

TABLE 5.—BEFORE/CONCURRENT REQUIREMENTS

Before or concurrently with the actions specified in—	Do these actions—	In accordance with the accomplishment instructions of—
(1) Paragraph (h)(1) of this AD .....	(i) Remove the rudder position sensor of the automatic flight control system. (ii) Replace the rudder feel and centering assembly with a new all-mechanical unit. (iii) Install the rudder pressure reducer and yaw damper coupler. (iv) Install provisional wires for rudder system enhancement. (v) Replace the P5-3 panel with a new panel  (vi) Replace the input lever for the auxiliary rudder power control package with a new input lever.	Boeing Service Bulletin 737-22-1042, Revision 1, dated April 5, 1985. Boeing 737 Service Bulletin 27-1026, dated January 15, 1971. Boeing Service Bulletin 737-27A1206, Revision 3, dated December 14, 2000. Boeing Service Bulletin 737-27-1246, Revision 1, dated February 21, 2002. Boeing Service Bulletin 737-27-1263, Revision 1, dated September 25, 2003. Smiths Aerospace Service Bulletin 1150-27-05A, dated August 28, 2003.
(2) Paragraph (h)(2) of this AD .....	(i) Install provisional wires for rudder system enhancement. (ii) Replace the P5-3 panel with a new panel  (iii) Install a new yaw damper coupler .....	Boeing Service Bulletin 737-27-1246, Revision 1, dated February 21, 2002. Boeing Service Bulletin 737-27-1264, Revision 1, dated April 3, 2003. Boeing Service Bulletin 737-27A1206, Revision 3, dated December 14, 2000. Boeing Service Bulletin 737-55-1052, Revision 1, dated August 5, 2004. Smiths Aerospace Service Bulletin 1150-27-05A, dated August 28, 2003.
(3) Paragraph (h)(3) of this AD .....	(i) Install provisional wires for rudder system enhancement. (ii) Replace the P5-3 panel with a new panel  (iii) Relocate the wire bundle routing in the vertical stabilizer.	Boeing Service Bulletin 737-27-1247, Revision 1, dated July 25, 2002. Boeing Service Bulletin 737-27-1262, dated December 19, 2002. Boeing Alert Service Bulletin 737-27A1239, dated January 11, 2001.

*Parts Installation*

(j) As of the effective date of this AD, no person may install an input control rod, P/N 251A3495-1, on any airplane.

*Alternative Methods of Compliance (AMOCs)*

(k)(1) The Manager, Seattle ACO, 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.

(3) Except as provided by paragraph (j) of this AD: AMOCs approved previously in accordance with AD 2002-20-07 R1 are approved as AMOCs for the corresponding provisions of paragraphs (f) and (h) of this AD.

Issued in Renton, Washington, on November 3, 2006.

**Ali Bahrami,**

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

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

[Docket No. NHTSA-2006-26299]

**Federal Motor Vehicle Safety Standards; Brake Hoses**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice of proposed rulemaking; proposed delay of effective date.

**SUMMARY:** NHTSA published a final rule in December 2004 that amended the Federal motor vehicle safety standard on brake hoses. In early 2005, the agency received several petitions for reconsideration of the rule and a petition to delay the effective date of the final rule. At present, the rule is to take effect on December 20, 2006. To allow for more time to respond to petitions for reconsideration, and to give industry more time to meet new requirements, this document proposes to delay the effective date of the final rule for one year, to December 20, 2007.

**DATES:** You should submit your comments not later than November 30, 2006.

**ADDRESSES:** We invite you to submit comments on the proposed delay of the effective date of the final rule published on December 20, 2004. You may submit comments identified by docket number at the heading of this notice by any of the following methods:

- **Web Site:** <http://dms.dot.gov>.
- Follow the instructions for submitting comments on the DOT electronic docket site by clicking on “Help and Information” or “Help/Info.”
- **Fax:** 1-(202)-493-2251.
- **Mail:** Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590.
- **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.
- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided.

**Docket:** For access to the docket in order to read background documents or comments received, go to <http://>

*dms.dot.gov* at any time or to 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.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

We shall consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we shall also consider comments filed after the closing date.

**FOR FURTHER INFORMATION CONTACT:** For technical issues you may call: Mr. Jeff Woods, Vehicle Dynamics Division, Office of Crash Avoidance Standards, at (202) 366-6206. Mr. Woods' fax number is: (202) 366-4921.

