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Issued in Renton, Washington, on October 13, 2006.

**Kalene C. Yanamura,**

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

[FR Doc. E6-17658 Filed 10-26-06; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2006-24228; Directorate Identifier 2006-CE-22-AD; Amendment 39-14805; AD 2006-22-08]

**RIN 2120-AA64**

**Airworthiness Directives; Air Tractor, Inc. Models AT-602, AT-802, and AT-802A Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA adopts a new airworthiness directive (AD) for all Air Tractor, Inc. Models AT-602, AT-802, and AT-802A airplanes. This AD requires you to repetitively inspect the engine mount for any cracks, repair or replace any cracked engine mount, and report any cracks found to the FAA. This AD results from reports of cracked engine mounts. We are issuing this AD to detect and correct cracks in the engine mount, which could result in failure of the engine mount. Such failure could lead to separation of the engine from the airplane.

**DATES:** This AD becomes effective on December 1, 2006.

As of December 1, 2006, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

**ADDRESSES:** To get the service information identified in this AD, contact Air Tractor, Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564-5616; facsimile: (940) 564-5612.

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 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA-2006-24228; Directorate Identifier 2006-CE-22-AD.

**FOR FURTHER INFORMATION CONTACT:** Andrew McAnaul, Aerospace Engineer, ASW-150 (c/o MIDO-43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308-3365; facsimile: (210) 308-3370.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On April 26, 2006, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Air Tractor, Inc. Models AT-602, AT-802, and AT-802A airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on May 2, 2006 (71 FR 25793). The NPRM proposed to require you to repetitively inspect the engine mount for any cracks, repair or replace any cracked engine mount, and report any cracks found to the FAA.

**Comments**

We provided the public the opportunity to participate in developing this AD. The following presents the comment received on the proposal and FAA's response to the comment:

**Comment Issue: Flight Test and Analysis**

Ronald G. Bush suggests that proper flight testing of a correctly instrumented engine mount and structure, combined with analysis of the data collected, may provide for a more efficient solution to the cracking problem than the repetitive inspections currently provide. He notes that the cost of each inspection is estimated at \$120, and a properly substantiated terminating action may prove less costly over time.

We partially agree that a properly executed flight test and analysis is a method to provide substantiating data that can be used to validate an alternate method for addressing the engine mount fatigue cracking. The FAA has not received any data at this time that proposes and substantiates a terminating action for the required inspections. If and when such information is received, we will consider mandating it through AD action.

We are not changing the AD as a result of this comment.

**Conclusion**

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

**Costs of Compliance**

We estimate that this AD affects 368 airplanes in the U.S. registry.

We estimate the following costs to do each required inspection:

Labor cost	Parts cost	Total cost per airplane per inspection	Total cost on U.S. operators for initial inspection
1.5 work-hours × \$80 per hour = \$120 .....	Not Applicable .....	\$120	368 × \$120 = \$44,160.

We have no way of determining the number of airplanes that may need replacement of the engine mount. We

estimate the following costs to do the replacement:

Labor cost	Parts cost	Total cost per airplane per inspection	Total cost on U.S. operators for initial inspection
81 work-hours × \$80 per hour = \$6,480 .....	\$3,982	\$10,462	368 × \$10,462 = \$3,850,016.

Any required “upon-condition” repairs would vary depending upon the damage found during each inspection. Based on this, we have no way of determining the potential repair costs for each airplane.

**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 AD.

**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 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 summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include “Docket No. FAA–2006–24228; Directorate Identifier 2006–CE–22–AD” in your request.

**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 Federal Aviation Administration

amends part 39 of the Federal Aviation Regulations (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. FAA amends § 39.13 by adding a new AD to read as follows:

**2006–22–08 Air Tractor, Inc.:** Amendment 39–14805; Docket No. FAA–2006–24228; Directorate Identifier 2006–CE–22–AD.

**Effective Date**

(a) This AD becomes effective on December 1, 2006.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD affects all Models AT–602, AT–802, and AT–802A airplanes, all serial numbers, that are certificated in any category.

