

# Rules and Regulations

Federal Register

Vol. 72, No. 129

Friday, July 6, 2007

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

### Office of the Secretary

#### 7 CFR Part 2

#### Revision of Delegations of Authority

**AGENCY:** Office of the Secretary.

**ACTION:** Final rule.

**SUMMARY:** This document delegates authority from the Secretary of Agriculture to the Director, Homeland Security Staff (Director), designating the Director as the Department official who is responsible for providing personal security protection to the Secretary and the Deputy Secretary. Therefore, this action revises the delegation of authority from the Secretary to the Inspector General to limit the involvement of the Inspector General with the personal security of the Secretary and the Deputy Secretary. This document also delegates authority from the Secretary to the Under Secretary for Natural Resources and Environment (NRE) and to the Chief, Forest Service, to assist the Director in providing personal security protection to the Secretary and the Deputy Secretary in the National Forest System (NFS).

**DATES:** Effective July 6, 2007.

**FOR FURTHER INFORMATION CONTACT:** Sheryl K. Maddux, Acting Director, Homeland Security Office, USDA, (202) 720-7654.

**SUPPLEMENTARY INFORMATION:** This action concerns delegations of authority regarding the personal security function as it relates to the Secretary and the Deputy Secretary. By way of reference, the Secretary and the Deputy Secretary are included in a protected class of officials under 18 U.S.C. 351, which criminalizes violent crimes committed against the head of a department or the second ranking official in such department. Through this action, the

Secretary delegates authority to the Director to provide for the personal security for the Secretary and the Deputy Secretary. In addition, this action revises the delegation of authority from the Secretary to the Inspector General to provide that the Inspector General retains the authority to assist the Director in providing for the personal security for the Secretary and the Deputy Secretary, at the request of the Director. In essence, this action transfers the primary responsibility of providing for the personal security for the Secretary and the Deputy Secretary from the Inspector General to the Director.

This action also delegates authority from the Secretary to the Under Secretary for NRE and to the Chief, Forest Service, to assist the Director in performing the personal security function in the NFS. At the request of the Director, the Under Secretary for NRE and the Chief, Forest Service, have delegated authority to designate Forest Service law enforcement personnel to assist the Director in providing for the personal security for the Secretary and the Deputy Secretary in the NFS.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rule making and opportunity for comment are not required. This rule may be made effective less than 30 days after publication in the **Federal Register**. Further, this rule is exempt from the provisions of Executive Order 12988 and Executive Orders 12866, amended by Executive Order 13258, because it relates to internal agency management. In addition, this action is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it is not a rule as defined by that statute. Finally, this action does not require review by Congress because it is not a rule as defined in 5 U.S.C. 804.

#### List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

■ Accordingly, 7 CFR part 2 is amended as follows:

#### PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

■ 1. The authority citation for part 2 continues to read as follows:

**Authority:** 7 U.S.C. 6912(a)(1), 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR, 1949-1953 Comp., p. 1024.

#### Subpart D—Delegation of Authority to Other General Officers and Agency Heads

■ 2. Amend § 2.20 to add paragraph (a)(2)(xl) to read as follows:

##### § 2.20 Under Secretary for Natural Resources and Environment.

- (a) \* \* \*
- (2) \* \* \*

(xl) At the request of the Director, Homeland Security Staff (Director), designate law enforcement personnel of the Forest Service to assist the Director in providing for the personal security for the Secretary and the Deputy Secretary in the National Forest System.

■ 3. Amend § 2.32 to add paragraph (a)(1)(vii) to read as follows:

##### § 2.32 Director, Homeland Security Staff.

- (a) \* \* \*
- (1) \* \* \*

(vii) Provide for the personal security for the Secretary and the Deputy Secretary.

\* \* \* \* \*

■ 4. Amend § 2.33 to revise paragraph (a)(2) to read as follows:

##### § 2.33 Inspector General.

\* \* \* \* \*

(2) At the request of the Director, Homeland Security Staff (Director), determine the availability of law enforcement personnel of the Office of Inspector General to assist the Director in providing for the personal security for the Secretary and the Deputy Secretary.

\* \* \* \* \*

#### Subpart J—Delegations of Authority by the Under Secretary for Natural Resources and Environment

■ 5. Amend § 2.60 to add paragraph (a)(49) to read as follows:

##### § 2.60 Chief, Forest Service.

- (a) \* \* \*

(49) At the request of the Director, Homeland Security Staff (Director), designate law enforcement personnel of the Forest Service to assist the Director in providing for the personal security for the Secretary and the Deputy Secretary in the National Forest System.

\* \* \* \* \*

Dated: June 29, 2007.

Mike Johanns,

Secretary of Agriculture.

[FR Doc. 07-3281 Filed 7-5-07; 8:45 am]

BILLING CODE 3410-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-26494 Directorate Identifier 2006-CE-079-AD; Amendment 39-15119; AD 2007-13-15]

RIN 2120-AA64

#### Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU Previously Held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 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. The MCAI describes the unsafe condition as:

To prevent unchecked corrosion developing on the wing spars due to access for inspections being difficult under normal maintenance practices, which could lead to an unsafe condition and possibly a catastrophic failure of the wing \* \* \*

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective August 10, 2007.

On August 10, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; fax: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a supplemental 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 April 23, 2007 (72 FR 20070). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

To prevent unchecked corrosion developing on the wing spars due to access for inspections being difficult under normal maintenance practices, which could lead to an unsafe condition and possibly a catastrophic failure of the wing \* \* \*

##### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

##### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

##### Differences Between This 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 required 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 AD.

##### Costs of Compliance

We estimate that this AD will affect 10 products of U.S. registry. We also estimate that it will take about 28 work-hours per product to comply with basic requirements of this AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$22,400 or \$2,240 per product.

We have no way of determining the number of products that may need any necessary follow-on actions. Since the corrosion damage would vary from airplane to airplane, we are not able to estimate the costs of each follow-on action.

#### 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 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 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.

#### 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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.