For legal issues, you may call Ms. Dorothy Nakama, Office of the Chief Counsel, at (202) 366-2992. Her fax number is: (202) 366-3820.

You may send mail to both of these officials at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Federal Motor Vehicle Safety Standard No. 106, *Brake hoses* (49 CFR 571.106) (FMVSS No. 106), specifies labeling and performance requirements for motor vehicle brake hose, brake hose assemblies, and brake hose end fittings. The purpose of FMVSS No. 106 is to reduce deaths and injuries occurring as a result of brake system failure from pressure or vacuum loss due to hose or hose assembly rupture.

##### **2004 Final Rule**

On December 20, 2004 (69 FR 76298) (DMS Docket No. NHTSA-2003-14483), NHTSA published a final rule amending FMVSS No. 106 to update the standard and incorporate the most recent substantive technical requirements of several Society of Automotive Engineers (SAE) Recommended Practices relating to hydraulic brake hoses, vacuum brake hoses, air brake hoses, plastic air brake tubing, and end fittings. The final rule specified an effective date of December 20, 2006 for these amendments. Optional early compliance with the

final rule was permitted as of February 18, 2005.

##### **Petitions for Reconsideration**

In early 2005, NHTSA received petitions for reconsideration of the December 20, 2004 final rule from Cooper Standard Automotive (Fluid Division), Degussa Corporation, George Apgar Consulting, MPC, Inc., and Parker Hannifin Corporation (with separate comments from its Brass Division and from its Hose Products Division).<sup>1</sup> The petitions addressed a wide range of FMVSS No. 106 subjects.

##### **Petition for Extension of the Effective Date**

In a submission dated September 12, 2006, Legris petitioned NHTSA for an extension of the December 20, 2004 final rule for an additional year, to December 20, 2007. Legris stated that it learned of the changes to FMVSS No. 106 "within the past few months" and stated that it cannot make all necessary changes to its brake hose products before the December 20, 2006 effective date. Legris asserted that without the extension, its business and customer base will be jeopardized and it will "be faced with a considerable loss of both sales revenue and profits, as well as losses from products already manufactured but which could not be installed in vehicles until after December 20, 2006."

##### **Proposed Extension of Effective Date**

The petitions for reconsideration asked NHTSA to amend many of the December 20, 2004 final rule's provisions on brake hoses, brake hose assemblies, and end fittings. Our response to those petitions could affect current designs of certain types of brake hoses. The numerous issues raised in the petitions are complex. In some cases, the petitioners ask for changes that differ from those requested by other petitioners. The agency is in the process of developing its response to the petitions. A 12-month extension of the effective date, to December 20, 2007, would preserve the status quo until then. It would also give Legris and similarly situated companies additional time to meet updated FMVSS No. 106 requirements.

Because the December 20, 2006 effective date for the final rule is fast

<sup>1</sup> In July 2005, Arkema, Inc., submitted a document styled as a petition for reconsideration. NHTSA is treating the document as a petition for rulemaking instead since its regulations (49 CFR 553.35(a)) provide that a document styled as a petition for reconsideration of a final rule and received by the agency more than 45 days after the issuance of that final rule will be treated as a petition for rulemaking.

approaching, NHTSA proposes delaying the effective date for one year, to December 20, 2007. If made final, this NPRM would make no substantive change to the standard, but would delay the effective date of the December 20, 2006 final rule for another year while the agency responds to the petitions for reconsideration of the rule. Thus, NHTSA seeks public comment on extending the effective date of the final rule until December 20, 2007. Because the agency seeks to provide as much lead time as possible about its final determination whether the effective date will be extended, we have provided a 15-day comment period on the issue of the extension of the December 20, 2004 final rule's effective date. If the agency does not receive any opposing comments, it will issue a final rule adopting the extension shortly after the comment closing date.

##### **Rulemaking Analyses and Notices**

###### *A. Executive Order 12866, Regulatory Planning and Review, and DOT Regulatory Policies and Procedures*

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." Further, we have determined that this action is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures (44 FR 11034; February 26, 1979).

