2009–06–16 Empresa Brasileira de Aeronautica S.A. (Embraer): Amendment 39–15853. Docket No. FAA–2008–0831; Directorate Identifier 2008–NM–051–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective April 30, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all EMBRAER Model ERJ 170–100 LR, –100 SE, –100 STD, –100 SU, –200 LR, –200 STD, and –200 SU airplanes; and Model ERJ 190–100 IGW, –100 LR, –100 STD, –100 ECJ, –200 IGW, –200 LR, and –200 STD airplanes; certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 24: Electrical power.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

It has been found the occurrence of failed bearings of the RAT [ram air turbine] generator, which may lead to a RAT generator failure. The RAT generator was designed to provide emergency electrical power to essential systems in case of loss of all other sources of aircraft AC electrical power.

Loss of emergency electrical power could result in reduced controllability of the airplane during in-flight emergencies. The corrective actions include determining the part number (P/N) and serial number (S/N) of the RAT, and re-identifying or replacing the RAT if necessary.

Actions and Compliance

(f) Unless already done, do the following actions.

(1) Within 1,300 flight hours or 6 months after the effective date of this AD, whichever occurs first, determine the P/N and S/N of the RAT. For airplanes on which a RAT having P/N 1703781 is installed, do the actions specified in paragraphs (f)(1)(i) and (f)(1)(ii) of this AD, as applicable, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 170–24–0041, Revision 01, dated August 28, 2007; or 190–24–0012, Revision 01, dated August 21, 2007; as applicable.

(i) For airplanes on which the S/N on the RAT is 0110, 0150, 0255, or 0354 through 0419: Before further flight, re-identify RAT P/N 1703781 to P/N 1703781A.

(ii) For airplanes on which the S/N on the RAT is 0005, 0101 through 0109, 0111 through 0149, 0151 through 0254, or 0256 through 0353: Within 6,000 flight hours or 26 months after the effective date of this AD, whichever occurs first, replace the affected RAT with a serviceable RAT.

(2) Previous accomplishment of the re-identification or replacement of the RAT before the effective date of this AD in accordance with EMBRAER Service Bulletin 170–24–0041 or 190–24–0012, both dated May 4, 2007, meets the requirements of (f)(1)(i) and (f)(1)(ii) of this AD, as applicable.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No difference.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Kenny Kaulia, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2848; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) Refer to MCAI Brazilian Airworthiness Directives 2007–12–01 and 2007–12–02, both effective January 24, 2008, and EMBRAER Service Bulletins 170–24–0041, Revision 01, dated August 28, 2007; and 190–24–0012, Revision 01, dated August 21, 2007; for related information.

Material Incorporated by Reference

(i) You must use EMBRAER Service Bulletin 170–24–0041, Revision 01, dated August 28, 2007; or EMBRAER Service Bulletin 190–24–0012, Revision 01, dated August 21, 2007; as applicable; to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—BRASIL; telephone: +55 12 3927–5852 or +55 12 3309–0732; fax: +55 12 3927–7546; e-mail: *distrib@embraer.com.br;* Internet: *http://www.flyembraer.com.*

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on March 10, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–6565 Filed 3–25–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 137

Operations in Controlled Airspace Designated for an Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This final rule revises an incorrect cross-reference in the regulations regarding operations in controlled airspace designated for an airport. The current regulations cross-reference a particular paragraph that no longer exists. This final rule updates the cross-reference so that the reader will be able to find the appropriate weather minimum limitations on visual flight rules for aircraft in controlled airspace near airports.

DATES: *Effective Date:* This final rule is effective March 26, 2009.

FOR FURTHER INFORMATION CONTACT: Carl N. Johnson, Flight Standards Office, AFS–820, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 493–5351; e-mail *carl.n.johnson@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 1991 (56 FR 65664), an amendment created § 137.43, Operations in controlled airspace designated for an airport. Paragraph (c) of this section contains a reference to paragraph (a)(2) of § 91.157, Special VFR weather minimums. The purpose of the cross-reference is to set out the exceptions for aircraft operating under special visual flight rules (VFR) in

controlled airspace designated for airports. However, a final rule published on December 5, 1995 (58 FR 51968) revised § 91.157. That revision removed paragraph (a)(2) and placed the information in paragraph (b)(4). As a result, the cross-reference in § 137.43 became inaccurate. This final rule revises the cross-reference in § 137.43(c) so that it correctly refers to § 91.157(b)(4).

Technical Amendment

This technical amendment merely revises an out-of-date cross-reference. There are no other changes to the existing regulatory text.

Justification for Immediate Adoption

Because this action updates an inaccurate cross-reference, the FAA finds that notice and public comment under 5 U.S.C. section 553(b) is unnecessary. For the same reason, the FAA finds good cause exists under 5 U.S.C. section 553(d) for making this rule effective upon publication.

List of Subjects in 14 CFR Part 137

Agriculture, Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The Amendment

■ In consideration of the forgoing, the FAA amends 14 CFR part 137 as follows:

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

■ 1. The authority citation for part 137 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 44701–44702.

