FSIS is providing an opportunity for comment on whether the uniform compliance date established in this final rule should be modified or revoked.

**Executive Order 12866: Benefit-Cost Analysis**

FSIS has examined the impacts of the final rule under Executive Order 12866. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). This action has been determined to be not significant and, therefore, has not been reviewed by the Office of Management and Budget.

Establishing a uniform compliance date for all future Federal food product labeling regulations affecting the meat and poultry industry that are issued by FSIS over a two year period will eliminate potentially burdensome requirements otherwise faced by the industry.

The regulation also greatly limits the possibility of potentially conflicting compliance dates for labeling requirements developed for meat and poultry products and labeling requirements developed for non-meat and non-poultry products. It thus provides for an orderly industry adjustment to any new labeling requirements. Labeling changes in response to Federal regulations will likely be less frequent, and establishments will be able to plan for full utilization of their labeling stocks.

**Need for the Rule**

Establishing uniform compliance dates for food labeling regulations issued within specified time periods minimizes the economic impact of label changes for industry and may indirectly benefit consumers if cost savings are passed on in the form of lower prices.

**Regulatory Flexibility Analysis**

This rule does not have a significant economic impact on a substantial number of small entities. Consequently, an initial regulatory flexibility analysis is not required (5 U.S.C. 601–612). The uniform compliance date does not impose any burden on small entities. The Agency will conduct regulatory flexibility analyses of future labeling regulations if such analyses are required.

**Paperwork Requirements**

There are no paperwork or recordkeeping requirements associated with this policy under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

**Expected Environmental Effects**

The establishment of a uniform compliance date for food labeling regulations is an activity that will not have a significant individual or cumulative effect on the human environment. Therefore, this action is appropriately subject to the categorical exclusion from the preparation of an environmental assessment or environmental impact statement provided under 7 CFR 1b.4(6) of the U.S. Department of Agriculture regulations.

*Additional Public Notification*

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this rule, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations_&_policies/2007_Interim_&_Final_Rules_Index/index.asp.*

The Regulations.gov Web site is the central online rulemaking portal of the United States government. It is being offered as a public service to increase participation in the Federal government's regulatory activities. FSIS participates in Regulations.gov and will accept comments on documents published on the site. The site allows visitors to search by keyword or Department or Agency for rulemakings that allow for public comment. Each entry provides a quick link to a comment form so that visitors can type in their comments and submit them to FSIS. The Web site is located at *http://www.regulations.gov/.*

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an e-mail subscription service that provides an automatic and customized notification when popular pages are updated, including **Federal Register** publications and related documents. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/* and allows FSIS customers to sign up for subscription options across eight categories. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password protect their account.

Done at Washington, DC, on: February 27, 2007.

**David P. Goldman,**

*Acting Administrator.*

[FR Doc. E7–3725 Filed 3–2–07; 8:45 am]

**BILLING CODE 3410–DM–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2006–26048; Directorate Identifier 2006–NM–191–AD; Amendment 39–14967; AD 2007–05–06]**

**RIN 2120–AA64**

## Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain McDonnell Douglas Model 717–200 airplanes. This AD requires replacing certain attaching hardware of the bulkhead nipple assemblies of the left and right wing vent boxes with new electrical bonding attaching hardware, doing resistance testing of the new electrical bonds, and doing fuel leakage testing of the reworked nipple assemblies. This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to provide a conductive path, from the bulkhead nipple assemblies of the left and right wing vent boxes to the airframe structure inside the wing fuel tanks, to dissipate high-amperage lightning-induced currents, which might otherwise create an ignition source for fuel vapors inside the wing

vent boxes and lead to an explosion of the fuel tanks.

**DATES:** This AD becomes effective April 9, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of April 9, 2007.

**ADDRESSES:** You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, *Attention:* Data and Service Management, Dept. C1–L5A (D800–0024), for the service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5262; fax (562) 627–5210.

**SUPPLEMENTARY INFORMATION:**

**Examining the Docket**

You may examine the airworthiness directive (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 on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

**Discussion**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain McDonnell Douglas Model 717–200 airplanes. That NPRM was published in the **Federal Register** on October 13, 2006 (71 FR 60446). That NPRM proposed to require replacing certain attaching hardware of the bulkhead nipple assemblies of the left and right wing vent boxes with new electrical bonding attaching hardware, doing resistance testing of the new electrical bonds, and doing fuel leakage testing of the reworked nipple assemblies.

