

# Rules and Regulations

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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.

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## FARM CREDIT ADMINISTRATION

### 12 CFR Parts 603, 605, 608, and 611

RIN 3052-AC34

#### Privacy Act Regulations; Information; Collection of Claims Owed the United States; Organization; Privacy and Security Information; Effective Date

**AGENCY:** Farm Credit Administration.

**ACTION:** Notice of effective date.

**SUMMARY:** The Farm Credit Administration (FCA) published a final rule under parts 603, 605, 608, and 611 on September 20, 2006 (71 FR 54899). This final rule updates and amends the regulations regarding privacy and security information and other matters. This action was taken to correct certain citations in the regulations and to conform the regulations to Executive order 13292. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is January 23, 2007.

**EFFECTIVE DATE:** The regulation amending 12 CFR parts 603, 605, 608, and 611, published on September 20, 2006 (71 FR 54899) is effective January 23, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mike Wilson, Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4498, TTY (703) 883-4434; or Bob Taylor, Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020, TTY (703) 883-4020.

(12 U.S.C. 2252(a)(9) and (10))

Dated: January 23, 2007.

**Roland E. Smith,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. E7-1328 Filed 1-26-07; 8:45 am]

**BILLING CODE 6705-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-26047; Directorate Identifier 2006-NM-146-AD; Amendment 39-14906; AD 2007-02-19]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A300 B4-605R Airplanes and Model A310-308, -324, and -325 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Airbus Model A300 B4-605R airplanes and Model A310-308, -324, and -325 airplanes. This AD requires modifying the Bruce floor plan electrical emergency path marking system (FPEEPMS) and, for certain airplanes, modifying the automatic switching of the emergency lighting system. This AD results from a report that in the case of vertical separation of the fuselage forward of door 1, the FPEEPMS and the exit signs do not turn on. We are issuing this AD to prevent inadequate lighting and marking of the escape path, which could delay or impede the flightcrew and passengers when exiting the airplane during an emergency landing.

**DATES:** This AD becomes effective March 5, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of March 5, 2007.

**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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Tom Stafford, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1622; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Examining the Docket

You may examine the airworthiness directive (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 issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Airbus Model A300 B4-605R airplanes and Model A310-308, -324, and -325 airplanes. That NPRM was published in the **Federal Register** on October 12, 2006 (71 FR 60089). That NPRM proposed to require modifying the Bruce floor plan electrical emergency path marking system (FPEEPMS) and, for certain airplanes, modifying the automatic switching of the emergency lighting system.

##### Comments

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

##### Request To Change Incorporation of Certain Information

The Modification and Replacement Parts Association (MARPA) states that, typically, airworthiness directives are based on service information originating with the type certificate holder or its suppliers. MARPA adds that manufacturer service documents are privately authored instruments generally having copyright protection against duplication and distribution. MARPA notes that when a service document is incorporated by reference into a public document, such as an airworthiness directive, it loses its private, protected status and becomes a public document. MARPA adds that if a service document is used as a

mandatory element of compliance, it should not simply be referenced, but should be incorporated into the regulatory document; by definition, public laws must be public, which means they cannot rely upon private writings.

MARPA adds that incorporated by reference service documents should be made available to the public by publication in the Docket Management System (DMS), keyed to the action that incorporates them. MARPA notes that the stated purpose of the incorporation by reference method is brevity, to keep from expanding the **Federal Register** needlessly by publishing documents already in the hands of the affected individuals; traditionally, “affected individuals” means aircraft owners and operators, who are generally provided service information by the manufacturer. MARPA adds that a new class of affected individuals has emerged, since the majority of aircraft maintenance is now performed by specialty shops instead of aircraft owners and operators. MARPA notes that this new class includes maintenance and repair organizations, component servicing and repair shops, parts purveyors and distributors, and organizations manufacturing or servicing alternatively certified parts under section 21.303 (“Replacement and modification parts”) of the Federal Aviation Regulations (14 CFR 21.303). MARPA adds that the concept of brevity

is now nearly archaic as documents exist more frequently in electronic format than on paper. Therefore, MARPA asks that the service documents deemed essential to the accomplishment of the NPRM be incorporated by reference into the regulatory instrument and published in the DMS.

