

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 removing amendment 39–14300 (70 FR 57732, October 4, 2005) and by adding the following new airworthiness directive (AD):

2007–06–12 Airbus: Amendment 39–14993. Docket No. FAA–2006–26324; Directorate Identifier 2006–NM–214–AD.

Effective Date

(a) This AD becomes effective April 20, 2007.

Affected ADs

(b) This AD supersedes AD 2005–20–07.

Applicability

(c) This AD applies to Airbus Model A330–201, –202, –203, –223, –243, –301, –321, –322, –323, –341, –342, and –343 airplanes, certificated in any category; except those on which Airbus Modification 49202 has been incorporated in production.

Unsafe Condition

(d) This AD results from cracking found at the circumferential joint of frame (FR) 53.3. We are issuing this AD to prevent fatigue cracking of the fuselage, which could result in reduced structural integrity of the fuselage.

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.

Requirements of AD 2005–20–07

Installation for Model A330–300 Series Airplanes

(f) For Airbus Model A330–301, –321, –322, –323, –341, –342, and –343 airplanes, except those on which Airbus Modification 41652S11819 has been incorporated in production: At the later of the times in paragraphs (f)(1) and (f)(2) of this AD, install the butt straps at FR53.3 on the fuselage skin between left-hand (LH) and right-hand (RH) stringer (STR) 13, and do all related investigative and corrective actions before further flight. Except as provided by paragraph (g) of this AD, do all actions in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3127, Revision 01, dated November 21, 2003.

(1) Before the accumulation of 14,700 total flight cycles or 51,400 total flight hours, whichever occurs earlier.

(2) Within 6 months after October 19, 2005 (the effective date of AD 2005–20–07).

Contact the FAA/Direction Générale de l'Aviation Civile (DGAC)/European Aviation Safety Agency (EASA) for Certain Repair Instructions

(g) For Airbus Model A330–301, –321, –322, –323, –341, –342, and –343 airplanes, except those on which Airbus Modification 41652S11819 has been incorporated in production: If any crack is detected during the related investigative actions (rototest) required by paragraph (f) of this AD, before further flight, repair the crack according to a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; the DGAC (or its delegated agent); or the EASA (or its delegated agent).

New Requirements of This AD

Installation for Model A330–200 and –300 Series Airplanes

(h) For Airbus Model A330–201, –202, –203, –223, –243, –301, –321, –322, –323, –341, –342, and –343 airplanes, on which Airbus Modification 41652S11819 has been incorporated in production or in accordance with paragraph (f) of this AD, except those airplanes on which Airbus Modification 49202 has been incorporated in production: At the later of the times in paragraphs (h)(1) and (h)(2) of this AD, install the butt straps at FR53.3 on the fuselage skin between LH and RH STR13; and do all related investigative and other specified actions before further flight, as applicable. Do all actions in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3143, Revision 01, including Appendix 01, dated June 29, 2006; except if any crack is detected during a related investigative action (rototest), before further flight, repair the crack using a method approved by the Manager, International Branch, ANM–116; or the EASA (or its delegated agent).

(1) Before the accumulation of 17,600 total flight cycles or 61,600 total flight hours, whichever occurs earlier.

(2) Within 6 months after the effective date of this AD.

Credit for Actions Done in Accordance With Previous Service Bulletin

(i) Actions done before the effective date of this AD in accordance with Airbus Service Bulletin A330–53–3143, including Appendix 01, dated December 24, 2004, are acceptable for compliance with the corresponding requirements of paragraph (h) of this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, International Branch, ANM–116, 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.

Related Information

(k) EASA airworthiness directive 2006–0266, dated August 30, 2006, also addresses the subject of this AD.

Material Incorporated by Reference

(l) You must use Airbus Service Bulletin A330–53–3127, Revision 01, dated November 21, 2003; and Airbus Service Bulletin A330–53–3143, Revision 01, including Appendix 01, dated June 29, 2006; as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A330–53–3143, Revision 01, including Appendix 01, dated June 29, 2006, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On October 19, 2005 (70 FR 57732, October 4, 2005), the Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A330–53–3127, Revision 01, dated November 21, 2003.

(3) Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on March 7, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–4740 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26401; Directorate Identifier 2006–CE–72–AD; Amendment 39–14987; AD 2007–06–06]

RIN 2120–AA64

Airworthiness Directives; B–N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R Series (All Individual Models Included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, Dated December 9, 2002), and BN–2A–MkIII Trislander Series (All Individual Models Included in Type Certificate Data Sheet (TCDS) A29EU, Revision 4, Dated December 9, 2002) 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:

* * * incidences have been reported to Britten-Norman Aircraft Ltd where cracks have been found in the inner shell of the pitot/static pressure heads. This could result in incorrect readings on the pressure instrumentation, e.g. altimeters, vertical speed indicators (rate-of-climb) and airspeed indicators.

