

Proposed Rules

Federal Register

Vol. 72, No. 236

Monday, December 10, 2007

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 Parts 915 and 944

[Docket No. AMS-FV-07-0054; FV07-915-2 PR]

Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would revise the maturity requirements currently prescribed for avocados grown in South Florida and for avocados imported into the United States that are shipped to the fresh market. The Avocado Administrative Committee (Committee) which locally administers the marketing order for avocados grown in South Florida recommended the change for Florida avocados. A corresponding change in the import regulation would also be required under section 8e of the Agricultural Marketing Agreement Act of 1937 if this rule was implemented. This rule would require that avocados which fail the maturity requirements and are reworked and presented for reinspection must meet the maturity requirements which correspond to the date of the original inspection. This rule would help ensure only mature avocados are shipped to the fresh market.

DATES: Comments must be received by February 8, 2008.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments should be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Fax: (202) 720-8938; or Internet: <http://www.regulations.gov>. All comments should reference the docket number and the date and page number

of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

William G. Pimental, Marketing Specialist, or Christian D. Nissen, Regional Manager, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (863) 324-3375, Fax: (863) 325-8793, or E-mail: William.Pimental@usda.gov or Christian.Nissen@usda.gov, respectively.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491, Fax: (202) 720-8938, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement No. 121 and Marketing Order No. 915, both as amended (7 CFR part 915), regulating the handling of avocados grown in South Florida, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This proposed rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including avocados, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

This proposal invites comments on a revision to the maturity requirements currently prescribed under the order for avocados grown in South Florida. This rule would require that avocados which fail the maturity requirements and are reworked and presented for reinspection must meet the maturity requirements which correspond to the date of the original inspection. This action, unanimously recommended by the Committee, would help ensure that only mature avocados are shipped to the fresh market.

Section 915.51 of the order provides the authority to issue regulations establishing specific maturity requirements for avocados grown in South Florida. Section 915.332 of the order's rules and regulations establishes the requisite maturity requirements for avocados. The maturity requirements specify minimum weights, diameters, and shipping dates for approximately 60 different varieties of avocados. These dates and requirements are reflected in the avocado maturity schedule as it appears in Table I of § 915.332(a)(2).

Under the terms of the marketing order, fresh market shipments of Florida avocados are required to be inspected and are subject to grade, pack, container, and maturity requirements. The maturity requirements are intended to prevent the shipment of immature

avocados to the fresh market. This helps to improve buyer confidence in the marketplace, and fosters increased consumption.

This rule would change the way the maturity requirements are currently applied. Specifically, this rule would require avocados which fail maturity requirements and are reworked and presented for reinspection to meet the maturity requirements which correspond to the date of the original inspection.

The maturity requirements for avocados are expressed in terms of minimum weights and diameters in conjunction with specific dates during the shipping season. Each regulated variety has its own set of dates and requirements on the maturity schedule. The maturity requirements for the various varieties are different because each variety has its own growing season and stages when the fruit is mature and ready to be harvested.

With avocados, the level of maturity is determined by when the avocado is harvested. Because the maturity process ceases once the fruit is severed from the tree, an avocado needs to remain on the tree until it is mature. According to Paul Harding, a plant physiologist for the Agricultural Marketing Service, USDA, the stage of maturity of the fruit when harvested is directly related to its palatability and is the most important factor that influences eating quality.¹ Avocados which are not mature at the time of harvest will not ripen properly. Avocados that do not ripen properly can have an unpleasant taste and consistency which negatively affects customer satisfaction. Consequently, the dates on the maturity schedule have been carefully established based on years of testing to ensure avocados shipped using the schedule are mature enough to complete the ripening process.

