approximately 19 percent of aileron backlash checks conducted at 4,000-flight-hour intervals reveal that aileron backlash wear limits are being exceeded. We are issuing this AD to prevent exceeded backlashes in both aileron power control units (PCUs), which, if accompanied by the failure of the flutter damper, could result in aileron vibration/flutter and reduced controllability of the airplane.

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.

Revision of the Maintenance Requirements Manual (MRM)

(f) Within 60 days after the effective date of this AD, revise the Canadair Regional Jet MRM CSP A–053 by doing the actions specified in paragraphs (f)(1) and (f)(2) of this AD. When the tasks specified in Canadair Regional Jet Temporary Revisions 2A–20, dated March 13, 2006; and 1–2–33, dated October 27, 2005; are included in the general revisions of the MRM, the general revisions may be inserted in the MRM, and these temporary revisions may be removed.

(1) Revise the Certification Maintenance Requirements section of the Canadair Regional Jet MRM to include Tasks C27–10–105–06 and C27–10–105–05, as specified in Canadair Regional Jet Temporary Revision 2A–20, dated March 13, 2006, to Part 2, Appendix A—Certification Maintenance Requirements, of the Canadair Regional Jet MRM CSP A–053.

(2) Revise the Maintenance Review Board Report for Section 2—Systems and Powerplant Program, of Part 1 of the Canadair Regional Jet MRM CSP A–053, to include the task interval for Task 27–11–00–09, as specified in Canadair Regional Jet Temporary Revision 1–2–33, dated October 27, 2005. Incorporating Revision 10, dated May 27, 2005, of the Canadair Regional Jet Maintenance Review Board Report for Section 2—Systems and Powerplant Program of the Canadair Regional Jet MRM CSP A–053 is one approved method for including the task interval specified in Canadair Regional Jet Temporary Revision 1–2–33. After the task interval has been incorporated into the MRM, no alternative aileron backlash check interval in excess of 2,000 flight hours may be approved, except as specified in paragraphs (g) and (h) of this AD.

Phase-In Schedule for Initial Inspection Specified in MRM Revisions

(g) For airplanes with more than 1,000 flight hours but less than 3,000 flight hours since the last aileron backlash check specified in Task 27–11–00–09 was accomplished, as of the effective date of this AD: Within 1,000 flight hours after the effective date of this AD, do the next aileron backlash check in accordance with Task 27–11–00–09, as specified in Canadair Regional Jet Temporary Revision 1–2–33, dated October 27, 2005.

(h) For airplanes with 3,000 flight hours or more since the last aileron backlash check specified in Task 27–11–00–09 was accomplished, as of the effective date of this AD: Within 4,000 flight hours since the last aileron backlash check, do the next aileron backlash check in accordance with Task 27–11–00–09, as specified in Canadair Regional Jet Temporary Revision 1–2–33, dated October 27, 2005.

One Approved Method for Task C27–10–105–06

(i) For airplanes without access to ground support equipment necessary to do the PCU internal leakage functional check as specified in Task C27–10–105–06 as specified in paragraph (f)(1) of this AD: Doing the aileron PCU internal leakage check in accordance with Task 27–11–00–220–803 of Chapter 27–11–00 of the Canadair Regional Jet Aircraft Maintenance Manual at intervals not to exceed 4,000 flight hours is one approved method for accomplishing Task C27–10–105–06 and is acceptable for up to 12 months after the effective date of this AD. Thereafter, the check must be done in accordance with Task C27–10–105–06 as specified in paragraph (f)(1) of this AD at a repetitive interval not to exceed that specified in the task.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, New York Aircraft Certification Office, 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.

Related Information

(k) Canadian airworthiness directive CF–2006–04, dated March 22, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on September 1, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–14941 Filed 9–8–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–200–AD]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to all Lockheed Model L–1011–385 series airplanes. That action would have required repetitive leak tests of the lavatory drain systems and repair, if necessary; installation of a lever lock cap, vacuum breaker check valve or flush/fill line ball valve on the flush/fill line; periodic seal changes; and replacement of ''donut'' type waste drain valves installed in the waste drain system. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has reviewed existing data and determined that, for airplanes without a history of engine damage resulting from ''blue ice,'' such as Lockheed Model L–1011–385 series airplanes, the hazard of ''blue ice'' to persons and property may be more appropriately addressed through means other than AD action. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Hector Hernandez, Aerospace Engineer, Systems and Equipment Branch, ACE–119A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6069; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to all Lockheed Model 1011–385 series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on September 3, 1998 (63 FR 46927). The proposed rule would have required repetitive leak tests of the lavatory drain systems and repair, if necessary; installation of a lever lock cap, vacuum breaker check valve or flush/fill line ball valve on the flush/fill line; periodic seal changes; and replacement of ''donut'' type waste drain valves installed in the waste drain system. That action was prompted by continuing reports of damage to engines, airframes, and to property on the ground, caused by ''blue ice'' that forms from leaking lavatory drain systems on transport category airplanes and subsequently dislodges from the airplane fuselage. The proposed actions were intended to prevent such damage associated with the problems of ''blue ice.''