We understand MARPA’s comment concerning incorporation by reference. The Office of the Federal Register (OFR) requires that documents that are necessary to accomplish the requirements of the AD be incorporated by reference during the final rule phase of rulemaking. This final rule incorporates by reference the documents necessary for the accomplishment of the requirements mandated by this AD. Further, we point out that while documents that are incorporated by reference do become public information, they do not lose their copyright protection. For that reason, we advise the public to contact the manufacturer to obtain copies of the referenced service information.

In regard to the commenter’s request to post service bulletins on the Department of Transportation’s DMS, we are currently in the process of reviewing issues surrounding the posting of service bulletins on the DMS as part of an AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be

revised. No change to the final rule is necessary in response to this comment.

**Request To Add FAA Intent To Incorporate Certain Service Bulletins by Reference in the NPRM**

MARPA requests that, during the NPRM stage of AD rulemaking, the FAA state its intent to incorporate by reference (IBR) any relevant service information. MARPA states that without such a statement in the NPRM, it is unclear whether the relevant service information will be incorporated by reference in the final rule.

The FAA does not concur with the commenter’s request. When we reference certain service information in a proposed AD, the public can assume we intend to IBR that service information, as required by the Office of the **Federal Register**. No change to this final rule is necessary in regard to the commenter’s request.

**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 as proposed.

**Costs of Compliance**

The following table provides the estimated costs for the U.S. operator to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Modification of FPEEPMS .....	Between 44 and 47.	\$80	Between \$2,570 and \$2,690.	Between \$6,090 and \$6,450.	1	Between \$6,090 and \$6,450.
Modification of automatic switching.	14 .....	80	Between \$534 and \$727.	Between \$1,654 and \$1,847.	1	Between \$1,654 and \$1,847.

**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 this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866;
- (2) Is not a “significant rule” under 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):

**2007-02-19 Airbus:** Amendment 39-14906. Docket No. FAA-2006-26047; Directorate Identifier 2006-NM-146-AD.

**Effective Date**

(a) This AD becomes effective March 5, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Airbus Model A300 B4-605R airplanes and Model A310-308, -324, and -325 airplanes, certificated in any category; on which Airbus Modification 06810 or 06934 (Bruce floor proximity emergency escape path marking system (FPEEPMS)) has been installed in production; or on which Airbus Service

Bulletin A300-33-6047 or A310-33-2045, both dated March 5, 2004, has been done.

**Unsafe Condition**

(d) This AD results from a report that in the case of vertical separation of the fuselage forward of door 1, the FPEEPMS and the exit signs do not turn on. We are issuing this AD to prevent inadequate lighting and marking of the escape path, which could delay or impede the flightcrew and passengers when exiting the airplane during an emergency landing.

**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.

**Modification**

(f) Within 16 months after the effective date of this AD, modify the Bruce FPEEPMS in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300-33-6047, Revision 01, dated January 20, 2006 (for Model A300 B4-605R airplanes); or Airbus Service Bulletin A310-33-2045, Revision 01, dated January 20, 2006 (for Model A310-308, -324, and -325 airplanes); as applicable.

(g) For Model A310-308, -324, and -325 airplanes: Prior to or concurrently with the modification required in paragraph (f) of this AD, modify the automatic switching of the emergency lighting system in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310-33-2025, Revision 01, dated April 17, 2001.

**Modifications Accomplished According to Previous Issue of Service Bulletin**

(h) Modifications accomplished before the effective date of this AD in accordance with Airbus Service Bulletin A310-33-2025, dated March 1, 1993, are considered acceptable for compliance with the

corresponding action specified in paragraph (g) of this AD.

**Alternative Methods of Compliance (AMOCs)**

(i)(1) The Manager, International Branch, ANM-116, Transport Airplane Directorate, 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.

**Related Information**

(j) EASA airworthiness directive 2006-0077, dated April 3, 2006, also addresses the subject of this AD.