The maturity schedule is divided into A, B, C, and D dates which reflect the different stages of maturity associated with an individual variety. Larger sized fruit within a variety matures earlier, while smaller fruit needs to remain on the tree longer to reach maturity. Consequently, A dates are associated with larger sizes and are established early in the variety's shipping season. For a majority of varieties, the schedule also includes B and C dates that fall somewhere in between the A and D dates for the particular variety. These dates proceed in stages as the season

advances, allowing for the shipment of progressively smaller sizes and weights as a variety matures. The D date marks the end of a variety's marketing season and releases all remaining sizes for shipment to the fresh market. This gradual shift in the maturity standards from the beginning of the season to its end helps ensure that all sizes remain on the tree long enough to reach maturity.

As an example, consider the Simmons variety. The A date for the Simmons is the Monday nearest June 20, and requires a minimum weight of 16 ounces or a minimum diameter of $3\frac{1}{16}$ inches for fruit shipped to the fresh market. The corresponding B date is the Monday nearest July 4, and reduces the minimum weight to 14 ounces or a minimum diameter of $3\frac{7}{16}$ inches. The C date is the Monday nearest to July 18, and further reduces the minimum weight and size requirements to 12 ounces or $3\frac{1}{16}$ inches, and the requirements end with a scheduled D date of the Monday nearest to August 1 when all remaining fruit of this variety can be shipped.

Over the years, the maturity schedule has been determined to be the best indicator of maturity for the different varieties of avocados grown in Florida, and growers and handlers rely on the schedule in making harvesting, packing, and shipping decisions. The maturity schedule facilitates the shipment of the different varieties of avocados as they mature, and helps ensure that only mature fruit is shipped to the fresh market. This in turn helps promote consumer satisfaction which is essential for the successful marketing of the crop.

Florida avocados are inspected for compliance with the rules and regulations established under the order, including the maturity requirements, by the Federal or Federal State Inspection Service. When a lot of avocados fails inspection, the handler has the opportunity to rework the lot to remove the fruit that caused the lot to fail. This usually entails removing any damaged or undersized fruit from the lot. Once the lot has been reworked, the lot is presented for reinspection.

However, the Committee has discovered that in some cases where lots fail for maturity, handlers are only holding the avocados until the next date under the maturity schedule and then presenting them for reinspection to benefit from the reduced size and weight requirements rather than reworking the lots to remove undersized fruit. The Committee agreed this practice undermines the purpose of the maturity requirements and results in

immature fruit being shipped to the fresh market.

Committee members stated the maturity requirements were established to ensure that only mature avocados reach the fresh market. By allowing a handler to just hold the fruit until the next date on the maturity schedule, the overall maturity of the lot is not improved. Because the maturity process ends once the fruit is picked, fruit that fails to meet the maturity standards at the time of inspection will not develop in maturity while being held in the box. The only way to increase the overall maturity of the lot is to remove the fruit which caused the lot to fail at the time of inspection.

The Committee believes allowing fruit that failed maturity requirements to be held until the next date on the maturity schedule without being reworked to remove undersized fruit permits immature fruit to be shipped to the fresh market. A lot that fails inspection for maturity can contain a significant amount of avocados which are undersized or underweight. Based on the schedule, this fruit was picked too soon, and most likely did not spend enough time on the tree to reach the proper level of maturity. Because this fruit is immature, it will frequently not ripen properly, and it would have a negative impact on the market and would likely result in the loss of future avocado sales.

The requirements associated with the initial inspection correlate more closely with the time of picking and as such remain the best measure of the maturity of the lot. Consequently, the Committee agreed the maturity requirements specified on the schedule at the time of the original inspection should be the requirements applied when the avocados are presented for reinspection.

With this change, when avocados fail inspection for maturity, the handler would continue to be allowed to immediately rework the lot to remove undersized and/or underweight fruit and present the lot for reinspection or hold the lot to rework it later. However, the reinspection would be conducted using the maturity requirements for the date the lot was originally presented for inspection regardless of when it is presented for reinspection. Even if a lot is held until the next date on the schedule, the requirements specified for the original inspection would still apply, and the avocados that caused the lot to fail would have to be removed before the lot would pass under a reinspection. This change would make sure undersized and underweight fruit would have to be removed before a lot could meet the necessary requirements

¹ Harding, Paul L. "The Relation of Maturity to Quality in Florida Avocados." *Proceedings of the Florida State Horticultural Society* 67 (1954):276-280.

which in turn should help further ensure that only mature fruit is being shipped to the fresh market.