**Comments**

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

**Request To Clarify Service Information Requirement**

One commenter, Hawaiian Airlines, requests that we clarify what service information is acceptable for compliance with the AD. The commenter asserts that the NPRM states that the use of Boeing Service Bulletin 717–28–0011, Revision 2, dated July 19, 2006, is acceptable for compliance. However, the commenter states that, although Revision 2 of the service bulletin added a leakage test of the reworked nipple assemblies, Revision 2 states that no further work is required. Therefore, the commenter inquires whether compliance with earlier revisions of the service information will be acceptable.

We agree that there may be some confusion here. Service Bulletin 717–28–0011, Revision 1, dated January 24, 2006; and Revision 2, dated July 19, 2006; both state that no further work is required. However, Revision 1 added a ''leak check,'' and Revision 2 states that a ''fueling capacity and leak check procedure'' has been added. In fact, the fueling capacity and leak check procedure specified in Revision 2 combines the fuel leakage test from the original issue of the service bulletin, dated April 16, 2004, and the leak check from Revision 1 into a single step, Work Instruction 3.B.14., ''fuel leakage test.'' Work Instruction 3.B.14. cites a different airplane maintenance manual (AMM) chapter than the original issue or Revision 1 of the service bulletin (AMM 28–11–00). Additionally, the remaining Work Instruction steps have been renumbered. However, if an operator accomplished the actions specified in the original issue or Revision 1 of the service bulletin prior to the effective date of the AD, and no leakage of fuel has since occurred in the subject areas, no additional work is required for compliance with the corresponding requirements of the AD. We have revised paragraph (g) of the AD to include the original issue of the service bulletin.

**Request for Clarification of Class 'L' Reference**

Another commenter, AirTran Airways, states that it supports the NPRM, but expresses confusion regarding the term ''class 'L' '' that appears in Figure 1 of Boeing Service Bulletin 717–28–0011, Revision 2. The commenter states that, although note (e) of Figure 1 specifies to: ''Do class 'L' resistance test * * * '' and ''Refer to SWPM [standard wiring practices manual] 20–50–01,'' Section 20–50–01 of the Boeing SWPM does not identify a class 'L,' but rather provides a maximum direct current (DC) resistance and path for lightning protection. The commenter therefore requests that we clarify the reference to class 'L' in the final rule.

We partially agree. It is true that note (e) of Figure 1 of the service bulletin refers to a class 'L' resistance test, while Section 20–50–01 of the Boeing SWPM no longer refers to class 'L.' Class 'L' had to do with lightning protection, specified a maximum resistance of 0.0025 ohm, and appeared in earlier versions of the SWPM. However, although the term ''class 'L' '' no longer appears in the SWPM, note (e) of Figure 1 of the service bulletin specifies the resistance test retained in the SWPM, which states that the maximum resistance must not exceed 2.5 milliohms (0.0025 ohm). We have determined that the term ''class 'L' '' is not important in this context, and the directions of note (e) of Figure 1 of the service bulletin are otherwise acceptable as written; however, for clarity, we have added a note after paragraph (f) of the AD concerning this issue.

**Request To Revise Compliance Time**

The same commenter notes that the compliance time in the NPRM does not match that in the service bulletin. The commenter states that the NPRM specifies a reduced compliance time of 78 months due to the nature of the unsafe condition, and that this difference has been coordinated with Boeing. The commenter suggests that the service bulletin should be revised to match the compliance time required by the AD.

We do not agree. As stated in the NPRM, Boeing concurs with the proposed compliance time. The compliance time is clearly stated in the NPRM. Therefore, there is no safety-related purpose for revising the service bulletin. Further, we do not have the authority to require Boeing to revise the service bulletin to match the compliance time required by this AD. Therefore, we do not find it necessary to pursue any change to the service bulletin.

**Request To Publish Incorporation by Reference (IBR) Documents on the Docket Management System (DMS)**

The Modification and Replacement Parts Association (MARPA) asserts that IBR documents should be made available to the public by publication in the DMS, keyed to the action that incorporates them. MARPA therefore requests that such documents be published in the DMS prior to release of the final rule.

We do not agree with this request. We are currently in the process of reviewing issues surrounding the posting of service bulletins on the DMS as part of an AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised. No change to the AD is necessary in this regard.

**Request To Add FAA Statement of Intent**

MARPA requests that, during the NPRM stage of AD rulemaking, the FAA state its intent to IBR any relevant service information. MARPA states that without such a statement in the NPRM, it is unclear whether we will IBR the relevant service information in the final rule.

We do not concur with MARPA's request. When we reference certain service information in a proposed AD, the public can assume we intend to IBR that service information, as required by the Office of the Federal Register. No change to the AD is necessary in regard to this request.