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

DATES: This AD becomes effective April 20, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 20, 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: Taylor B. Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone: (816) 329-4138; facsimile: (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 December 22, 2006 (71 FR 76952). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

* * * incidences have been reported to Britten-Norman Aircraft Ltd. where cracks have been found in the inner shell of the pitot/static pressure heads. If not corrected this could result in incorrect readings on the pressure instrumentation, e.g. altimeters, vertical speed indicators (rate-of-climb) and airspeed indicators.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Comment Issue No. 1: Reference to Service Bulletin

Jack Buster of the Modification and Replacement Parts Association (MARPA) comments that the correct reference to the service bulletin is Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006.

When referencing what is in the MCAI, we reference it as "B-N Service Bulletin 310 Issue 2" because we try to use terminology straight from the MCAI when we can. We are not able to use this reference in the actual AD portion because to incorporate by reference (IBR) this service bulletin, we must reference it exactly how it appears in the reference document. Therefore, we will reference it in the AD as follows:

- When referencing the MCAI: We will reference it as B-N Service Bulletin 310 Issue 2.
- All other references: We will reference it as Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006.

Comment Issue No. 2: Incorporation of Service Documents

MARPA comments that it was informed service documents are usually not incorporated into proposed actions (NPRMs), but only into final actions. MARPA notes there is no indication in the NPRM the FAA intends to incorporate by reference the necessary service information. In addition, there is no indication of which service documents are mandatory and which are merely sources of additional service information. Therefore, the reader is unsure of the FAA's intent. MARPA asks that future proposed actions indicate the FAA's intent by including

the following, or a similar statement: "We intend to incorporate by reference the following publications."

We do not concur with the commenter's request to indicate in an NPRM our intent to incorporate service information by reference. When we propose that actions be accomplished in accordance with certain service information in an NPRM, the public may assume we intend to Incorporate by Reference (IBR) that service information, as requested by the Office of the Federal Register. Service information that is cited in the proposed AD as a source of additional information is not presented as a requirement, and the public may assume we do not intend to IBR that service information. No change to this final rule is necessary in regard to the commenter's request.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes 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 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 highlighted in a Note within the AD.

Costs of Compliance

We estimate that this AD will affect 135 products of U.S. registry. We also estimate that it will take about 2 work-hours per product to comply with this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$10,000 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of

this AD to the U.S. operators to be \$1,371,600, or \$10,160 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: 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 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 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.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5227) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

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 FAA amends § 39.13 by adding the following new AD:

2007-06-06 B-N Group Ltd: Amendment 39-14987; Docket No. FAA-2006-26401; Directorate Identifier 2006-CE-72-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective April 20, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to B-N Group Ltd BN-2, BN-2A, BN-2B, BN-2T, and BN-2T-4R Series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002), and BN-2A-MkIII Trislander Series (all individual models included in TCDS A29EU, Revision 4, dated December 9, 2002) airplanes, certificated in any category.

Reason

(d) The mandatory continuing airworthiness information (MCAI) states: * * * incidences have been reported to Britten-Norman Aircraft Ltd. where cracks have been found in the inner shell of the pitot/static pressure heads. If not corrected this could result in incorrect readings on the pressure instrumentation, e.g. altimeters, vertical speed indicators (rate-of-climb) and airspeed indicators.

Actions and Compliance

(e) Unless already done, do the following actions in accordance with Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006:

(1) Within the next 60 days after the effective date of this AD, perform the inspection procedure and the leak test procedure as detailed in Section 6 Action, of Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006. Repeat this inspection procedure and the leak test procedure at intervals not to exceed 500 hours time-in-service (TIS).

(2) In addition, within 500 hours after the initial inspection, perform an initial inspection of the drain traps for moisture. Repeat this inspection at intervals not to exceed 500 hours TIS.

(3) Before further flight, after any inspection or procedure required by this AD, correct, modify, or replace, as specified in the service information.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: This AD references the service bulletin as Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006; and the MCAI references the service bulletin as B-N Service Bulletin 310 Issue 2.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Taylor B. Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4138; facsimile: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(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 (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(g) Refer to MCAI European Aviation Safety Agency (EASA), AD No.: 2006-0143, dated May 30, 2006; and Britten-Norman Service Bulletin SB 310, Issue 2, dated March 1, 2006, for related information.

Material Incorporated by Reference

You must use Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006 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 Britten-Norman Aircraft Limited, Bembridge Airport, Isle of Wight, United Kingdom, PO35 5PR.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; 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/code_of_federal_regulations/ibr_locations.html.

Issued in Kansas City, Missouri, on March 6, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-4729 Filed 3-15-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 584

[Docket No. 1995G-0321] (formerly 95G-0321)

Food Substances Affirmed as Generally Recognized as Safe in Feed and Drinking Water of Animals: 25-Hydroxyvitamin D₃

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to affirm that the use of 25-hydroxyvitamin D₃ is generally recognized as safe (GRAS) as a source of vitamin D₃ activity in broiler chicken feeds and drinking water when used in accordance with certain limitations. This action is in response to a petition filed by Amoco BioProducts Corp. Subsequently, the sponsorship for this petition was changed to IsoGen L.L.C., Monsanto Co., Roche Vitamins, Inc., and lastly, to DSM Nutritional Products, Inc.

