paragraphs (a)(5), (b), (d) and (e) of this section, and § 431.507(a)(6)(ii).

(2) The Department will advise the manufacturer of the method for selecting the additional units for testing, the date and time at which testing is to begin, the date by which testing is scheduled to be completed, and the facility at which the testing will occur.

(3) The manufacturer must cease distribution of the basic model being tested under the provisions of this paragraph from the time the manufacturer elects to exercise the option provided in this paragraph until the Department determines that the basic model is in compliance. The DOE may seek civil penalties for all units distributed during such period.

(4) If the additional testing results in a determination of compliance, the Department will issue a notice of allowance to resume distribution.

7. Section 431.507 is revised to read as follows:

§ 431.507 Enforcement for performance standard and design standard; compliance determination procedure.

(a) The Department will determine compliance with performance standards for commercial HVAC and WH products as follows:

(1) After it has determined the sample size, the Department will measure the energy performance for each unit in accordance with the following table:

Sample size	Number of tests for each unit
4	1
3	1
2	2
1	4

(2) Compute the mean of the measured energy performance (x_1) for all tests as follows:

$$x_1 = \frac{1}{n_1}\left\{\sum_{i=1}^{n_1} x_i\right\} \qquad [1]$$

where x_i is the measured energy efficiency or consumption from test i, and n_1 is the total number of tests.

(3) Compute the standard deviation (s_1) of the measured energy performance from the n_1 tests as follows:

$$S_1 = \sqrt{\frac{\sum_{i=1}^{n_1}\left(x_i - x_1\right)^2}{n_1 - 1}} \qquad [2]$$

(4) Compute the standard error (s_{x1}) of the measured energy performance from the n_1 tests as follows:

$$S_{x_1} = \frac{S_1}{\sqrt{n_1}} \qquad [3]$$

(5)(i) For an energy efficiency standard, compute the lower control limit (LCL_1) according to:

$$LCL_1 = EPS - ts_{x_1} \qquad [4a]$$

or

$$LCL_1 = 97.5\ EPS \text{ (whichever is greater)} \qquad [4b]$$

(ii) For an energy use standard, compute the upper control limit (UCL_1) according to:

$$UCL_1 = EPS + ts_{x_1} \qquad [5a]$$

or

$$UCL_1 = 1.025\ EPS \text{ (whichever is less)} \qquad [5b]$$

where EPS is the energy performance standard and t is a statistic based on a 97.5-percent, one-sided confidence limit and a sample size of n_1.

(6)(i) Compare the sample mean to the control limit. The basic model is in compliance, and testing is at an end, if, for an energy efficiency standard, the sample mean is equal to or greater than the lower control limit or, for an energy consumption standard, the sample mean is equal to or less than the upper control limit. If, for an energy efficiency standard, the sample mean is less than the lower control limit or, for an energy consumption standard, the sample mean is greater than the upper control limit, compliance has not been demonstrated. Unless the manufacturer requests manufacturer-option testing, and provides the additional units for such testing, the basic model is in noncompliance and the testing is at an end.

(ii) If the manufacturer does request additional testing, and provides the necessary additional units, DOE will test each of these additional units the same number of times as it tested each unit when it determined compliance had not been demonstrated. The DOE will then compute a combined sample mean, standard deviation and standard error as described above in this section. (The ''combined sample'' refers to the units DOE initially tested plus the additional units DOE has tested at the manufacturer's request.) The DOE will determine compliance or noncompliance from the mean and the new lower or upper control limit of the combined sample. If, for an energy efficiency standard, the combined sample mean is equal to or greater than the new lower control limit or, for an energy consumption standard, the sample mean is equal to or less than the upper control limit, the basic model is in compliance, and testing is at an end. If the combined sample mean does not satisfy whichever of these two conditions is applicable, the basic model is in noncompliance and the testing is at an end.

(b) In the case of a design standard for a commercial HVAC&WH product, the Department can determine that a model is noncompliant after the Department has examined the underlying design information from the manufacturer and after the manufacturer has had the opportunity to verify compliance with the applicable design standard.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23884; Directorate Identifier 2006-CE–13–AD]

RIN 2120–AA64

Airworthiness Directives; Mitsubishi Heavy Industries MU–2B Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Mitsubishi Heavy Industries (MHI) MU–2B series airplanes. This proposed AD would require you to do flight checks of the rigging of the engine and propeller systems. This proposed AD results from a recent safety evaluation that used a data-driven approach to evaluate the design, operation, and maintenance of the MU–2B series airplanes in order to determine their safety and define what steps, if any, are necessary for their safe operation. Part of that evaluation was the identification of unsafe conditions that exist or could develop on the affected type design airplanes. We are issuing this proposed AD to detect and correct improper adjustment of the flight idle fuel flow setting. This condition, if uncorrected, could result in degraded performance and poor handling qualities with consequent loss of control of the airplane in certain situations.

