

# Proposed Rules

Federal Register

Vol. 75, No. 53

Friday, March 19, 2010

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1208

[Doc. No. AMS-FV-07-0077; FV-07-705-PR-2B]

RIN 0581-AC79

#### Processed Raspberry Promotion, Research, and Information Order; Delay of Referendum

**AGENCY:** Agricultural Marketing Service, Agriculture, USDA.

**ACTION:** Proposed rule and referendum order; delay of referendum.

**SUMMARY:** This action delays indefinitely the referendum to determine whether producers of raspberries for processing and importers of processed raspberries approve the issuance of the proposed Processed Raspberry Promotion, Research, and Information Order. The referendum was scheduled to be held March 22 through April 2, 2010. The Washington Red Raspberry Commission has asked for a delay in the referendum as it considers further modifications to its proposal.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Coy, Marketing Specialist, Research and Promotion Branch, By, AMS, USDA, Stop 0244, Room 0634-S, 1400 Independence Avenue, SW., Washington, DC 20250-0244; telephone 202-720-9915 or (888) 720-9917 (toll free) or e-mail [kimberly.coy@usda.gov](mailto:kimberly.coy@usda.gov).

**SUPPLEMENTARY INFORMATION:** On April 9, 2009, the Department published in the *Federal Register* a proposal to establish the proposed Processed Raspberry Promotion, Research, and Information Order (Proposed Order) (7 CFR part 1208) [74 FR 16266] and proposed referendum procedures [74 FR 16289]. A second proposal addressing the comments received for the Proposed Order was published in the February 8, 2010 issue of the *Federal Register* [75 FR 6131]. Included in that document was a Referendum Order for a referendum to be conducted among

eligible producers of raspberries for processing and importers of processed raspberries to determine whether they favor issuance of the Proposed Order. The referendum was scheduled for the period March 22 through April 2, 2010. Notice of this Referendum Order was published in the February 8, 2010 issue of the *Federal Register* [75 FR 6131].

The Department of Agriculture (Department) received a request from the Washington Red Raspberry Commission (WRRRC) on February 19, 2010 to delay the scheduled referendum. The WRRRC has asked for a delay in the referendum as they consider further modifications to their proposal. Therefore, taking into consideration the WRRRC request, the referendum scheduled for the period of March 22 through April 2, 2010 that appears in the Referendum Order published in the *Federal Register* on April 9, 2009 in 74 FR 16266 is hereby delayed indefinitely.

#### List of Subjects in 7 CFR Part 1208

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Processed raspberries, Promotion, Reporting and recordkeeping requirements.

**Authority:** 7 U.S.C. 7411-7425; 7 U.S.C. 7401.

Dated: March 11, 2010.

**David R. Shipman,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2010-5757 Filed 3-18-10; 8:45 am]

**BILLING CODE M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 35

[Docket No. NE128; Notice No. 35-06-01-SC]

#### Special Conditions: McCauley Propeller Systems, Model Propeller 3D15C1401/C80MWX-X

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

**ACTION:** Notice of proposed special conditions, withdrawal.

**SUMMARY:** The FAA is withdrawing a previously published notice that

proposed special conditions for McCauley Propeller Systems for model propeller 3D15C1401/C80MWX-X. We are withdrawing the notice in response to McCauley Propeller Systems notification to cancel the application for certification.

**FOR FURTHER INFORMATION CONTACT:** Jay Turnberg, ANE-110, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803-5299; telephone (781) 238-7116; facsimile (781) 238-7199; e-mail [jay.turnberg@faa.gov](mailto:jay.turnberg@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 2, 2006, the FAA published a notice of proposed special conditions, Notice No. 35-06-01-SC, for McCauley Propeller Systems for model propeller 3D15C1401/C80MWX-X (71 FR 43674). On November 29, 2004, McCauley Propeller applied for type certification for a new model 3D15C1401/C80MWX-X propeller. The model propeller 3D15C1401/C80MWX-X has novel or unusual design features when compared to the state of technology described in the airworthiness standards under part 35. The design feature uses blades that are constructed of composite material. The blade has a carbon fiber spar, a shell composed of braided carbon fiber and fiberglass, and metallic leading edge erosion protection to give the material strength properties and durability. The material properties depend on the carbon fiber and fiberglass lay-up and the resin matrix material that bind the blade together. Composite materials introduce fatigue characteristics and failure modes that differ from metallic materials. The proposed special conditions pertain to the effects of novel or unusual design features such as effects on the structural performance of the propellers. We requested comments on these proposed special conditions by September 1, 2006.