Comments Received Regarding the NPRM

Several commenters request various changes to the NPRM. In light of the fact that we are withdrawing the NPRM, responses to those requests are unnecessary, except as discussed below.

Request To Withdraw the NPRM

One commenter, American Trans Air, suggests several reasons why an AD is unnecessary for Lockheed Model L–1011–385 series airplanes. The commenter points out that Model L–1011–385 series airplanes do not have the adverse service history with ''blue ice'' leakage that some other airplane models have. The commenter suggests that this may be due, in part, to certain basic differences between the forward lavatory waste system of Model L–1011–385 series airplanes and certain other airplanes such as Boeing Model 727 and 737 airplanes. In support of this statement, the commenter submitted a drawing showing basic differences between the forward lavatory waste system of Model L–1011–385 series airplanes and Model 727 series airplanes. Additionally, the commenter states that normal preflight inspections for blue streaks on the fuselage are adequate for detecting valve leakage without requiring mandatory action.

The FAA infers that the commenter is requesting that the NPRM be withdrawn. We agree with the commenter's statements. In addition, for the reasons stated below, we are withdrawing the NPRM.

Actions That Occurred Since the NPRM Was Issued

Since the issuance of that NPRM, we have determined that it is unnecessary to regulate the actions proposed in the NPRM for certain airplane models equipped with potable water systems and lavatory fill and drain systems, including Model L1011–385 series airplanes. Based on analysis of various service information and data accumulated in the last several years, we have determined that, for airplanes without a history of engine damage resulting from ''blue ice,'' such as Model L–1011–385 series airplanes, the hazards of ''blue ice'' to persons or property on the ground may be more appropriately addressed by the issuance of a special airworthiness information bulletin (SAIB).

FAA's Conclusions

Upon further consideration, we have issued SAIB NM–06–57, dated July 27, 2006, which contains recommendations for owners and operators of certain transport category airplanes regarding maintenance and ground handling practices and procedures that are intended to adequately address issues involving ''blue ice.'' Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another action in the future, nor does it commit the agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 98–NM–200–AD, published in the **Federal Register** on September 3, 1998 (63 FR 46927), is withdrawn.

Issued in Renton, Washington, on September 1, 2006.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–14944 Filed 9–8–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2509

RIN 1210–AB09

Independence of Employee Benefit Plan Accountants

AGENCY: Employee Benefits Security Administration, DOL.

ACTION: Request for Information.

SUMMARY: This document requests information from the public concerning the advisability of amending Interpretive Bulletin 75–9 (29 CFR 2509.75–9) relating to guidelines on independence of accountants retained by employee benefit plans under section 103(a)(3)(A) of the Employee Retirement Income Security Act of 1974 (ERISA). Under ERISA, unless otherwise exempt, the plan administrator is required to retain on behalf of all plan participants an ''independent qualified public accountant'' to examine the financial statements of the plan and render an opinion as to whether the financial statements and schedules required to be included in the plan's annual report are presented fairly in conformity with generally accepted accounting principles (GAAP). The purpose of this notice is to obtain information to assist the Department of Labor in evaluating whether and to what extent Interpretive Bulletin 75–9 provides adequate guidance to meet the needs of plan administrators, other plan fiduciaries, participants and beneficiaries, accountants, and other affected parties on when a qualified public accountant is independent.

DATES: Written responses must be received by the Department of Labor on or before December 11, 2006.

ADDRESSES: Responses should be addressed to the Office of Regulations and Interpretations, Employee Benefits Security Administration (EBSA), Room N–5669, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attn: Independence of Accountant RFI (RIN 1210–AB09). Responses also may be submitted electronically to *e-ori@dol.gov* or by using the Federal eRulemaking Portal *www.regulations.gov* (follow instructions for submission of comments). EBSA will make all responses available to the public on its Web site at *www.dol.gov/ebsa*. The responses also will be available for public inspection at the Public Disclosure Room, N–1513, EBSA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Michael G. Leventhal, Office of Regulations and Interpretations, Employee Benefits Security Administration, U.S. Department of Labor, (202) 693–8523 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

A. Background

The Employee Retirement Income Security Act (ERISA) was enacted in 1974 to remedy certain abuses in the nation's private-sector employee pension benefit plan and employee welfare benefit plan system. ERISA contains provisions designed to protect the interests of plan participants and beneficiaries by requiring the establishment of effective mechanisms to detect and deter abusive practices. These provisions include requiring annual reporting of financial information and activities of employee benefit plans to the Department of Labor (Department). An integral component of ERISA's annual reporting provisions is the requirement that employee benefit plans, unless otherwise exempt, be subjected to an annual audit performed by an independent qualified public accountant (IQPA) and that the accountant's report be included as part