoils at the hub and shroud of third-stage turbine wheels, P/N 6899383.

#### 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 for making this amendment effective in less than 30 days.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. FAA-2005-22534; Directorate Identifier 2005-NE-27-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule 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 the Docket Management System (DMS) 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 AD Docket

You may examine the docket that contains the AD, any comments received, and any final disposition in person at the Docket Management Facility Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the DMS 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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**Adoption of the Amendment**

Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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 airworthiness directive:

**2005-20-11 Rolls-Royce Corporation (formerly Allison Engine Company, Allison Gas Turbine Division, and**

**Detroit Diesel Allison):** Amendment 39-14305. Docket No. FAA-2005-22534; Directorate Identifier 2005-NE-27-AD.

**Effective Date**

- (a) This airworthiness directive (AD) becomes effective October 18, 2005.

**Affected ADs**

- (b) None.

**Applicability**

(c) This AD applies to Rolls-Royce Corporation (RRC) (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) models 250-C28, -C28B, and -C28C turboshaft engines. These engines are installed on, but not limited to, Bell Helicopter Textron 206L-1; Eurocopter Deutschland BO 105 LS A-1; and Eurocopter Canada BO 105 LS A-3 helicopters.

**Unsafe Condition**

(d) This AD results from reports of three failed third-stage turbine wheels and from the manufacturer's analysis of those failures. We are issuing this AD to prevent loss of power and uncommanded engine shutdown

due to failure of the third-stage turbine wheel.

**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.

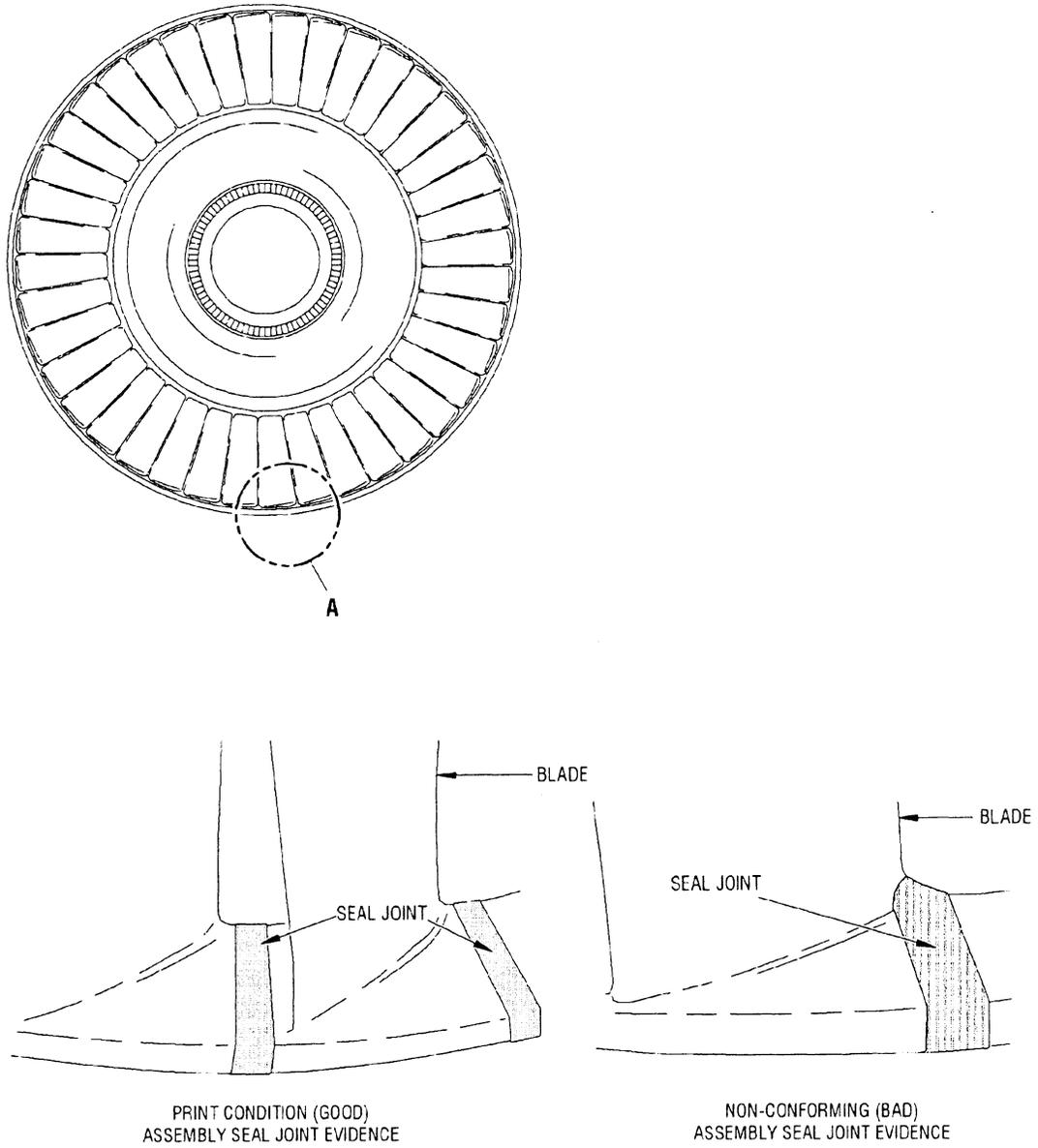
**Onetime Visual Inspection**

(f) For third-stage turbine wheels, part number (P/N) 6899383, with fewer than 3,000 hours time-since-new (TSN), inspect the next time the third-stage turbine wheel is directly available for removal, at the next turbine overhaul, or by April 30, 2007, whichever occurs sooner.

