

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 have 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 that the 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. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

### 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

**Boeing:** Docket No. FAA-2006-23818; Directorate Identifier 2005-NM-228-AD.

### Comments Due Date

(a) The FAA must receive comments on this AD action by March 27, 2006.

### Affected ADs

(b) None

### Applicability

(c) This AD applies to all Boeing Model 767-200, -300, -300F, and -400ER series airplanes, certificated in any category.

### Unsafe Condition

(d) This AD results from reports of freeplay-induced vibration of the rudder and the elevator. The potential for vibration of the control surface should be avoided because the point of transition from vibration to divergent flutter is unknown. We are issuing this AD to prevent excessive vibration of the airframe during flight, which could result in loss of control 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.

### Service Bulletin References

(f) The term "service bulletin," as used in this AD, means the Accomplishment Instructions of the following service bulletins, as applicable:

(1) For Model 767-200, -300, and -300F series airplanes: Boeing Special Attention Service Bulletin 767-27-0197, dated October 27, 2005; and

(2) For Model 767-400ER series airplanes: Boeing Special Attention Service Bulletin 767-27-0198, dated October 27, 2005.

### Repetitive Measurements

(g) Within 18 months after the effective date of this AD: Measure the rudder and elevator freeplay. Repeat the measurement thereafter at intervals not to exceed 12,000 flight hours or 36 months, whichever occurs first. Do all actions required by this paragraph in accordance with the applicable service bulletin.

### Related Investigative and Corrective Actions

(h) If any measurement found in paragraph (g) of this AD exceeds any applicable limit specified in the service bulletin: Before further flight, do the applicable related investigative and corrective actions in accordance with the applicable service bulletin.

### Repetitive Lubrication

(i) Within 9 months after the effective date of this AD: Lubricate the rudder and elevator components specified in the service bulletin. Repeat the lubrication thereafter at the applicable interval in paragraph (i)(1) or (i)(2) of this AD. Do all actions required by this paragraph in accordance with the applicable service bulletin.

(1) For airplanes on which BMS 3-33 grease is not used: At intervals not to exceed 3,000 flight hours or 9 months, whichever occurs first.

(2) For airplanes on which BMS 3-33 grease is used: At intervals not to exceed

6,000 flight hours or 18 months, whichever occurs first.

### Concurrent Repetitive Cycles

(j) If a freeplay measurement required by paragraph (g) of this AD and a lubrication cycle required by paragraph (i) of this AD are due at the same time or will be accomplished during the same maintenance visit, the freeplay measurement and applicable related investigative and corrective actions must be done before the lubrication is accomplished.

### No Reporting Required

(k) Although the service bulletins referenced in this AD specify to submit certain information to the manufacturer, this AD does not include that requirement.

### Alternative Methods of Compliance (AMOCs)

(l)(1) The Manager, Seattle Aircraft Certification Office (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) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on January 30, 2006.

**Ali Bahrami,**

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

[FR Doc. E6-1686 Filed 2-7-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-23815; Directorate Identifier 2005-NM-222-AD]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 737 Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all Boeing Model 737 airplanes. This proposed AD would require repetitive measurement of the freeplay of both

aileron balance tabs; repetitive lubrication of the aileron balance tab hinge bearings and rod end bearings; and related investigative and corrective actions if necessary. This proposed AD results from reports of freeplay-induced vibration of the aileron balance tab. The potential for vibration of the control surface should be avoided because the point of transition from vibration to divergent flutter is unknown. We are proposing this AD to prevent excessive vibration of the airframe during flight, which could result in loss of control of the airplane.

**DATES:** We must receive comments on this proposed AD by March 27, 2006.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

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

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

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

- Fax: (202) 493-2251.

- 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.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for the service information identified in this proposed AD.

**FOR FURTHER INFORMATION CONTACT:** Dennis Stremick, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6450; fax (425) 917-6590.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number "FAA-2006-23815; Directorate Identifier 2005-NM-222-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic,

environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light 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 with FAA personnel concerning this proposed AD. Using the search function of that web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment 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 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

**Examining the Docket**

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

**Discussion**

We have received three reports of freeplay-induced vibration of the aileron balance tab on Boeing Model 737 airplanes. Excessive corrosion and wear of components and/or interfaces allows excessive freeplay movement of the control surfaces and can cause excessive vibration of the airframe during flight. The potential for vibration of the control surface should be avoided because the point of transition from vibration to divergent flutter is unknown. When divergent flutter occurs, the amplitude of each cycle or oscillation is larger than the previous one and the surface can quickly reach its structural limits. Excessive vibration of the airframe, if not corrected, could result in loss of control of the airplane.

**Relevant Service Information**

We have reviewed the following Boeing service bulletins:

- For Boeing Model 737-100, -200, -200C, -300, -400, -500 series airplanes: Boeing Special Attention Service Bulletin 737-27-1272, dated September 29, 2005.

- For Boeing Model 737-600, -700, -700C, -800 and -900 series airplanes: Boeing Special Attention Service Bulletin 737-27-1273, dated September 29, 2005.

The service bulletins describe procedures for repetitive measurement of the freeplay of both aileron balance tabs. If the freeplay exceeds certain specified limits, the service bulletins describe procedures for doing applicable related investigative and corrective actions. These related investigative and corrective actions include doing a visual inspection for wear of the affected components such as bearings, bolts, and bushings; and repairing or replacing the affected part if necessary. The corrective actions also include repeating the freeplay measurement and applicable related investigative and corrective actions until the freeplay is within acceptable limits. The service bulletins also describe procedures for repetitive lubrication of the aileron balance tab hinge bearings and rod end bearings. The service bulletins note that if the freeplay measurement and a lubrication cycle are due at the same time, the freeplay measurement must be satisfactory before the lubrication is done. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

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

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

**Costs of Compliance**

There are about 5,651 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this proposed AD. No parts are necessary to accomplish either action.

## ESTIMATED COSTS

Action	Work hours	Average labor rate per hour \$	Cost per airplane \$	Number of U.S.-registered airplanes	Fleet cost \$
Freeplay measurement .....	8	65	520, per measurement cycle ....	2,280	1,185,600, per measurement cycle.
Lubrication .....	4	65	260, per lubrication cycle .....	2,280	592,800, per lubrication cycle.

**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 have 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 that the 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. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

**Boeing:** Docket No. FAA-2006-23815; Directorate Identifier 2005-NM-222-AD.

**Comments Due Date**

(a) The FAA must receive comments on this AD action by March 27, 2006.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to all Boeing Model 737-100, -200, -200C, -300, -400, -500, -600, -700, -700C, -800, and -900 series airplanes; certificated in any category.

**Unsafe Condition**

(d) This AD results from three reports of freeplay-induced vibration of the aileron balance tab. The potential for vibration of the control surface should be avoided because the point of transition from vibration to divergent flutter is unknown. We are issuing this AD to prevent excessive vibration of the airframe during flight, which could result in loss of control 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.

**Service Bulletin References**

(f) The term "service bulletin," as used in this AD, means the Accomplishment Instructions of the following service bulletins, as applicable:

(1) For Boeing Model 737-100, -200, -200C, -300, -400, -500 series airplanes:

Boeing Special Attention Service Bulletin 737-27-1272, dated September 29, 2005.

(2) For Boeing Model 737-600, -700, -700C, -800 and -900 series airplanes: Boeing Special Attention Service Bulletin 737-27-1273, dated September 29, 2005.

**Repetitive Measurements**

(g) Within 18 months after the effective date of this AD: Measure the freeplay of both aileron control balance tabs. Repeat the measurement thereafter at the applicable interval in paragraph (g)(1) or (g)(2) of this AD. Do all actions required by this paragraph in accordance with the applicable service bulletin.

(1) For Boeing Model 737-100, -200, and -200C series airplanes: At intervals not to exceed 6,000 flight hours or 24 months, whichever occurs first.

(2) For Boeing Model 737-300, -400, -500, -600, -700, -700C, -800 and -900 series airplanes: At intervals not to exceed 8,000 flight hours or 24 months, whichever occurs first.