DATES: We must receive comments on this proposed AD by June 15, 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: 1–202–493–2251.

• 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 Mitsubishi Heavy Industries, Ltd., 4951 Airport Parkway, Suite 800, Addison, Texas 75001; telephone: (972) 934–5480; facsimile: (972) 934–5488 for the service information identified in this proposed AD.

You may examine the comments on this proposed AD in the AD docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Rao Edupuganti, Aerospace Engineer, ASW–150, Fort Worth ACO, 2601 Meacham Blvd., Fort Worth, Texas 76193; telephone: (817) 222–5284; facsimile: (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include the docket number, ''FAA–2006–23884; Directorate Identifier 2006–CE–13–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 with FAA personnel concerning this proposed rulemaking. Using the search function of the DOT docket Web site, anyone can find and read the comments received into 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.*

Discussion

Recent accidents and the service history of the Mitsubishi MU–2B series airplanes prompted FAA to conduct an MU–2B Safety Evaluation. This evaluation used a data-driven approach to evaluate the design, operation, and maintenance of the MU–2B series airplanes in order to determine their safety and define what steps, if any, are necessary to ensure their safe operation.

The safety evaluation provided an in-depth review and analysis of MU–2B accidents, incidents, safety data, pilot training requirements, engine reliability, and commercial operations. In conducting this evaluation, the team employed new analysis tools that provided a much more detailed root cause analysis of the MU–2B problems than was previously possible.

Part of that evaluation was the identification of unsafe conditions that exist or could develop on the affected type design airplanes. Some operators may be improperly adjusting the flight idle fuel flow setting on the engines to allow a higher than normal sink rate when the flight idle power is selected. The manufacturer developed engine and propeller rigging specifications after considerable flight testing and evaluation. Operation outside of the specifications may result in unsafe flight characteristics during landing or in the event of a stall. In particular, improper settings may cause one or both of the propellers to go into negative torque sensing mode, which may result in an unsafe flight condition.

This condition, if not corrected, could result in degraded performance and poor handling qualities with consequent loss of control of the airplane in certain situations.

Relevant Service Information

We have reviewed the following MHI service information:

• Service Bulletin No. 234, dated October 7, 1998; and

• Service Bulletin No. 097/73–001, dated July 24, 1998.

The service information describes procedures for doing flight checks of the rigging of the engine and propeller systems.

Foreign Airworthiness Authority Information

The MU–2B series airplane was initially certificated in 1965 and again in 1976 under two separate type certificates that consist of basically the same type design. Japan is the State of Design for Type Certificate (TC) No. A2PC, and the United States is the State of Design for TC No. A10SW. The affected models are as follows (where models are duplicated, specific serial numbers are specified in the individual TCs):

Type certificate	Affected models
A10SW	MU–2B–25, MU–2B–26, MU–2B–26A, MU–2B–35, MU–2B–36, MU–2B–36A, MU–2B–40, and MU–2B–60.
A2PC	MU–2B, MU–2B–10, MU–2B–15, MU–2B–20, MU–2B–25, MU–2B–26, MU–2B–30, MU–2B–35, and MU–2B–36.

The Japan Civil Aviation Bureau, the airworthiness authority for Japan, issued Japanese AD No. TCD 4890–98, dated October 7, 1998, to ensure the continued airworthiness of the airplanes in Japan.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD to address an unsafe condition that we determined is likely to exist or develop on other products of this same type design. The proposed AD would require you to do flight checks of the rigging of the engine and propeller systems. The proposed AD would require you to use the service information described previously to perform these actions.

The Agency is committed to updating the aviation community of expected costs associated with the MU–2B series airplane safety evaluation conducted in 2005. As a result of that commitment, the accumulating expected costs of all ADs related to the MU–2B series airplane safety evaluation may be found in the Final Report section at the following Web site: *http://www.faa.gov/aircraft/air_cert/design_approvals/small_airplanes/cos/mu2_foia_reading_library/.*

Costs of Compliance

We estimate that this proposed AD affects 397 airplanes in the U.S. registry.

We estimate the following costs to accomplish the proposed initial flight check:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 workhour × $80 = $80	Not applicable	$80	$31,760

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. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

Examining the Dockets

You may examine the docket that contains the proposal, any comments received and any final disposition on the Internet at *http://dms.dot.gov*, or in person at the DOT Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5227) is located 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 Docket Management Facility receives them.

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 adding the following new airworthiness directive:

Mitsubishi Heavy Industries: Docket No. FAA–2006–23884; Directorate Identifier 2006-CE–13-AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this proposed airworthiness directive (AD) action by June 15, 2006.

Affected ADs

(b) None.