**Unsafe Condition**

(d) This AD results from reports of cracked engine mounts. We are issuing this AD to detect and correct cracks in the engine mount, which could result in failure of the engine mount. Such failure could lead to separation of the engine from the airplane.

**Compliance**

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

Actions	Compliance	Procedures
(1) Visually inspect the engine mount for any cracks.	Initially inspect upon accumulating 4,000 hours time-in-service (TIS) or within the next 100 hours TIS after December 1, 2006 (the effective date of this AD), whichever occurs later, unless already done. Thereafter, repetitively inspect every 300 hours TIS.	Follow Snow Engineering Co. Service Letter #253, dated December 12, 2005.
(2) If you find any crack damage, do one of the following: (i) Obtain an FAA-approved repair scheme and incorporate this repair scheme; or (ii) Replace the engine mount with a new engine mount.	Before further flight after any inspection required by paragraph (e)(1) of this AD where crack damage is found. If you repair the cracked engine mount, then continue to re-inspect at intervals not to exceed 300 hours TIS, unless the repair scheme states differently. If you replace the engine mount, then initially inspect upon accumulating 4,000 hours TIS and repetitively at intervals not to exceed 300 hours TIS thereafter.	<i>For obtaining a repair scheme:</i> Follow Snow Engineering Co. Service Letter #253, dated December 12, 2005. <i>For the replacement:</i> The maintenance manual includes instructions for the replacement.
(3) Report any cracks that you find to the FAA at the address specified in paragraph (f) of this AD. Include in your report: (i) Airplane serial number; (ii) Airplane and engine mount hours TIS; (iii) Crack location(s) and size(s); (iv) Corrective action taken; and (v) Point of contact name and telephone number.	Within the next 10 days after you find the cracks or within the next 10 days after December 1, 2006 (the effective date of this AD), whichever occurs later.	The Office of Management and Budget (OMB) approved the information collection requirements contained in this regulation under the provisions of the Paperwork Reduction Act and assigned OMB Control Number 2120–0056.

### Alternative Methods of Compliance (AMOCs)

(f) The Manager, Fort Worth Airplane Certification Office, FAA, Attn: Andrew McAnaul, Aerospace Engineer, ASW-150 (c/o MIDO-43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308-3365; facsimile: (210) 308-3370, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

### Material Incorporated by Reference

(g) You must do the actions required by this AD following the instructions in Snow Engineering Co. Service Letter #253, dated December 12, 2005. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact Air Tractor, Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564-5616; facsimile: (940) 564-5612. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, 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) or call (202) 741-6030. 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 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA-2006-24228; Directorate Identifier 2006-CE-22-AD.

Issued in Kansas City, Missouri, on October 13, 2006.

#### James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

18 CFR Parts 153, 157, 375, and 385

[Docket No. RM06-1-000; Order No. 687]

### Regulations Implementing the Energy Policy Act of 2005; Coordinating the Processing of Federal Authorizations for Applications Under Sections 3 and 7 of the Natural Gas Act and Maintaining a Complete Consolidated Record

October 19, 2006.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule.

**SUMMARY:** Section 313 of the Energy Policy Act of 2005 (EPAAct 2005) <sup>1</sup>

amends section 15 of the Natural Gas Act (NGA) <sup>2</sup> to provide the Federal Energy Regulatory Commission (Commission) with additional authority to coordinate the processing of authorizations required under Federal law for proposed natural gas projects subject to NGA sections 3 and 7 and to maintain a complete consolidated record of decisions with respect to such Federal authorizations. This Final Rule promulgates regulations governing its exercise of this authority whereby the Commission will establish a schedule for the completion of reviews of requests for authorizations necessary for a proposed project and compile a consolidated record to be used in the event of review of actions by the Commission and other agencies in responding to requests for authorizations necessary for a proposed project.

**DATES:** *Effective Date:* The rule will become effective December 26, 2006.

**FOR FURTHER INFORMATION CONTACT:** Gordon Wagner, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426; [gordon.wagner@ferc.gov](mailto:gordon.wagner@ferc.gov); (202) 502-8947.