This NPRM proposes to delay the effective date of a December 20, 2004 final rule amending FMVSS No. 106. If made final, there would be no additional costs associated with the delay of the effective date. Since the safety benefits from the December 20, 2004 final rule cannot be quantified, and are likely minor, the impact of this extension is also likely minor.

###### *B. Regulatory Flexibility Act*

NHTSA has considered the impacts of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). I certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. If made final, this rule would not impose any new requirements or costs on manufacturers, but instead would only preserve the status quo for an additional year.

###### *C. Paperwork Reduction Act*

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA),

a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. Since it would only delay the effective date of a final rule, if made final, this NPRM would not impose any new collection of information requirements for which a 5 CFR part 1320 clearance must be obtained.

#### D. National Environmental Policy Act

We have analyzed this proposed rule for the purposes of the National Environmental Policy Act. We have determined that implementation of this action would not have any significant impact on the quality of the human environment.

#### E. Executive Order 13132, Federalism

This proposed rule would not have substantial direct effects 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, as specified in Executive Order 13132.

#### F. Civil Justice Reform

This proposed rule would not have any retroactive effect. A petition for reconsideration or other administrative proceedings are not required before parties may file suit in court.

#### G. Unfunded Mandates Reform Act

If made final, this proposed rule would not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector. Thus, this proposed rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: November 7, 2006.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. E6-19198 Filed 11-14-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 060928250-6250-01; I.D. 092506A]

RIN 0648-AU90

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to revise the regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP) by expanding the southeast U.S. restricted area and modifying regulations pertaining to gillnetting within the southeast U.S. restricted area. NMFS proposes to prohibit gillnet fishing or gillnet possession during annual restricted periods associated with the right whale calving season. Exemptions to the fishing prohibitions are proposed for strikenet fishing for sharks and gillnet fishing for Spanish mackerel south of 29°00' N. lat. An exemption to the possession prohibition is proposed for transiting through the area if gear is stowed in accordance with this rule. This action is required to meet the goals of the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). This action is necessary to protect northern right whales from serious injury or mortality from entanglement in gillnet gear in their calving area in Atlantic ocean waters off the Southeast U.S.

**DATES:** Comments on this proposed rule must be received by 5 p.m. EST on December 15, 2006.

**ADDRESSES:** You may submit comments, identified by the RIN 0648-AU90, by any of the following methods:

E-mail: [sewhalerule.comments@noaa.gov](mailto:sewhalerule.comments@noaa.gov). Include RIN 0648-AU90 in the subject line of the message.

Mail: Assistant Regional Administrator for Protected Resources, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Facsimile (fax) to: 727 824-5309, Attn: Assistant Regional Administrator, Protected Resources, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the

instructions for submitting comments. Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this proposed rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document. Copies of the draft Environmental Assessment (EA), an Initial Regulatory Flexibility Analysis (IRFA), and copies of all citations referenced in this proposed rulemaking may be obtained from the persons listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Laura Engleby, 727-824-5312, or Barb Zoodsma, 904-321-2806. Individuals who use telecommunications devices for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. eastern time, Monday through Friday, excluding Federal holidays.

Electronic Access: Regulations and background documents for the ALWTRP can be downloaded from the ALWTRP web site at <http://www.nero.noaa.gov/whaletrp/>.

#### SUPPLEMENTARY INFORMATION:

##### Background

The northern right whale (*Eubalaena glacialis*) was severely depleted by commercial whaling, and despite protection from commercial harvest since 1935, has not recovered. The North Atlantic population is believed to be at or less than 300 individuals, making it one of the most critically endangered large whale populations in the world (NMFS 2005).

The northern right whale has been listed as endangered under the ESA since the Act's passage in 1973 (35 FR 8495, June 2, 1970). In June 1994, NMFS designated three areas of the right whale's Atlantic range in the United States as critical habitat: (1) Great South Channel, (2) Cape Cod Bay, and (3) the southeastern U.S. (59 FR 28793, June 3, 1994). The southeastern U.S. critical habitat includes coastal waters between 31°15' N. lat. and 30°15' N. lat. from the coast out 15 nautical miles (27.8 km), and the coastal waters between 30°15' N. lat. and 28°00' N. lat. from the coast out 5 nautical miles (9.3 km) (§ 226.203 of this chapter).

As required by the ESA, NMFS developed a recovery plan for the northern right whale in 1991, which was revised and updated in 2001 and 2005. The current recovery plan states,