This change would also make the reinspection procedures for maturity requirements more consistent with those applied for grade requirements. The current grade requirement for avocados is a U.S. No. 2 and is constant throughout the year. The only way for a lot that fails for grade to meet the grade requirement is to have the fruit which caused the lot to fail removed. The Committee believes the process for handling avocados which fail the maturity requirements should be the same. Because the maturity level does not improve by just holding the avocados, the maturity requirements applied to that lot should remain constant as it does with grade. This change would ensure that undersized and underweight fruit are removed prior to reinspection, maintaining the benefits of the maturity schedule.

Currently, when a lot of avocados fails inspection, the handler has the option to rework the lot, hold the fruit to be reworked at a later date, dump or destroy the fruit, send the fruit for processing, or donate it to charity. With this change, the handler would have the same options. However, fruit to be reworked for maturity would be segregated and placed under the supervision of the Federal or Federal-State Inspection Service using their Positive Lot Identification (PLI) program to ensure the lot is reworked to meet the minimum maturity requirements specified at the time of the initial inspection. Once the lot, or any portion thereof, is reworked, the Federal or Federal-State Inspection Service would reinspect the avocados applying the maturity requirements for the date of the original inspection. Also, all fruit in the lot would need to be accounted for under this process. Therefore, only fruit meeting the initial maturity requirements would be allowed to be shipped to the fresh market.

Section 8e of the Act provides that when certain domestically produced commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements. Since this rule would modify maturity requirements under the domestic handling regulations, a corresponding change to the avocado import maturity regulations must also be considered.

Minimum grade, quality, and maturity requirements for avocados imported into the United States are currently in effect under § 944.31 (7 CFR 944.31). The maturity requirements are specified

in § 944.31(a)(2). The Hass, Fuerte, Zutano, and Edranol varieties of avocados are exempt from the maturity schedule, and would continue to be exempt under this rule. However, these varieties must meet the minimum grade requirement of a U.S. No. 2 for imported avocados, which would not be changed by this action.

This proposal would require that imported avocados which fail the maturity requirements and are reworked and presented for reinspection must meet the maturity requirements which correspond to the date of the original inspection. With this change, fruit to be reworked for maturity would be segregated and placed under the supervision of the Federal or Federal-State Inspection Service using their PLI program to ensure the lot is reworked to meet the minimum maturity requirements specified at the time of the initial inspection.

Once the lot of avocados, or any portion thereof, is reworked, the Federal or Federal-State Inspection Service would reinspect the lot applying the maturity requirements for the date of the original inspection. In addition, all fruit in the lot would need to be accounted for under this process. This would help ensure only mature fruit that will ripen properly is shipped to the fresh market. Consumers prefer fruit that ripens properly. Thus, importers would also benefit from this change in maturity requirements.

Import data for calendar years 2002 through 2006 reveals the major exporters of green-skin avocados to the United States are Mexico, Chile, and the Dominican Republic. Imports of green-skin avocados totaled approximately 10,163 metric tons in 2002, 13,770 metric tons in 2003, 8,729 metric tons in 2004, 12,411 metric tons in 2005, and 10,389 metric tons in 2006. The Dominican Republic is the largest supplier of green-skin avocados, accounting for approximately 98 percent of imports.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about

through group action of essentially small entities acting on their own behalf. Import regulations issued under the Act are based on those established under Federal marketing orders.

There are approximately 300 producers of avocados in the production area and approximately 35 handlers subject to regulation under the order. There are approximately 65 importers of the type of avocados that are regulated under the order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than \$750,000, and small agricultural service firms, which include avocado handlers and importers, are defined as those whose annual receipts are less than \$6,500,000 (13 CFR 121.201).

