

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2007-27109; Directorate Identifier 2007-CE-005-AD]

RIN 2120-AA64

**Airworthiness Directives; LATINOAMERICANA DE AVIACIÓN (LAVIA) S.A. (Type Certificate Data Sheets No. 2A8 and No. 2A10 Previously Held by The New Piper Aircraft, Inc.) Models PA-25, PA-25-235, and PA-25-260 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 references Latinoamericana de Aviación S.A. Service Bulletin No. 25/53/03, dated May 10, 2006, which describes the unsafe condition as:

REAR AND FORWARD SUPPORTS OF BOTH HORIZONTAL STABILIZER MODIFICATION. It have been found on several of the affected airplanes some severe corrosion and cracks in both supports. The probable cause for those failures is the accumulation of steam or application products vapors.

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 March 16, 2007.

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

- **DOT Docket Web Site:** Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

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

- **Mail:** Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- **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:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

**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 this proposed AD, 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.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; 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. This 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 proposed AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The proposed AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

**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-2007-27109; Directorate Identifier 2007-CE-005-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://dms.dot.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 Dirección Nacional de Aeronavegabilidad (DNA), which is the aviation authority for Republica Argentina, has issued AD No. RA 2006-06-01, Rev. 1 LAVIA S.A., Amendment No. 39/03-041, dated November 17, 2006 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI references Latinoamericana de Aviación S.A. Service Bulletin No. 25/53/03, dated May 10, 2006, which states:

REAR AND FORWARD SUPPORTS OF BOTH HORIZONTAL STABILIZER MODIFICATION. It have been found on several of the affected airplanes some severe corrosion and cracks in both supports. The probable cause for those failures is the accumulation of steam or application products vapors.

The MCAI requires:

Compliance with Service Bulletin No. 25/53/03 issued by Latinoamericana de Aviación S.A. is required in order to detect cracks, evidence of corrosion or any other anomalies on support tubes of the horizontal stabilizer.

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

**Relevant Service Information**

Latinoamericana de Aviación S.A. has issued Service Bulletin No. 25/53/03, dated May 10, 2006. 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 MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

**Differences Between This Proposed 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 proposed 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 proposed AD.

### Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 1,144 products of U.S. registry. We also estimate that it would take about 10 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$845 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 costs. 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 the proposed AD on U.S. operators to be \$1,881,880, or \$1,645 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the 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 proposed AD and placed it in the AD docket.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

**LATINOAMERICANA DE AVIACIÓN (LAVIA) S.A. (Type Certificate Data Sheets No. 2A8 and No. 2A10 previously held by The New Piper Aircraft, Inc.):**  
Docket No. FAA-2007-27109;  
Directorate Identifier 2007-CE-005-AD

#### Comments Due Date

- (a) We must receive comments by March 16, 2007.

#### Affected ADs

- (b) None.

#### Applicability

- (c) This AD applies to Models PA-25, PA-25-235, and PA-25-260, all serial numbers up to LA-260-06008, certificated in any category.

#### Subject

- (d) Air Transport Association of America (ATA) Code 55: Stabilizers.

#### Reason

- (e) The mandatory continuing airworthiness information (MCAI) references Latinoamericana de Aviación S.A. Service Bulletin No. 25/53/03, dated May 10, 2006, which states:

REAR AND FORWARD SUPPORTS OF BOTH HORIZONTAL STABILIZER MODIFICATION. It has been found on several of the affected airplanes some severe corrosion and cracks in both supports. The probable cause for those failures is the accumulation of steam or application products vapors.

### Actions and Compliance

- (f) Unless already done, do the following actions:

- (1) Upon accumulating 1,500 hours time-in-service (TIS) or within the next 50 hours TIS after the effective date of this AD, whichever occurs later, do the operations as specified in the paragraph "ACTIONS," subparagraph "INITIAL" of Latinoamericana de Aviación S.A. Service Bulletin No. 25/53/03, dated May 10, 2006. Repetitively inspect thereafter every 100 hours TIS or 12 months, whichever occurs first, until the modification specified in paragraph "ACTIONS," subparagraph "DEFINITIVE" of Latinoamericana de Aviación S.A. Service Bulletin No. 25/53/03, dated May 10, 2006, is done.

- (2) If any evidence of cracks, signs of corrosion, or any other discrepancy is detected during any inspection required in paragraph (f)(1) of this AD, before further flight, disassemble both horizontal stabilizers and conduct a detailed inspection on the surface of both supports and take corrective action. Use paragraph "ACTIONS," subparagraph "DEFINITIVE" of Latinoamericana de Aviación S.A. Service Bulletin No. 25/53/03, dated May 10, 2006.

- (3) After incorporating the modification specified in paragraph "ACTIONS," subparagraph "DEFINITIVE" of Latinoamericana de Aviación S.A. Service Bulletin No. 25/53/03, dated May 10, 2006, no further action is required.

- (4) Upon accumulating 1,000 hours TIS after the effective date of this AD, modify both horizontal stabilizers as specified in paragraph "ACTIONS," subparagraph "DEFINITIVE" of Latinoamericana de Aviación S.A. Service Bulletin No. 25/53/03, dated May 10, 2006, unless already done. Incorporating this modification terminates the repetitive inspection requirement in paragraph (f)(1) of this AD.