**Conclusion**

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

**Costs of Compliance**

There are about 138 airplanes of the affected design in the worldwide fleet. This AD affects about 108 airplanes of U.S. registry. The required actions take about 6 work hours per airplane, at an average labor rate of $80 per work hour. The manufacturer states that it will supply required parts to the operators at no cost. Based on these figures, the estimated cost of the AD for U.S. operators is $51,840, or $480 per 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 rulemaking action.

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

**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 FAA amends 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

**2007–05–06 McDonnell Douglas:** Amendment 39–14967. Docket No. FAA–2006–26048; Directorate Identifier 2006–NM–191–AD.

**Effective Date**

(a) This AD becomes effective April 9, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to McDonnell Douglas Model 717–200 airplanes, certificated in any category; as identified in Boeing Service Bulletin 717–28–0011, Revision 2, dated July 19, 2006.

**Unsafe Condition**

(d) This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to provide a conductive path, from the bulkhead nipple assemblies of the left and right wing vent boxes to the airframe structure inside the wing fuel tanks, to dissipate high-amperage lightning-induced currents, which might otherwise create an ignition source for fuel vapors inside the wing vent boxes and lead to an explosion of the fuel tanks.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Installing Electrical Bonding, and Resistance and Fuel Leakage Testing**

(f) Within 78 months after the effective date of this AD, replace certain attaching hardware of the bulkhead nipple assemblies of the left and right wing vent boxes with new electrical bonding attaching hardware, do resistance testing of the new electrical bonds, and do fuel leakage testing of the reworked nipple assemblies; in accordance with the Accomplishment Instructions of Boeing Service Bulletin 717–28–0011, Revision 2, dated July 19, 2006.

**Note 1:** Note (e) of Figure 1 of the service bulletin refers to a class 'L' resistance test. However, we have determined that the term ''class 'L' '' is not important in this context and the directions of note (e) of Figure 1 of the service bulletin are otherwise acceptable as written.

**Actions Accomplished According to Previous Issue of Service Bulletin**

(g) Actions accomplished before the effective date of this AD in accordance with Boeing Service Bulletin 717–28–0011, dated April 16, 2004; or Revision 1, dated January 24, 2006; are acceptable for compliance with the corresponding actions specified in this AD.

**Alternative Methods of Compliance (AMOCs)**

(h)(1) The Manager, ANM–116, International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

**Material Incorporated by Reference**

(i) You must use Boeing Service Bulletin 717–28–0011, Revision 2, dated July 19, 2006, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, *Attention:* Data and Service Management, Dept. C1–L5A (D800–0024), for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; or 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/cfr/ibr-locations.html.*

Issued in Renton, Washington, on February 21, 2007.

**Ali Bahrami,**

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

[FR Doc. E7–3560 Filed 3–2–07; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2006–26489; Directorate Identifier 2006–CE–74–AD; Amendment 39–14966; AD 2007–05–05]**

**RIN 2120–AA64**

## Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models M.S. 760, M.S. 760 A, and M.S. 760 B 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:

Following Safety Alert No. SA–006, issued by the National Transportation Safety Board (NTSB) on aircraft icing, it was impossible to demonstrate that the aircraft can safely takeoff when contaminated by frost, ice, snow, or slush, and fly into icing conditions.

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

**DATES:** This AD becomes effective April 9, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 9, 2007.

**ADDRESSES:** You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4119; *fax:* (816) 329–4090.

**SUPPLEMENTARY INFORMATION:**

### Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. The streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

This AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

### Discussion

We issued a 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 January 5, 2007 (72 FR 483). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Following Safety Alert No. SA–006, issued by the National Transportation Safety Board (NTSB) on aircraft icing, it was impossible to demonstrate that the aircraft can safely takeoff when contaminated by frost, ice, snow, or slush and fly into icing conditions.

The MCAI requires operational limitation on takeoff with contamination and requires a pre-takeoff check in ground icing conditions and flight into icing conditions.

### 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.

We further analyzed this AD and determined that the limitation that prohibits TAKEOFF WITH FROST, ICE, SNOW, OR SLUSH ON THE WING, CONTROL SURFACES, HORIZONTAL TAIL, AND AIR INTAKES, * * * should be * * * WING, CONTROL SURFACES, HORIZONTAL TAIL, OR AIR INTAKES, * * * This meets the other airworthiness authority's intent and the FAA's intent of assuring that takeoff is prohibited if ice, snow, or slush is present on one of those surfaces instead of all the surfaces.

### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for the change described above. We determined that this change will not increase the economic burden on any operator or increase the scope of the AD.

### 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 a U.S. court of law. 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 described in a separate paragraph of the AD. These requirements, if any, take precedence over the actions copied from the MCAI.

### Costs of Compliance

We estimate that this AD will affect 41 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with this AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $3,280, or $80 per product.

### 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: