

# Proposed Rules

Federal Register

Vol. 72, No. 141

Tuesday, July 24, 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.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-27269; Directorate Identifier 2006-NM-207-AD]

RIN 2120-AA64

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The FAA withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD) for certain EMBRAER Model ERJ 170 airplanes. The proposed AD would have required installing updated software revisions and, as applicable, doing concurrent actions. Since the proposed AD was issued, we have received a report that all affected airplanes have already been modified as described in the proposed AD. Accordingly, the proposed AD is withdrawn.

**DATES:** As of July 24, 2007 the proposed rule published at 72 FR 7934, Feb. 22, 2007 is withdrawn.

**ADDRESSES:** 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 at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC. This docket number is FAA-2007-27269; the directorate identifier for this docket is 2006-NM-207-AD.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer,

International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with a notice of proposed rulemaking (NPRM) for a new AD for certain EMBRAER Model ERJ 170 airplanes. That NPRM was published in the **Federal Register** on February 22, 2007 (72 FR 7934). The NPRM would have required installing updated software revisions and, as applicable, doing concurrent actions. The NPRM resulted from a report of an error in the implementation procedure of the Primus Epic digital software platform, which could result in improper functioning of certain flight systems. A further report indicated that current revisions of the Primus Epic software might cause blinking of all cockpit flight displays. The proposed actions were intended to prevent improper functioning of certain flight systems and blinking of cockpit flight displays, which could lead to increased pilot workload during critical phases of flight.

##### Actions Since NPRM Was Issued

Since we issued the NPRM, EMBRAER informed us that all Model ERJ 170 airplanes have been modified in accordance with Service Bulletin 170-31-0013, Revision 01, dated January 13, 2006 (specified as the appropriate source of service information for accomplishing the requirements of the proposed AD). EMBRAER states that, consequently, all actions specified in the NPRM are complete.

##### FAA's Conclusions

Upon further consideration, we have determined that the proposed AD is not necessary. Accordingly, the NPRM is withdrawn.

Withdrawal of the NPRM does not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

##### Regulatory Impact

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the

Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

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

Air transportation, Aircraft, Aviation safety, Safety.

#### The Withdrawal

Accordingly, we withdraw the NPRM, FAA-2007-27269, directorate identifier 2006-NM-207-AD, which was published in the **Federal Register** on February 22, 2007 (72 FR 7934).

Issued in Renton, Washington, on July 15, 2007.

**Stephen P. Boyd,**

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

[FR Doc. E7-14145 Filed 7-23-07; 8:45 am]

**BILLING CODE 4910-13-P**

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## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Chapter II

#### Fiscal Year 2007 Program for Systematic Review of Commission Regulations; Request for Comments and Information

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of systematic review of current regulations.

**SUMMARY:** The Consumer Product Safety Commission staff (CPSC or Commission) announces the fiscal year 2007 program for systematic review of current CPSC substantive regulations to ensure, to the maximum practical extent, consistency among them and with respect to accomplishing program goals. In fiscal year 2007, the following two regulations will be evaluated: Ban of Unstable Refuse Bins, 16 CFR part 1301; and Requirements for Pacifiers, 16 CFR part 1511.

The primary purpose of the review is to assess the degree to which the regulations under review remain consistent with the Commission's program policies. In addition, each regulation will be examined with respect to the extent that it is current and relevant to CPSC program goals. Attention will also be given to whether the regulations can be streamlined, if possible, to minimize regulatory burdens, especially on small entities. To

the degree consistent with other Commission priorities and subject to the availability of personnel and fiscal resources, specific regulatory or other projects may be undertaken in response to the results of the review.

The Commission staff solicits written comments from interested persons concerning the designated regulations' currentness and consistency with Commission policies and goals, and suggestions for streamlining where appropriate. In so doing, commenters are requested to specifically address how their suggestions for change could be accomplished within the statutory frameworks for Commission action under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051–2084, and the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261–1278.

**DATES:** Comments and submissions in response to this notice must be received by September 24, 2007.

**ADDRESSES:** Comments and other submissions should be captioned "Fiscal Year 2007 Regulatory Review Project" and be submitted by e-mail to [cpssc-os@cpssc.gov](mailto:cpssc-os@cpssc.gov) or by facsimile to (301) 504–0127. Comments may also be submitted by mail or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814.