- (5) As a terminating action to the inspection requirements of this AD, the modification to both horizontal stabilizers specified in paragraph "ACTIONS," subparagraph "DEFINITIVE" of Latinoamericana de Aviación S.A. Service Bulletin No. 25/53/03, dated May 10, 2006, may be incorporated at any time after the effective date of this AD and before the time required in paragraph (f)(4) of this AD.

### FAA AD Differences

**Note:** This AD differs from the MCAI and/or service information as follows: No differences.

### Other FAA AD Provisions

- (g) The following provisions also apply to this AD:

- (1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, Small Airplane Directorate, ATTN: Sarjapur Nagarajan, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (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

(h) Refer to MCAI Dirección Nacional de Aeronavegabilidad AD No. RA 2006-06-01, Rev. 1 LAVIA S.A., Amendment No. 39/03-041, dated November 17, 2006; and Latinoamericana de Aviación S.A. Service Bulletin No. 25/53/03, dated May 10, 2006, for related information.

Issued in Kansas City, Missouri, on February 8, 2007.

**Kim Smith,**

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

[FR Doc. E7-2508 Filed 2-13-07; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 301

[REG-159444-04]

RIN 1545-BE35

#### Release of Lien or Discharge of Property; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains corrections to a notice of proposed rulemaking (REG-159444-04) that was published in the **Federal Register** on Thursday, January 11, 2007 (72 FR 1301) relating to release of lien and discharge of property under sections 6325, 6503, and 7426 of the Internal Revenue Code.

**FOR FURTHER INFORMATION CONTACT:** Debra A. Kohn, (202) 622-7985 (not toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The correction notice that is the subject of this document is under sections 6325, 6503, and 7426 of the Internal Revenue Code.

##### Need for Correction

As published, the notice of proposed rulemaking (REG-159444-04) contains

errors that may prove to be misleading and are in need of clarification.

#### Correction of Publication

Accordingly, the publication of proposed rulemaking (REG-159444-04), which was the subject of FR Doc. E7-219, is corrected as follows:

1. On page 1302, column 1, in the preamble, under the paragraph heading "Background", sixth line from the bottom of the second paragraph of the column, the language "addition these provisions to the Code," is corrected to read "addition of these provisions to the Code,".

#### § 301.6325-1 [Corrected]

2. On page 1306, column 3, § 301.6325-1(a)(2)(i), fourth paragraph of the column, sixth line from the bottom of the paragraph, the language "been put into the matter. In no case" is corrected to read "been put in the matter. In no case".

**LaNita Van Dyke,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. E7-2496 Filed 2-13-07; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### 37 CFR Part 2

[Docket No. PTO-T-2006-0011]

RIN 0651-AC05

#### Changes in the Requirements for Filing Requests for Reconsideration of Final Office Actions in Trademark Cases

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice of proposed rule.

**SUMMARY:** The United States Patent and Trademark Office ("USPTO") proposes to amend 37 CFR 2.64 to require a request for reconsideration of an examining attorney's final refusal or requirement to be filed through the Trademark Electronic Application System ("TEAS") within three months of the mailing date of the final action.

**DATES:** Comments must be received by April 16, 2007 to ensure consideration.

**ADDRESSES:** The Office prefers that comments be submitted via electronic mail message to *TM RECON COMMENTS@USPTO.GOV*. Written comments may also be submitted by mail to Commissioner for Trademarks,

P.O. Box 1451, Alexandria, VA 22313-1451, attention Cynthia C. Lynch; or by hand delivery to the Trademark Assistance Center, Concourse Level, James Madison Building-East Wing, 600 Dulany Street, Alexandria, Virginia, attention Cynthia C. Lynch; or by electronic mail message via the Federal eRulemaking Portal. See the Federal eRulemaking Portal Web site (<http://www.regulations.gov>) for additional instructions on providing comments via the Federal eRulemaking Portal.

The comments will be available for public inspection on the Office's Web site at <http://www.uspto.gov> and will also be available at the Office of the Commissioner for Trademarks, Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Cynthia C. Lynch, Office of the Deputy Commissioner for Trademark Examination Policy, by telephone at (571) 272-8742.

**SUPPLEMENTARY INFORMATION:** The USPTO proposes the amendment of 37 CFR 2.64 to streamline and promote efficiency in the process once a final action has issued in an application for trademark registration. By setting a three-month period in which to file a request for reconsideration of the final action, and by requiring that the request be filed through TEAS, the proposed amendment would facilitate the likely disposition of an applicant's request for reconsideration prior to the six-month deadline for filing an appeal to the Trademark Trial and Appeal Board ("TTAB") or petition to the Director on the same final action. This may eliminate the need for some appeals or petitions, and reduces the need for remands and transfers of applications on appeal.

A request for reconsideration of a final action does not extend the time for filing an appeal or petitioning the Director on that action. Under the current version of the rule, wherein the applicant may file a request for reconsideration at any time between the final action and the six-month deadline for appealing or petitioning, many applicants simultaneously seek reconsideration and file an appeal. Because the examining attorney loses jurisdiction over the application upon the filing of an appeal to the TTAB, this simultaneous pursuit of reconsideration and appeal often necessitates a remand by the TTAB to the examining attorney for a decision on the request for reconsideration. If the request is denied, then the case is transferred back to the TTAB. If the request is granted, and the examining attorney reconsiders the final