§ 137.43 [Amended]

■ 2. Amend § 137.43(c) by removing the reference ''§ 91.157(a)(2)'' and adding in its place the reference ''§ 91.157(b)(4)''.

Issued in Washington, DC on March 13, 2009.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. E9–6731 Filed 3–25–09; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 303

Rules and Regulations Under the Textile Fiber Products Identification Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (''Commission'' or ''FTC'') amends Rule 7(c) of the Rules and Regulations under the Textile Fiber Products Identification Act (''Textile Rules'') to establish a new generic fiber subclass name and definition within the existing definition of ''polyester'' for a subclass of fibers made from poly(trimethylene terephthalate) (''PTT''). The amendment establishes the subclass name ''triexta.''

EFFECTIVE DATE: March 26, 2009.

FOR FURTHER INFORMATION CONTACT: Janice Podoll Frankle, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave., N.W., Washington, D.C., 20580; (202) 326-3022.

SUPPLEMENTARY INFORMATION: Pursuant to a petition filed by Mohawk Industries, Inc. (''Mohawk''), E. I. du Pont de Nemours and Company (''DuPont''), and PTT Poly Canada (''PTT Canada'') (collectively ''Petitioners''), the FTC amends Rule 7(c) of the Textile Rules. 16 CFR § 303.7(c). The amendment establishes the subclass name ''triexta'' as an alternative to the generic name ''polyester'' for a specific subclass of textile fibers defined in the amendment. In reaching this conclusion, the following **Federal Register** document recounts the procedural history of this matter and details the record established by the petition and public comments. The document then analyzes this record based on the applicable Commission standard.

I. Procedural History

On February 21, 2006, Petitioners asked the Commission to establish a new generic subclass within the existing ''polyester'' category for fibers made from poly(trimethylene terephthalate) (''PTT'').[1] After initially analyzing the request with the assistance of a textile expert, tentatively and without the benefit of public comment, the Commission agreed with Petitioners that PTT fiber satisfied the criteria for establishing a new generic fiber subclass name and definition within Rule 7(c)'s definition of ''polyester.''[2] Accordingly, on April 18, 2006, the Commission assigned Petitioners the designation ''PTT001'' for temporary use in identifying PTT fiber pending a final determination on the merits of their Petition.

On September 7, 2006, Petitioners submitted a revised petition (''Petition'')[3] restating the original request and addressing minor questions raised by Commission staff.[4]

On August 24, 2007, the Commission solicited comment on whether to amend Rule 7(c) of the Textile Rules to establish a new generic fiber subclass name for PTT within the definition of ''polyester'' for PTT (''2007 Notice'').[5] At the close of the comment period, November 12, 2007, the Commission had received 49 comments.[6]

INVISTA S.r.l. (''Invista'')[7] was the sole commenter to oppose the Petition. Its comment, however, raised serious concerns. Specifically, the comment criticized Petitioners' testing procedures and provided Invista's own test results that showed little difference between PTT and traditional ''polyester'' fibers (polyethylene terephthalate (''PET'')).[8] Because the Commission received Invista's comment only three days prior to the close of the 75 day comment period, Petitioners and other interested parties had limited opportunity to review and respond to it.[9] Therefore, on

[1] Mohawk sells a line of carpets manufactured from PTT under the trademark SmartStrand®. DuPont markets PTT under the trademark Sorona®. PTT Canada markets PTT under the trademark Corterra® Polymers.

[2] 16 CFR 303.7(c). Rule 7(c) defines ''polyester'' as ''a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of an ester of a substituted aromatic carboxylic acid, including but not restricted to substituted terephthalate units, and para substituted hydroxy-benzoate units.''

[3] The Petition is available in electronic form at: (*http://www.ftc.gov/os/statutes/textile/info/PTTGenAppRev8-30-06.pdf*). The Petition, as well as any comments filed in this proceeding, are available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and the Commission's Rules of Practice, 16 CFR 4.11, at the Consumer Response Center, Public Reference Section, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC.

[4] These questions addressed improving the legibility of some data and identifying the Kruskal-Wallis test as a statistical analysis rather than a carpet human traffic test.

[5] 72 FR 48600 (Aug. 24, 2007).

[6] Comments filed in this rulemaking can be found under the Rules and Regulations Under the Textile Fiber Products Identification Act, 16 CFR Part 303, Matter No. P074201, ''Mohawk, DuPont, and PTT Canada Generic Fiber Petition Rulemaking.'' The comments also may be viewed on the Commission's website at: (*http://www.ftc.gov/os/comments/textile-mohawk/index.shtm*) and (*http://www.ftc.gov/os/comments/textilefibernewgeneric/index.shtm*).

[7] In its comment, Invista stated that it is one of the world's largest integrated producers of man-made fibers, and the largest producer of nylon fibers used in the production of both residential and commercial carpeting. Invista at 1.

[8] Invista also argued that Mohawk violated the Textile Fiber Products Identification Act and Textile Rules by marketing PTT carpet without identifying it as ''polyester,'' and that this failure to comply should weigh heavily against granting the Petition. Invista at 7.

[9] Prior to the comment period closing, the Commission did not receive any comments responding to Invista's comment. Petitioners

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