Lonnie Lister, Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426; [lonnie.lister@ferc.gov](mailto:lonnie.lister@ferc.gov); (202) 502-8587.

William O. Blome, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. 20426; (202) 502-8462.

#### SUPPLEMENTARY INFORMATION:

Before Commissioners: Joseph T. Kelliher, Chairman; Suedeen G. Kelly, Marc Spitzer, Philip D. Moeller, and Jon Wellinghoff

1. On May 18, 2006, the Commission issued a Notice of Proposed Rulemaking (NOPR) in Docket No. RM06-1-000,<sup>3</sup> requesting comments on proposed regulations to implement section 313 of the Energy Policy Act of 2005 (EPAAct 2005).<sup>4</sup> EPAAct 2005 section 313 amends the Natural Gas Act (NGA) to provide the Commission with the authority (1) to set a schedule for Federal agencies, and state agencies acting under federally delegated authority, to reach a final decision on requests for Federal authorizations necessary for proposed NGA section 3 or 7 gas projects and (2) to maintain a complete consolidated record of all decisions and actions by

the Commission and other agencies with respect to such authorizations. In this Final Rule, the Commission considers comments submitted in response to the NOPR, and as a result, makes certain modifications to the proposed regulatory revisions.

### Background

2. The Commission authorizes the construction and operation of proposed natural gas projects under NGA sections 3 and 7.<sup>5</sup> However, the Commission does not have jurisdiction over every aspect of each natural gas project. Hence, for a natural gas project to go forward, in addition to Commission approval, several different agencies must typically reach favorable findings regarding other aspects of the project. To better coordinate the activities of separate agencies with varying responsibilities over proposed natural gas projects, EPAAct 2005 modified the Commission's role. Section 313 of EPAAct 2005 directs the Commission (1) to establish a schedule for agencies to review requests for Federal authorizations required for a project <sup>6</sup>

<sup>5</sup> Under NGA section 7, the Commission has jurisdiction over the transportation or sale of natural gas in interstate commerce and the construction, acquisition, operation, and abandonment of facilities to transport natural gas in interstate commerce. Under NGA section 3(e), the Commission has exclusive authority to approve or deny an application for the siting, construction, expansion, or operation of a liquefied natural gas (LNG) terminal. The Secretary of the Department of Energy (DOE) has delegated to the Commission the authority under NGA section 3 to approve or disapprove applications for the siting, construction, and operation of facilities to import or export natural gas. The most recent delegation is in Delegation Order No. 00-004-00A, effective May 16, 2006.

<sup>6</sup> EPAAct 2005 section 313 describes "Federal authorizations" as decisions or actions by a Federal agency or official, "or State administrative agency or officer acting under delegated Federal authority," granting or denying requests for permits, certificates, opinions, approvals, and other authorizations. The United States Environmental Protection Agency (EPA) asks what types of state actions would qualify as being under delegated Federal authority. The Commission finds that a state action qualifies as an action under delegated Federal authority if it is an action that (1) a State entity is permitted, approved, or directed to take under Federal law and (2) provides the basis for a reasoned decision on a request for a Federal authorization. The United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) asks whether a Federal authorization would include recommendations or biological opinions issued subsequent to consultations under the Magnuson-Stevens Fishery Conservation and Management Act and Endangered Species Act (ESA). To the extent recommendations and opinions are necessary for a Federal agency, or state agency acting under federally delegated authority, to reach a decision on a request for a Federal authorization that is needed for a proposed NGA section 3 or 7 project to go forward, the Commission interprets EPAAct 2005's mandate as encompassing such recommendations and opinions as "Federal authorizations."

<sup>2</sup> 15 U.S.C. 717n (2005).

<sup>3</sup> 71 FR 30632 (May 30 2006); FERC Stats. & Regs. ¶ 32,601 (2006); 115 FERC ¶ 61,203 (2006).

<sup>4</sup> Pub. L. 109-58, 119 Stat. 594 (2005).

<sup>1</sup> Pub. L. 109-58, 119 Stat. 594 (2005).