**FOR FURTHER INFORMATION CONTACT:** Linda Edwards, Office of Hazard Identification and Reduction, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814; telephone (301) 504–7535; e-mail [eedwards@cpssc.gov](mailto:eedwards@cpssc.gov).

**SUPPLEMENTARY INFORMATION:**

**A. The Review Program**

The President's Office of Management and Budget has designed the Program Assessment Rating Tool (PART) to provide a consistent approach to rating programs across the Federal government. A description of the PART process and associated program evaluation materials is available online at: [http://www.whitehouse.gov/omb/budintegration/part\\_assessing2004.html](http://www.whitehouse.gov/omb/budintegration/part_assessing2004.html).

Based on an evaluation of the Commission's regulatory programs using the PART, the recommendation was made that CPSC develop a plan to systematically review its current regulations to ensure consistency among them in accomplishing program goals. In FY 2004, the Commission conducted a pilot review program as the initial step in implementing that recommendation. The notice announcing the pilot program appeared in the **Federal**

**Register** on January 28, 2004, 69 FR 4095. Based on the success of the pilot program, the Commission announced the continuation of the program for subsequent fiscal years.

**B. The Regulations Undergoing Review**

A summary of each of the regulations being reviewed in fiscal year 2007 is provided below. The full text of the regulations may be accessed at: [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/16cfrv2\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/16cfrv2_03.html).

**1. Ban of Unstable Refuse Bins**

The Ban of Unstable Refuse Bins, 16 CFR part 1301, bans certain metal refuse bins having an internal volume of one cubic yard or greater to address the hazard of crushing due to tipover. The rule, which was established under the Consumer Product Safety Act and became effective on June 13, 1978, provides test methods to determine the stability of refuse bins.

**2. Requirements for Pacifiers**

The Requirements for Pacifiers, 16 CFR part 1511, provides requirements whereby pacifiers are not banned under 16 CFR 1500.18(a)(8). The rule provides performance requirements for guards or shields; protrusion limitations; structural integrity tests; a prohibition for attachments such as ribbons, strings, or cords; and labeling requirements. The rule, which was established under the Federal Hazardous Substances Act and became effective on February 26, 1978, addresses mechanical hazards associated with pacifiers such as choking and suffocation.

**C. Solicitation of Comments and Information**

The Commission staff invites interested persons to submit comments on each of the regulations being reviewed in the fiscal year 2007 program. In particular, commenters are asked to address:

1. Whether the regulation is consistent with CPSC program goals.
2. Whether the regulation is consistent with other CPSC regulations.
3. Whether the regulation is current with respect to technology, economic, or market conditions, and other mandatory or voluntary standards.
4. Whether the regulation can be streamlined to minimize regulatory burdens, particularly any such burdens on small entities.

For each regulation being reviewed, please provide any specific recommendations for change(s), if viewed as necessary, a justification for the recommended change(s), and, with respect to each suggested change, a

statement of the way in which the change can be accomplished within the statutory framework of the CPSA or FHSA, as applicable.

Comments and other submissions should be captioned "Fiscal Year 2007 Regulatory Review Project" and e-mailed to [cpssc-os@cpssc.gov](mailto:cpssc-os@cpssc.gov) or faxed to (301) 504–0127. Comments or other submissions may also be mailed or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814. All comments and other submissions must be received by September 24, 2007.

Dated: July 18, 2007.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. E7–14248 Filed 7–23–07; 8:45 am]

**BILLING CODE 6355–01–P**

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 924**

[MS–021–FOR]

**Mississippi Abandoned Mine Land Reclamation Plan**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed Mississippi abandoned mine land reclamation plan (Mississippi plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The purpose of the Mississippi plan is to establish policies and procedures to be followed in conducting reclamation of abandoned coal mine lands in Mississippi. Mississippi will use Federal monies to carry out the reclamation activities. We are seeking public comments on the adequacy of the proposed Mississippi plan. This document gives the times and locations that the proposed plan is available for your inspection, the comment period during which you may submit written comments on the plan, and the procedures that will be followed for the public hearing, if one is requested.

**DATES:** We will accept written comments on this proposed plan until August 23, 2007. If requested, we will hold a public hearing on the plan on