According to the National Agricultural Statistics Service and Committee data, the average price for Florida avocados during the 2005–06 season was around \$46.75 per 55-pound bushel container, and total shipments were near 470,000 55-pound bushel equivalents. Using the average price and shipment information provided by the Committee, the majority of avocado handlers have annual receipts of less than \$6,500,000. In addition, based on avocado production, grower prices, and the total number of Florida avocado growers, the average annual grower revenue is less than \$750,000. Based on information from the Foreign Agricultural Service, USDA, the dollar value of imported avocados ranged from around \$156.7 million in 2003 to \$337.5 million in 2005. Using these numbers, the majority of avocado importers have annual receipts of less than \$6,500,000. Consequently, the majority of avocado producers, handlers, and importers may be classified as small entities.

This proposed rule, recommended by the Committee, would revise the maturity requirements currently prescribed for avocados grown in South Florida and for avocados imported into the United States that are shipped to the fresh market. This proposal would require that avocados which fail the maturity requirements and are reworked and presented for reinspection must meet the maturity requirements which correspond to the date of the original inspection. This rule would help ensure that only mature avocados are shipped to the fresh market. This rule would revise § 915.332, which specifies the requisite maturity requirements. Authority for this action is provided in § 915.51 of the order. This rule would also revise § 944.31, which specifies the maturity requirements for imported avocados. The change in the import

regulation is required under section 8e of the Act.

This rule could result in some additional costs for handlers and importers. These costs would be associated primarily with the cost to rework the lot and the added inspection costs associated with having Federal or Federal-State Inspection Service supervision of lots that fail for maturity. However, these costs are expected to be minimal and should apply to no more than a few shipments each year as only a very small percentage of lots fail for maturity.

The vast majority of handlers and importers are already reworking lots that fail for maturity to remove the undersized and underweight avocados that caused the lot to fail. Consequently, reworking lots which fail for maturity is already a standard practice for most of the industry, and as such would not represent an additional cost for most handlers and importers.

In addition, this rule could encourage more careful spot picking to ensure that the avocados are of the proper size or weight to meet the requirements of the maturity schedule. However, spot picking is a standard industry practice, so this should not result in any additional cost.

Therefore, in most cases, any additional costs resulting from this change would be from the added inspection costs associated with the Federal or Federal-State Inspection Service supervision of failing lots. Based on information provided by the Federal or Federal-State Inspection Service, the added cost would be based on the time it takes to apply the PLI program. For most handlers and importers, this should be accomplished in an hour or less. Consequently, the added cost would be based on the standard hourly rate charged by the Federal or Federal-State Inspection Service. These costs could range from as low as \$22.00 per hour to \$64.00 per hour for a lot of avocados. In situations where a lot is reworked immediately, the handler or importer may not even accrue any additional charges.

With average lot sizes ranging from approximately 100 55-pound cartons of avocados for a small lot to large lots containing approximately 800 55-pound cartons, and with avocados selling for a season average of around \$46.75 per 55-pound container, the cost of inspection would be a small percentage of the total value of the lot. Consequently, considering the possible added costs associated with this change, and the small number of lots affected, the overall costs associated with this rule are expected to be minimal.

Florida avocado producers and handlers have found that the maturity requirements have been beneficial in the successful marketing of their avocado crop. Experience has shown when immature avocados are found in market channels, they tend to have a price depressing effect on the market and negatively affect repeat purchases. Preventing the shipment of immature avocados improves buyer confidence in the marketplace, and fosters increased consumption. This change is expected to provide added assurance that the avocados marketed are of satisfactory maturity and will ripen properly which is expected to further promote customer satisfaction.

This proposal is expected to similarly impact importers of avocados. Non-exempt varieties of imported avocados have met the minimum weight or diameter maturity requirements in past seasons, and this is expected to continue. Thus, USDA believes this proposed change would not limit the quantity of imported avocados or place an undue burden on exporters, or importers of avocados. The marketplace price and quality benefits expected for Florida growers and handlers as a result of this proposal would also benefit exporters and importers of avocados.

As most handlers and importers are already reworking lots which fail for maturity to remove undersized and underweight fruit, this change is not expected to impact the total number of avocado shipments. It is, however, expected to have a positive effect in the marketplace by helping to ensure only mature avocados are reaching the market which in turn should provide a strong price base for the industry.

This proposed rule may impose some additional costs on producers, handlers, and importers. However, the costs are expected to be minimal, and would be offset by the benefits of the proposal. This proposed action would benefit consumers, producers, handlers, and importers by providing consumers with a better, more mature piece of fruit. The costs and benefits of this rule are not expected to be disproportionately greater or less significant for small entities than for large entities.

One alternative to this action considered was to make no change. However, the Committee believes this was not an acceptable alternative as it could result in immature avocados reaching the fresh market. The Committee agreed that allowing immature avocados to reach the fresh market would be detrimental to the industry as a whole. Therefore, this alternative was rejected.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

This rule would not impose any additional reporting or recordkeeping requirements on either small or large avocado handlers or importers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

Further, the Committee's meeting was widely publicized throughout the avocado industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the meeting where this action was recommended was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this proposed rule.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects

7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth above, 7 CFR parts 915 and 944 are proposed to be amended as follows:

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. The authority citation for 7 CFR parts 915 and 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new paragraph (a)(3) is added to § 915.332 to read as follows:

§ 915.332 Florida avocado maturity regulation.

(a) * * *

(3) Avocados which fail to meet the maturity requirements specified in this section must be maintained under the supervision of the Federal or Federal-State Inspection Service using the Positive Lot Identification program, and when presented for reinspection, must meet the maturity requirements which correspond to the date of the original inspection.

* * * * *

PART 944—FRUITS; IMPORT REGULATIONS

3. A new paragraph (a)(3) is added to § 944.31 to read as follows:

§ 944.31 Avocado import maturity regulation.

(a) * * *

(3) Avocados which fail to meet the maturity requirements specified in this section must be maintained under the supervision of the Federal or Federal-State Inspection Service using the Positive Lot Identification program, and when presented for reinspection, must meet the maturity requirements which correspond to the date of the original inspection.

* * * * *

Dated: December 4, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–23827 Filed 12–7–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0299; Directorate Identifier 2007–NM–239–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Airplanes

AGENCY: Federal Aviation Administration (FAA), 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:

Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, the FAA has published Special Federal Aviation Regulation 88 (SFAR88) * * * [which] required * * * [conducting] a design review against explosion risks.

The unsafe condition is the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. 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 January 9, 2008.

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 W12–40, 1200 New Jersey Avenue, SE., Washington, DC, 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 Operations office 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 Operations 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: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate,

FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1112; fax (425) 227–1149.

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–2007–0299; Directorate Identifier 2007–NM–239–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 based on 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 Airworthiness Directive 2007–0167, dated June 15, 2007 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, the FAA has published Special Federal Aviation Regulation 88 (SFAR88) in June 2001.

In their Letters referenced 04/00/02/07/01–L296 dated March 4th, 2002 and 04/00/02/07/03–L024, dated February 3rd, 2003, the JAA (Joint Aviation Authorities) recommended the application of a similar regulation to the National Aviation Authorities (NAA).

Under this regulation, all holders of type certificates for passenger transport aircraft with either a passenger capacity of 30 or more, or a payload capacity of 7,500 pounds (3402 kg) or more, which have received their certification since January 1st, 1958, are required to conduct a design review against explosion risks.

This Airworthiness Directive (AD), which renders mandatory the modification [6089] of improving the sealing of Fuel Access Doors, is a consequence of the design review.

The unsafe condition is the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. Saab Modification 6089 includes removing the fuel tank access doors and the old type of clamp rings and gaskets; installing new, improved