**Related Investigative and Corrective Actions**

(h) If any measurement found in paragraph (g) of this AD is outside the acceptable limits specified in the service bulletin: Before further flight, do the applicable related investigative and corrective actions in accordance with the applicable service bulletin.

**Repetitive Lubrication**

(i) Within 9 months after the effective date of this AD: Lubricate the aileron balance tab components specified in the applicable service bulletin. Repeat the lubrication thereafter at the applicable interval in paragraph (i)(1), (i)(2), or (i)(3) of this AD. Do all actions required by this paragraph in accordance with the applicable service bulletin.

(1) For Boeing Model 737-100, -200, and -200C series airplanes: At intervals not to exceed 3,000 flight hours or 9 months, whichever occurs first.

(2) For Boeing Model 737-300, -400, -500, -600, -700, -700C, -800, and -900 series airplanes, on which BMS 3-33 grease is not used: At intervals not to exceed 3,000 flight hours or 9 months, whichever occurs first.

(3) For Boeing Model 737-300, -400, -500, -600, -700, -700C, -800, and -900 series airplanes, on which BMS 3-33 grease is used: At intervals not to exceed 4,000 flight hours or 12 months, whichever occurs first.

**Concurrent Repetitive Cycles**

(j) If a freeplay measurement required by paragraph (g) of this AD and a lubrication cycle required by paragraph (i) of this AD are

due at the same time or will be accomplished during the same maintenance visit, the freerplay measurement and applicable related investigative and corrective actions must be done before the lubrication is accomplished.

#### Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Seattle Aircraft Certification Office (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) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on January 30, 2006.

**Ali Bahrami,**

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

[FR Doc. E6-1687 Filed 2-7-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-22876; Directorate Identifier 2005-NE-39-AD]

RIN 2120-AA64

#### Airworthiness Directives; RECARO Aircraft Seating GmbH & Co. (RECARO) Model 3410 Seats

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain RECARO Model 3410 302, 303, 306, 307, 314, 316, 317, 791, 792, and 795 series seats. This proposed AD would require replacing the existing attachment bolts for the seat belts with longer attachment bolts. This proposed AD results from a report of short attachment bolts that don't allow enough thread to properly secure the locknuts. We are proposing this AD to prevent a seat belt from detaching due

to a loose locknut and attachment bolt, which could result in injury to an occupant during emergency conditions.

**DATES:** We must receive any comments on this proposed AD by April 10, 2006.

**ADDRESSES:** Use one of the following addresses to comment on this proposed AD.

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

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

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

- Fax: (202) 493-2251.

- 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.

Contact RECARO Aircraft Seating GmbH & Co. K, Technical Publications, Daimlerstrasse 21, 74523 Schwäbisch Hall, Germany; Telephone 49 791 503 7183; fax 49 791 503 7220, for the service information identified in this proposed AD.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7161; fax (781) 238-7170.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-22876; Directorate Identifier 2005-NE-39-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light 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 with FAA personnel concerning this proposed AD. Using the search function of the Docket Management System Web site, anyone

can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

#### Examining the AD Docket

You may examine the docket that contains the proposal, any comments received, and any final disposition in person at the DOT Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the Docket management Facility receives them.

#### Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified us that an unsafe condition may exist on certain RECARO aircraft seats. The LBA advises that it received a report of loose bolts at the attachment point of the seat belt. Certain RECARO aircraft seats might use an attachment bolt that is too short to allow enough threads to secure the locknut properly, which could result in injury to an occupant during emergency condition.

#### Relevant Service Information

We have reviewed and approved the technical contents of RECARO Service Bulletin (SB) SB-No.: 3410-25MR477, Revision 3, dated May 17, 2004. SB-No.: 3410-25MR477 describes procedures for replacing the bolt and nut. The LBA classified this SB as mandatory and issued airworthiness directive D-2004-151R1, dated June 6, 2004, in order to ensure the airworthiness of these RECARO seats in Germany.

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

These seats, manufactured in Germany, are installed in airplanes that are type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. In keeping with this bilateral airworthiness agreement, the LBA kept us informed of the situation described above. We have examined the LBA's findings, reviewed all available