Applicability

(c) This AD affects the following airplane models and serial numbers that are certificated in any category:

TABLE 1.—APPLICABILITY

Type certificate	Models	Serial Nos.
(1) A2PC	MU–2B, MU–2B–10, MU–2B–15, MU–2B–20, MU–2B–25, MU–2B–26, MU–2B–30, MU–2B–35, and MU–2B–36.	008 through 312, 314 through 320, and 322 through 347.
(2) A2PC	MU–2B–30, MU–2B–35, and MU–2B–36	501 through 651, 653 through 660, and 662 through 696.
(3) A10SW	MU–2B–25, MU–2B–26, MU–2B–26A, and MU–2B–40	313SA, 321SA, and 348SA through 459SA.
(4) A10SW	MU–2B–35, MU–2B–36, MU–2B–36A, and MU–2B–60	652SA, 661SA, and 697SA through 1569SA.

Unsafe Condition

(d) This AD results from a recent safety evaluation that used a data-driven approach to analyze the design, operation, and maintenance of the MU–2B series airplanes in order to determine their safety and define what steps, if any, are necessary for their safe operation. Part of that evaluation was the identification of unsafe conditions that exist or could develop on the affected type design airplanes. The actions specified in this AD are intended to detect and correct improper adjustment of the flight idle fuel flow setting. The above issue, if uncorrected, could result in degraded performance and poor handling qualities with consequent loss of control of the airplane in certain situations.

Compliance

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

TABLE 2.—ACTIONS/COMPLIANCE/PROCEDURES

Actions	Compliance	Procedures
Do flight checks of the rigging of the engine and propeller systems and make any necessary corrections. Make an entry into the aircraft logbook showing compliance with this portion of the AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).	Check within 100 hours time-in-service (TIS) after the effective date of this AD, and repetitively thereafter at intervals not to exceed 100 hours TIS. If any corrections are necessary, make the corrections before further flight.	*For airplanes listed in TCDS A2PC:* follow MHI Service Bulletin No. 234, dated October 7, 1998. *For airplanes listed in TCDS A10SW:* follow MHI Service Bulletin No. 097/73–001, dated July 24, 1998.

(f) The flight checks required in paragraph (e) of this AD must be done by two individuals. One of the individuals must hold at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) and the other must be one of the following individuals:

(1) Another individual holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR43.7) or

(2) An authorized rated mechanic.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Fort Worth ACO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(h) For information on any already approved AMOCs or for information pertaining to this AD, contact Rao Edupuganti, Aerospace Engineer, ASW–150, Fort Worth ACO, 2601 Meacham Blvd., Fort Worth, Texas 76193; telephone: (817) 222–5284; facsimile: (817) 222–5960.

Related Information

(i) Japan Civil Aviation Bureau Airworthiness Directive No. TCD 4890–98, dated October 7, 1998; and MHI Service Bulletins No. 234, dated October 7, 1998; and No. 097/73–001, dated July 24, 1998, also address the subject of this AD.

(j) To get copies of the documents referenced in this AD, contact Mitsubishi Heavy Industries, Ltd., 4951 Airport Parkway, Suite 800, Addison, Texas 75001; telephone: (972) 934–5480; facsimile: (972) 934–5488. 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–2006–23884; Directorate Identifier 2006–CE–13–AD.

Issued in Kansas City, Missouri, on April 21, 2006.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–6420 Filed 4–27–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23883; Directorate Identifier 2006–CE–12–AD]

RIN 2120–AA64

Airworthiness Directives; Mitsubishi Heavy Industries MU–2B Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Mitsubishi Heavy Industries (MHI) MU–2B series airplanes. This proposed AD would require you to incorporate power assurance charts into the Limitations Section of the Airplane Flight Manual (AFM), inspect the engine torque indication system, and recalibrate the torque pressure transducers as required. This proposed AD results from a recent safety evaluation that used a data-driven approach to analyze the design, operation, and maintenance of the MU–2B series airplanes in order to determine their safety and define what steps, if any, are necessary for their safe operation. Part of that evaluation was the identification of unsafe conditions that exist or could develop on the affected type design airplanes. We are issuing this proposed AD to detect and correct torque transducers that are out of calibration. The above issue, if uncorrected, could result in degraded performance and poor handling qualities with consequent loss of control of the airplane in certain situations.

DATES: We must receive comments on this proposed AD by June 15, 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: 1–202–493–2251.
- 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 Mitsubishi Heavy Industries, Ltd., 4951 Airport Parkway, Suite 800, Addison, Texas 75001; telephone: (972) 934–5480; facsimile: (972) 934–5488 for the service information identified in this proposed AD.

You may examine the comments on this proposed AD in the AD docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Rao Edupuganti, Aerospace Engineer, ASW–150, Fort Worth Aircraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76193; telephone: (817) 222–5284; facsimile: (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite you to send any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include the docket number, ''FAA–2006–23883; Directorate Identifier 2006–CE–12–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