**Material Incorporated by Reference**

(k) You must use the applicable service bulletin identified in Table 1 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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, 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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

TABLE 1.—MATERIAL INCORPORATED BY REFERENCE

Airbus Service Bulletin	Revision level	Date
A300-33-6047 .....	01	January 20, 2006.
A310-33-2025 .....	01	April 17, 2001.
A310-33-2045 .....	01	January 20, 2006.

Issued in Renton, Washington, on January 12, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. E7-1198 Filed 1-26-07; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-25904; Directorate Identifier 2006-NM-077-AD; Amendment 39-14883; AD 2007-01-11]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding an existing airworthiness directive (AD), which applies to certain Bombardier Model DHC-8-100, -200, and -300 series airplanes. That AD currently requires modification of the flight compartment door; repetitive inspections for wear of the flight compartment door hinges following modification; and repair or replacement of the hinges with new hinges if necessary. This new AD requires using revised procedures for modifying and inspecting the flight compartment door and reduces the applicability of the existing AD. This AD results from a determination that certain cockpit doors are no longer subject to the existing requirements. We are issuing this AD to prevent failure of the alternate release mechanism of the flight compartment door, which could delay or impede the evacuation of the flightcrew during an emergency. This failure also could result in the flightcrew not being able to assist passengers in the event of an emergency.

**DATES:** This AD becomes effective March 5, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of March 5, 2007.

On May 12, 1999 (64 FR 16803, April 7, 1999), the Director of the Federal Register approved the incorporation by reference of Bombardier Service Bulletin S.B. 8-52-39, Revision 'C,' dated September 1, 1997; and Bombardier Service Bulletin S.B. 8-52-

39, Revision 'D,' dated February 27, 1998.

**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 Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Ezra Sasson, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7320; fax (516) 794-5531.

#### SUPPLEMENTARY INFORMATION:

##### Examining the Docket

You may examine the airworthiness directive (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 issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 99-08-04, amendment 39-11109 (64 FR 16803, April 7, 1999). The existing AD applies to certain Bombardier Model DHC-8-100, -200, and -300 series airplanes. That NPRM was published in the **Federal Register** on September 26, 2006 (71 FR 56070). That NPRM proposed to continue to require modification of the flight compartment door; repetitive inspections for wear of the flight compartment door hinges following modification; and repair or replacement of the hinges with new hinges if necessary. That NPRM also proposed to require using revised procedures for modifying and inspecting the flight compartment door and to reduce 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 that have been received on the NPRM.

#### Request To Publish Service Information/Incorporate by Reference in NPRM

The Modification and Replacement Parts Association (MARPA) states that ADs are based on service information that originates from the type certificate holder or its suppliers. MARPA adds that manufacturer's service documents are privately authored instruments, generally having copyright protection against duplication and distribution. When a service document is incorporated by reference into a public document, such as an AD, pursuant to 5 U.S.C. 552(a) and 1 CFR part 51, it loses its private, protected status and becomes a public document. MARPA notes that if a service document is used as a mandatory element of compliance it should not simply be referenced, but should be incorporated by reference. MARPA believes that public laws, by definition, should be public, which means they cannot rely upon private writings for compliance. MARPA adds that the legal interpretation of a document is a question of law, not of fact; therefore, unless the service document is incorporated by reference, it cannot be considered. MARPA is concerned that failure to incorporate essential service information could result in a court decision invalidating the AD.

MARPA points out that in another AD issued from a Directorate other than the Transport Airplane Directorate, the FAA advised that documents are not incorporated by reference into proposed actions; only in final actions. MARPA can point to hundreds, if not thousands, of final rules where the documents were not incorporated by reference—either intentionally or by oversight. MARPA can also provide hundreds of references where the incorporation by reference text has been included in the proposed rule; thus there does not seem to be a consistent policy from action to action and across all Directorates on how to handle this issue.

MARPA also states that service documents incorporated by reference should be made available to the public by publication in the Docket Management System (DMS), keyed to the action that incorporates those documents. MARPA notes that the stated purpose of the incorporation by reference method is brevity, to keep from expanding the **Federal Register** needlessly by publishing documents already in the hands of the affected individuals. MARPA adds that, traditionally, "affected individuals" means aircraft owners and operators, who are generally provided service