##### Reason for Withdraw

We are withdrawing Notice No. 35-06-01-SC because McCauley Propeller Systems canceled the application for certification.

##### Conclusion

Withdrawal of Notice No. 35-06-01-SC does not preclude the FAA from

issuing another notice on the subject matter in the future or committing the agency to any future course of action. Issued in Burlington, Massachusetts on March 5, 2010.

**Peter A. White,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 2010-5902 Filed 3-18-10; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-0286; Directorate Identifier 2010-CE-013-AD]

RIN 2120-AA64

#### Airworthiness Directives; SOCATA Model TBM 700 Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated 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:

The Civil Aviation Authority of the United Kingdom (UK) has informed EASA that significant quantities of Halon 1211 gas, determined to be outside the required specification, have been supplied to the aviation industry for use in fire extinguishing equipment. Halon 1211 (BCF) is used in portable fire extinguishers, usually fitted or stowed in aircraft passenger cabins and flight decks.

EASA published Safety Information Bulletin (SIB) 2009-39 on 23 October 2009 to make the aviation community aware of this safety concern.

The results of the ongoing investigation have now established that LyonTech Engineering Ltd, a UK-based company, has supplied further consignments of Halon 1211 (BCF) to L'Hotellier that do not meet the required specification. This Halon 1211 has subsequently been used to fill certain P/N 863520-00 portable fire extinguishers that are now likely to be installed in or carried on certain TBM700 aeroplanes.

The contaminated nature of this gas, when used against a fire, may provide reduced fire suppression, endangering the safety of the aeroplane and its occupants. In addition, extinguisher activation may lead to release of toxic fumes, possibly causing injury to aeroplane occupants.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by May 3, 2010.

**ADDRESSES:** You may send comments by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** (202) 493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.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 this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Albert 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:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2010-0286; Directorate Identifier 2010-CE-013-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each

substantive verbal contact we receive about this proposed AD.

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2010-0012, dated February 5, 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

The Civil Aviation Authority of the United Kingdom (UK) has informed EASA that significant quantities of Halon 1211 gas, determined to be outside the required specification, have been supplied to the aviation industry for use in fire extinguishing equipment. Halon 1211 (BCF) is used in portable fire extinguishers, usually fitted or stowed in aircraft passenger cabins and flight decks.

EASA published Safety Information Bulletin (SIB) 2009-39 on 23 October 2009 to make the aviation community aware of this safety concern.

The results of the ongoing investigation have now established that LyonTech Engineering Ltd, a UK-based company, has supplied further consignments of Halon 1211 (BCF) to L'Hotellier that do not meet the required specification. This Halon 1211 has subsequently been used to fill certain P/N 863520-00 portable fire extinguishers that are now likely to be installed in or carried on certain TBM700 aeroplanes.

The contaminated nature of this gas, when used against a fire, may provide reduced fire suppression, endangering the safety of the aeroplane and its occupants. In addition, extinguisher activation may lead to release of toxic fumes, possibly causing injury to aeroplane occupants.

For the reason described above, this EASA AD requires the identification and removal from service of certain batches of fire extinguishers and replacement with serviceable units.

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

DAHÉR-SOCATA has issued TBM Aircraft Service Bulletin SB 70-183, dated January 2010.

L'Hotellier has issued Service Bulletin 863520-26-001, dated December 21, 2009.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the