(g) For third-stage turbine wheels, P/N 6899383, with 3,000 hours or more TSN, inspect within 300 hours or by April 30, 2007, whichever occurs sooner.

(h) Remove the third-stage turbine wheel and perform a onetime visual inspection of the seal joint in each passage between airfoils at the hub and shroud. Seal joint evidence must not be present within blade fillet radii. See Figure 1 of this AD for reference.

**BILLING CODE 4910-13-P**



DETAIL A

Figure 1.

(i) Remove from service any turbine wheel that has seal joint evidence present within blade fillet radii.

#### Alternative Methods of Compliance

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

#### Related Information

(k) RRC Alert Service Bulletin No. CEB-A-72-2205, dated April 26, 2005, pertains to the subject of this AD.

Issued in Burlington, Massachusetts, on September 26, 2005.

**Francis A. Favara,**

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

[FR Doc. 05-19693 Filed 9-30-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-20881; Directorate Identifier 2004-NM-253-AD; Amendment 39-14302; AD 2003-17-07 R1]

RIN 2120-AA64

#### Airworthiness Directives; Various Transport Category Airplanes Manufactured by McDonnell Douglas

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is revising an existing airworthiness directive (AD) that applies to various transport category airplanes manufactured by McDonnell Douglas. We issued that AD to require a one-time test of the fire extinguishers for the engine and auxiliary power unit (APU), as applicable, to determine the capability of the Firex electrical circuits to fire discharge cartridges, and troubleshooting actions if necessary. This new AD removes certain transport category airplanes from the applicability of the existing AD. This AD results from reports indicating that fire extinguishers for the engine and auxiliary power unit had failed to discharge when commanded. We are issuing this AD to prevent failure of the fire extinguishers to fire discharge cartridges, which could result in the inability to put out a fire in an engine or in the APU.

**DATES:** The effective date of this AD is September 24, 2003.

On September 24, 2003 (68 FR 50058, August 20, 2003), the Director of the

Federal Register approved the incorporation by reference of certain service bulletins listed in the AD.

**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.

Contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024) for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5262; fax (562) 627-5210.

#### SUPPLEMENTARY INFORMATION:

##### 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 street address stated in the **ADDRESSES** section.

##### Discussion

The FAA proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with an airworthiness directive (AD) to revise AD 2003-17-07, amendment 39-13281 (68 FR 50058, August 20, 2003). The existing AD applies to various transport category airplanes manufactured by McDonnell Douglas. The proposed AD was published in the **Federal Register** on April 11, 2005 (70 FR 18324) to require a one-time test of the fire extinguishers for the engine and auxiliary power unit (APU), as applicable, to determine the capability of the Firex electrical circuits to fire discharge cartridges, and troubleshooting actions if necessary. That action also proposed to remove Model MD-10-10F and MD-10-30F airplanes from the applicability of the existing AD.

##### Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

#### No Objections to the NPRM

One commenter states that it has no objection to the NPRM.

#### Request To Give Credit for Previous Alternative Methods of Compliance (AMOCs)

This same commenter notes that it has received an AMOC with AD 2003-17-07. We infer that the commenter is requesting that credit be given for compliance with the AD in accordance with the AMOC.

We acknowledge that the AMOC the commenter received provides compliance with AD 2003-17-07. However, it is unnecessary to amend this revised AD to reflect credit for previous accomplishment of the one-time test of the fire extinguishers for the engine and auxiliary power unit (APU), as applicable. This revised AD merely reduces the applicability of the AD, and all of the previous requirements, conditions, and provisions remain in effect.

#### Request To Revise Note 1

One commenter requests that we revise a typographical error in Note 1 of the proposed AD, which referred to paragraph (c) as the AMOC paragraph. We agree with the commenter, and have revised Note 1 to refer to paragraph (h) of the AD for AMOCs.

#### Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

#### Costs of Compliance

There are about 3,311 airplanes of the affected design in the worldwide fleet. This AD will affect about 1,520 airplanes of U.S. registry.

The actions that are required by AD 2003-17-07 and retained in this AD take between 4 work hours and 7 work hours per airplane, at an average labor rate of \$65 per work hour. Based on these figures, the estimated cost of the currently required actions is estimated to be between \$395,200, and \$691,600, on U.S. operators, or between \$260 and \$455 per airplane.

This AD does not add any new actions to the existing actions required by AD 2003-17-07. Since this AD will remove certain airplanes from the applicability of the AD, the total estimated cost of compliance of the AD for U.S. operators is actually reduced