DATES: This rule is effective March 16, 2007.

FOR FURTHER INFORMATION CONTACT: Michaela Alewynse, Center for Veterinary Medicine (HFV-228), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-453-6866, e-mail: mika.alewynse@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the procedures described in 21 CFR 570.35, Amoco BioProducts Corp., P.O. Box 3011, Naperville, IL, 60566, submitted a petition (GRASP 2449) requesting that 25-hydroxyvitamin D₃ (25-OH D₃) be affirmed as GRAS for use as a source of vitamin D₃ activity in broiler chicken feeds. In the original petition, 25-OH D₃ was proposed for use in feed only. The proposed use was amended in a submission dated January 7, 1998, to include administration through drinking water. Furthermore, all data for feed are applicable to water.

FDA published a notice of filing of this petition in the **Federal Register** of October 24, 1995 (60 FR 54505), and gave interested parties an opportunity to submit comments to the agency. FDA did not receive any comments in response to that notice. Subsequent to the filing of the petition, sponsorship was changed to IsoGen L.L.C., Monsanto Co., Roche Vitamins, Inc., and lastly, to DSM Nutritional Products, Inc., 45 Waterview Blvd., Parsippany, NJ, 07054-1298.

II. Standards for GRAS Affirmation

Under § 570.30 (21 CFR 570.30), general recognition of safety of food ingredients may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of food substances directly or indirectly added to food. The basis of such views may be either of the following: (1) Scientific procedures, or (2) in the case of a substance used in food prior to January 1, 1958, through experience based on common use in food. General recognition of safety based upon scientific procedures requires the same quantity and quality of scientific evidence as is required to obtain approval of a food additive regulation for the ingredient and ordinarily is to be based upon published studies, which may be corroborated by unpublished studies and other data and information (§ 570.30(b)). General recognition of safety through experience based on common use of a substance in food prior to January 1, 1958, may be determined without the quantity or quality of scientific evidence required for approval of a food additive regulation. Ordinarily it is to be based upon generally available data and information (§ 570.30(c)).

The subject petition relies on scientific procedures evidence to support the GRAS affirmation of 25-OH D₃ as a source of vitamin D₃ activity in broiler chicken feeds and drinking water.

III. Safety Evaluation

A. Introduction

25-OH D₃, also called 25-hydroxycholecalciferol, is a normal metabolite of vitamin D₃ in mammals and birds. Chemically, the substance is 9,10-secocholesta-5,7,10(19)-triene-3 β , 25-diol. 25-OH D₃ is the principal circulating form of vitamin D₃, which is the primary source of vitamin D activity for livestock animals. The metabolism of vitamin D in animals is well understood and is documented in biochemistry textbooks (for example, Ref. 1). In poultry, vitamin D regulates calcium and phosphorus homeostasis, bone

growth, eggshell formation, as well as other endocrine system functions (Ref. 2).

Animals, including poultry, do not have a dietary requirement for vitamin D when sufficient ultraviolet (UV) light is available, because vitamin D is produced through action of UV light on a provitamin present in the skin. This provitamin is synthesized in the body and present in large amounts in skin, intestinal wall, and other tissues (Ref. 2). Vitamin D becomes a nutritionally important factor in the absence of sufficient UV light either from the sun or from an artificial source. Under modern farming conditions, many animals are raised in total confinement with limited exposure to UV light thus creating the need for a dietary supply of vitamin D.

There are two predominant forms of vitamin D for poultry. Vitamin D₂ comes mainly from plants. Vitamin D₃ is produced in a bird's body when sunlight reacts with vitamin D precursors obtained from the bird's diet. Since vitamin D₃ is 30 to 40 times more potent than D₂, plants are considered insignificant sources of vitamin D for birds.

Commonly, broiler chickens are grown within the confines of buildings with large numbers of birds per building and are supplied with bulk feed and water for *ad libitum* consumption. Various strains of chicken have been developed for broiler production. They have been bred primarily for rapid weight gain and efficient feed utilization. Typically, broilers are slaughtered at 6 to 7 weeks of age if size and weight requirements are attained. Crumbled starter feed is supplied during weeks 1 to 3, pelletized grower feed during weeks 4 to 6, and finisher feed until slaughter. The major differences among these types of feed are the levels and sources of nutrients provided in the feed, such as amino acids, minerals, and vitamins. The level of vitamin supplementation provided in the broiler industry is based on type of diets fed, species, age of the bird, dietary antagonists, form of vitamin product, requirement status (optimum or minimum requirements), disease status, complexity of the ration, and environmental factors, primarily ambient temperature. Only after all these factors are considered can the optimal vitamin requirements for poultry be estimated (Ref. 2).

The National Research Council's (NRC) recommendation for dietary vitamin D₃ requirement of broiler chickens is 200 International Units (IU) of vitamin D₃ per kilogram (/kg) of feed (Ref. 3). One unit of vitamin D₃ is