

A notice of extension of comment period was issued July 20, 2005, and published in the **Federal Register** on July 25, 2005 (70 FR 42513), which extended the comment period to September 25, 2005. The comment period was extended again in a notice issued September 23, 2005, and published in the **Federal Register** on September 27, 2005 (70 FR 56378), which further extended the comment period to November 28, 2005.

Prior to the end of the previous comment period, USDA received a request under the Freedom of Information Act (FOIA) for all information cited in the proposed rule. USDA suspended action on the proposal until the FOIA request, and a subsequent appeal to USDA's initial response to the FOIA, could be resolved. USDA has subsequently resolved all issues regarding the FOIA request and released all the information cited in the proposed rule to the requesting party.

On October 31, 2005, USDA received additional requests to again extend the comment period. The additional extension of the comment period was requested to provide additional time to resolve issues surrounding the ongoing FOIA request and to accumulate and analyze data regarding the proposal.

USDA is extending the comment period an additional 60 days to allow interested persons more time to review the proposed rule, perform a more complete analysis, and submit written comments.

This notice is issued pursuant to the Agricultural Marketing Agreement Act of 1937.

**Authority:** 7 U.S.C. 601-674.

Dated: June 30, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E6-10769 Filed 7-10-06; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-23786; Directorate Identifier 2006-CE-11-AD]

RIN 2120-AA64

#### **Airworthiness Directives; CTRM Aviation Sdn. Bhd. (Formerly Eagle Aircraft (Malaysia) Sdn. Bhd.) Model Eagle 150B Airplanes**

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

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

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2004-11-04, which applies to all CTRM Aviation Sdn. Bhd. (Formerly Eagle Aircraft (Malaysia) Sdn. Bhd.) Model Eagle 150B airplanes. AD 2004-11-04 currently requires you to inspect certain canard inboard flap hinge support brackets (initially before further flight and repetitively before the first flight of each day) and perform any necessary follow-up action. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Malaysia to require the installation of improved design inboard flap hinge brackets as terminating action for the repetitive inspections. Consequently, this proposed AD would initially retain the requirement that you inspect certain canard inboard flap hinge support brackets (initially before further flight and repetitively before the first flight of each day) and then require that you replace the parts with new design inboard flap hinge brackets as terminating action for the repetitive inspections or if cracks are found. We are issuing this proposed AD to detect and correct cracks in the canard inboard flap hinge support brackets, which could result in loss of retention of controls and consequently, loss of airplane control.

**DATES:** We must receive comments on this proposed AD by August 10, 2006.

**ADDRESSES:** Use one of the following addresses to comment on this proposed 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.

For service information identified in this proposed AD, contact CTRM Aviation Sdn. Bhd. (formerly known as Eagle Aircraft (Malaysia) Sdn. Bhd.), Locked Bag 1028, Pejabat Pos Besar Melaka, 75150 Melaka, Malaysia;

telephone: 06 317 1007; facsimile: 06 317 7023.

**FOR FURTHER INFORMATION CONTACT:** Karl Schletzbach, Aerospace Engineer, ACE-112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: 816-329-4146; facsimile: 816-329-4090.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, "FAA-2006-23786; Directorate Identifier 2006-CE-11-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light 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 concerning this proposed AD.

##### **Discussion**

The Department of Civil Aviation (DCA) for Malaysia issued AD No. CAM AD 001-01-2004, dated January 19, 2004, against Eagle Aircraft (now CTRM Aviation Sdn. Bhd.) Models X-TS, X-TS 150, and 150B airplanes. CAM AD 001-01-2004 required the following for these airplanes that are registered for operation in Malaysia:

- A visual inspection of the gusset weld area of the canard inboard flap hinge support brackets for cracked, lifted, or missing paint in the area of the weld or suspected cracks;
- A more detailed inspection for cracks (using fluorescent penetrant inspection (FPI) methods) if any of the above conditions exist; and
- Replacement of any canard inboard flap hinge support bracket with cracks and continued repetitive inspections of the replacement bracket.

The DCA of Malaysia is currently the country with State of Design responsibilities on the affected airplanes. Before the DCA, the Civil Aviation Safety Authority (CASA) of Australia had the State of Design responsibilities. During this time, the CASA issued CASA AD/X-TS/5, dated October 2003, revised April 2, 2004, to address the unsafe condition and require the above actions on Models

XTS-150 and 150B airplanes registered for operation in Australia.

The Australian and Malaysian ADs were issued based on reports of cracks in the gusset weld area of the canard inboard flap hinge support brackets on several of the affected airplanes. Neither authority has been able to attribute the cracks to a specific cause. The probable causes are:

- *Manufacturing defects:* the part might have suffered from a burn-through during welding or the outperforming stress relieving process after welding;
- *Design problems:* poor distribution of stress concentration could create fatigue hotspots; and
- *Operational problems:* pilot exceeds Vfe (flap extension speed), inducing loads higher than the certificated limit load).

Also, no information exists regarding damage tolerance on these brackets to show the part can absorb any kind of crack without leading to immediate failure.

Based on the above, the CASA and DCA both issued ADs for their respective countries that require, before further flight, initial inspections and, before the first flight of each day, repetitive inspections.

The CTRM Aviation Sdn. Bhd. Model Eagle 150B airplane is the only affected airplane model type certificated for operation in the United States. There are currently 13 of these airplanes on the U.S. registry.

Based on all of this information from the State of Design, the FAA issued AD 2004-11-04, Amendment 39-13649 (69 FR 30189, May 27, 2004). AD 2004-11-04 currently requires that you do the following on CTRM Aviation (formerly Eagle Aircraft (Malaysia) Sdn. Bhd.) Sdn. Bhd. Model Eagle 150B airplanes:

- Inspect certain canard inboard flap hinge support brackets (initially before further flight and repetitively before the first flight of each day); and;
- Perform any necessary follow-up action.

The DCA recently notified FAA of the need to change AD 2004-11-04. The DCA issued CAM AD 001-01-2004 R1, dated December 23, 2005. This revision includes an optional modification as terminating action for the repetitive inspections required by CAM AD 001-01-2004.

This condition, if not corrected, could result in loss of retention of controls and, consequently, loss of airplane control.

**Relevant Service Information**

- We have reviewed:
- Eagle Aircraft Mandatory Service Bulletin SB 1109, Revision Original, Effective Date August 29, 2003; and
  - Eagle Aircraft Mandatory Service Bulletin SB 1120, Original, Effective Date June 3, 2005.

The service information describes procedures for:

- Inspecting the gusset weld area of the canard inboard flap hinge support brackets, part number (P/N) 5731D01-05 and P/N 5731D01-02, for cracks; and;
- Replacing any canard inboard flap hinge support brackets, P/N 5731D01-05 and P/N 5731D01-02, with new design inboard flap hinge brackets, P/N 5731D05-01 and P/N 5731D06-01.

**Foreign Airworthiness Authority Information**

The DCA classified these service bulletins as mandatory and issued Malaysian AD No. CAM AD 001-01-2004 R1, dated December 23, 2005, to ensure the continued airworthiness of these airplanes in Malaysia.

These CTRM Aviation Sdn. Bhd. Model Eagle 150B airplanes are manufactured in Malaysia and are type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Under this bilateral airworthiness agreement, the DCA has kept us informed of the situation described above.

**FAA's Determination and Requirements of the Proposed AD**

We are proposing this AD because we have examined the DCA's findings, evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design that are certificated for operation in the United States.

This proposed AD would supersede AD 2004-11-04 with a new AD that would initially retain the requirement that certain canard inboard flap hinge support brackets be inspected (initially before further flight and repetitively before the first flight of each day) and then require that you replace the parts with new design inboard flap hinge brackets as terminating action for the repetitive inspections or if cracks are found. This proposed AD would require you to use the service information described previously to perform these actions.

**Costs of Compliance**

We estimate that this proposed AD affects 13 airplanes in the U.S. registry.

We estimate the following costs to do each proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 work-hour × \$80 = \$80 .....	(*)	\$80	13 × \$80 = \$1,040.

\* Not applicable.

We estimate the following costs to do the replacements that would be required as a result of the proposed inspection or the proposed mandatory replacement:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
10 work-hours × \$80 = \$800 .....	\$1,700	\$2,500	13 × \$2,500 = \$32,500.

**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 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 that the 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.

**Examining the AD Docket**

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information 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 Docket Office (telephone (800) 647-5227) is located at the street address stated in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

**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 Federal Aviation Administration 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 removing Airworthiness Directive (AD) 2004-11-04, Amendment 39-13649 (69 FR 30189, May 27, 2004), and adding

the following new airworthiness directive:

**CTRM Aviation SDN. BHD. (Formerly Eagle Aircraft (Malaysia) SDN. BHD.):** Docket No. FAA-2006-23786; Directorate Identifier 2006-CE-11-AD.

**Comments Due Date**

(a) The Federal Aviation Administration (FAA) must receive comments on this proposed airworthiness directive (AD) action by August 10, 2006.

**Affected ADs**

(b) This AD supersedes AD 2004-11-04; Amendment 39-13649.

**Applicability**

(c) This AD affects Model Eagle 150B airplanes, all serial numbers, that are certificated in any category.

**Unsafe Condition**

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Malaysia. The actions specified in this AD are intended to detect and correct cracks in the canard inboard flap hinge support brackets, which could result in loss of retention of controls and consequently, loss of airplane control.

**Compliance**

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Inspection gusset weld area of the canard inboard flap hinge support brackets, part number (P/N) 5731D01-05 and P/N 5731D01-02, for cracked, lifted, or missing paint in the area of the weld or suspected cracks.	Initially inspect before the next flight after June 4, 2004 (the effective date of AD 2004-11-04). Repetitively inspect thereafter before the first flight of each day.	Follow Eagle Aircraft Mandatory Service Bulletin SB 1109, Revision Original, Effective Date August 29, 2003.
(2) If cracked, lifted, or missing paint in the area of the weld or suspected cracks are found during any inspection required in paragraph (e)(1) of this AD, inspect the affected bracket more fully as specified in the service bulletin.	Before further flight after any inspection required by paragraph (e)(1) where cracked, lifted, or missing paint in the area of the weld or suspected cracks are found.	Follow Eagle Aircraft Mandatory Service Bulletin SB 1109, Revision Original, Effective Date August 29, 2003.
(3) Replace any canard inboard flap hinge support brackets, P/N 5731D01-05 and P/N 5731D01-02, with new design inboard flap hinge brackets, P/N 5731D05-01 and P/N 5731D06-01.	Before further flight after any inspection where cracks are found or within 6 months after the effective date of this AD, whichever occurs first. This action terminates the repetitive inspections required in paragraph (e)(1) of this AD.	Follow Eagle Aircraft Mandatory Service Bulletin SB 1120, Original, Effective Date June 3, 2005.
(4) Do not install any canard inboard flap hinge support brackets, P/N 5731D01-05 and P/N 5731D01-02.	As of the effective date of this AD .....	Not Applicable.

(f) The Australian AD allows an appropriately trained pilot to perform the visual inspections of the canard inboard flap hinge support brackets. Although the Malaysian AD does not specifically state this, it does refer to the Australian AD. Regardless, the Federal Aviation Regulations (14 CFR 43.3) only allow the pilot to perform

preventive maintenance as described in 14 CFR part 43, App. A, paragraph (c). These visual inspections are not considered preventive maintenance under 14 CFR part 43, App. A, paragraph (c). Therefore, an appropriately-rated mechanic must perform all actions of this AD.

**Special Flight Permit**

(g) Special flight permits are not allowed for this AD. Part 39 of the Federal Aviation Regulations (14 CFR part 39) provides that FAA may issue special flight permits for ADs, unless otherwise specified in the individual ADs. The FAA has determined

that the safety issue is severe enough that failure of the canard inboard flap hinge support brackets must be prevented and cracks in this area must be detected before further operation.

#### Alternative Methods of Compliance (AMOCs)

(h) The Manager, Standards Office, Small Airplane Directorate, FAA, ATTN: Karl Schletzbaum, Aerospace Engineer, ACE-112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: 816-329-4146; facsimile: 816-329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(i) AMOCs approved for AD 2004-11-04 are approved for this AD.

#### Related Information

(j) Malaysian AD No. CAM AD 001-01-2004 R1, dated December 23, 2005, and Australian AD No. CASA AD/X-TS/5, dated August 21, 2003, revised April 2, 2004, also address the subject of this AD. To get copies of the documents referenced in this AD, contact CTRM Aviation Sdn. Bhd. (formerly known as Eagle Aircraft Sdn. Bhd.), Locked Bag 1028, Pejabat Pos Besar Melaka, 75150 Melaka, Malaysia; telephone: 06 317 1007; facsimile: 06 317 7023. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC, or on the Internet at <http://dms.dot.gov>. The docket number is Docket No. FAA-2006-23786; Directorate Identifier 2006-CE-11-AD.

Issued in Kansas City, Missouri, on July 3, 2006.

**David R. Showers,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E6-10773 Filed 7-10-06; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-24825; Directorate Identifier 2006-NE-17-AD]

RIN 2120-AA64

#### Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Formerly Rolls-Royce, plc.) Dart 528, 529, 532, 535, 542, and 555 Series Turbofan Engines

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for Rolls-Royce Deutschland Ltd & Co KG (RRD) Dart 528, 529, 532, 535, 542, and

555 series turbofan engines. This proposed AD would require a dimensional inspection of the intermediate pressure turbine (IPT) disk or an ultrasonic inspection of the seal arm contact between the high pressure turbine (HPT) and the IPT disk seal arm and rework or replacement of the IPT disk if wear outside acceptable limits is found. This proposed AD results from reports of a number of HPT disk failures, some of which resulted in portions of the HPT disk being released. We are proposing this AD to prevent HPT disk failure, which can result in an uncontained engine failure and damage to the airplane.

**DATES:** We must receive any comments on this proposed AD by September 11, 2006.

**ADDRESSES:** Use one of the following addresses to comment on this proposed 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 Deutschland Ltd & Co KG, Eschenweg 11, D-15827 Dahlewitz, Germany; telephone 49 (0) 33-7086-1768; fax 49 (0) 33-7086-3356 for the service information identified in this proposed AD.

#### FOR FURTHER INFORMATION CONTACT:

Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238-7747; fax (781) 238-7199.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2006-24825; Directorate Identifier 2006-NE-17-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy

aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light 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 with FAA personnel concerning this proposed AD. Using the search function of the 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 proposal, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is 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.

#### Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified us that an unsafe condition may exist on RRD Dart 528, 529, 532, 535, 542, and 555 turbofan engines. The LBA advises that since 1972, there have been a number of HPT disk failures on in-service engines, three of which resulted in release of the HPT turbine disk. Fretting between the HPT disk and the IPT disk seal arms caused the release. We are proposing this AD to prevent HPT disk failure, which can result in an uncontained engine failure and damage to the airplane.

We have reviewed and approved the technical contents of RRD DART Service Bulletin (SB) Da72-536, Revision 1, dated August 25, 2003, and SB Da72-538, dated June 10, 2005. SB Da72-536 describes procedures for conducting an ultrasonic inspection to determine if a gap exists between the HPT and IPT disk seal arms. SB Da72-538 describes procedures for a dimensional inspection of the IPT disk and rework or replacement of the IPT disk if wear