

oversight responsibility for the relevant type certificate or supplemental type certificate, as determined by the Administrator.

**§ 129.103–129.115 [Reserved]**

**§ 129.117 [Reserved]**

18. Redesignate § 129.16 as new § 129.109.

**§ 129.16 [Added and Reserved]**

19. A new § 129.16 is added and reserved.

**§ 129.32 [Redesignated]**

20. Redesignate § 129.32 as new § 129.107.

**§ 129.32 [Added and Reserved]**

21. A new § 129.32 is added and reserved.

**§ 129.33 [Redesignated]**

22. Redesignate § 129.33 as new § 129.105.

**§ 129.33 [Added and Reserved]**

23. A new § 129.33 is added and reserved.

Issued in Washington, DC, on April 13, 2006.

**James J. Ballough,**

*Director, Flight Standards Service, Aviation Safety.*

**Dorenda D. Baker,**

*Acting Director, Aircraft Certification Service, Aviation Safety.*

[FR Doc. 06–3758 Filed 4–20–06; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2006–24523; Directorate Identifier 2006–NM–057–AD]

RIN 2120–AA64

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes**

**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 EMBRAER Model ERJ 170 airplanes. This proposed AD would require inspecting for excess sealant applied to the attachment bolts of the negative pressure relief valve, and performing corrective actions if necessary. This proposed AD results

from reports that excess sealant was applied to the attachment bolts of the negative pressure relief valve, which interfered with the valve's movable diaphragm. We are proposing this AD to prevent incorrect operation of the negative pressure relief valve, which could result in negative pressures that exceed the structural strength limits of the airframe and lead to reduced structural integrity of the airplane.

**DATES:** We must receive comments on this proposed AD by May 22, 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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil, for service information identified in this proposed AD.

**FOR FURTHER INFORMATION CONTACT:**

Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

**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–2006–24523; Directorate Identifier 2006–NM–057–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 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 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**

The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified us that an unsafe condition may exist on certain EMBRAER Model ERJ 170 airplanes. The DAC advises that it has received several reports that excess sealant was applied to the attachment bolts of the negative pressure relief valve, which interfered with the valve's movable diaphragm. This condition, if not corrected, could cause incorrect operation of the negative pressure relief valve, which could result in negative pressures that exceed the structural strength limits of the airframe and lead to reduced structural integrity of the airplane.

**Relevant Service Information**

EMBRAER has issued Service Bulletin 170–21–0014, dated August 19, 2005. The service bulletin describes procedures for examining the attachment bolts of the negative pressure relief valve for excess sealant, and performing corrective actions if necessary. Corrective actions include removing excess sealant, cleaning the affected area, and, if necessary, removing all the sealant and reapplying new sealant. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DAC mandated the service information and issued

Brazilian airworthiness directive 2005–12–05, dated January 19, 2006, to ensure the continued airworthiness of these airplanes in Brazil.

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

These airplane models are manufactured in Brazil and 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. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. We have examined the DAC's findings, evaluated all pertinent information, and determined that we need to issue an AD for airplanes of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under "Difference Between Proposed AD and Service Bulletin and Brazilian Airworthiness Directive."

#### Difference Between Proposed AD and Service Bulletin and Brazilian Airworthiness Directive

EMBRAER Service Bulletin 170–21–0014 specifies to "examine" the attachment bolts of the negative pressure relief valve and Brazilian airworthiness directive 2005–12–05 specifies to "check" those bolts; however, for clarity, this proposed AD would require a general visual inspection of those bolts. We have included the definition of this type of inspection in the proposed AD.

#### Costs of Compliance

This proposed AD would affect about 54 airplanes of U.S. registry. The proposed actions would take about 1 work hour per airplane, at an average labor rate of \$80 per work hour. Based on these figures, the estimated cost of the proposed AD for U.S. operators is \$4,320, or \$80 per airplane.

#### 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):

#### Empresa Brasileira de Aeronautica S.A.

(EMBRAER); Docket No. FAA–2006–24523; Directorate Identifier 2006–NM–057–AD.

#### Comments Due Date

(a) The FAA must receive comments on this AD action by May 22, 2006.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to EMBRAER Model ERJ 170–100 LR, –100 STD, –100 SE, and –100 SU airplanes, certificated in any category; having serial numbers 17000002 through 17000099.

#### Unsafe Condition

(d) This AD results from reports that excess sealant was applied to the attachment bolts of the negative pressure relief valve, which interfered with the valve's movable diaphragm. We are issuing this AD to prevent incorrect operation of the negative pressure relief valve, which could result in negative pressures that exceed the structural strength limits of the airframe and lead to reduced structural integrity 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.

#### Inspection

(f) Within 700 flight hours after the effective date of this AD, perform a general visual inspection of the attachment bolts of the negative pressure relief valve for excess sealant and perform the applicable corrective actions, by accomplishing all applicable actions specified in the Accomplishment Instructions of EMBRAER Service Bulletin 170–21–0014, dated August 19, 2005. Corrective actions must be performed prior to further flight.

**Note 1:** For the purposes of this AD, a general visual inspection is: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

#### Alternative Methods of Compliance (AMOCs)

(g)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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**

(h) Brazilian airworthiness directive 2005-12-05, dated January 19, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on April 13, 2006.

**Ali Bahrami,**

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

[FR Doc. E6-5987 Filed 4-20-06; 8:45 am]

**BILLING CODE 4910-13-P**

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

[Docket No. FAA-2006-24091; Directorate Identifier 2006-CE-17-AD]

**RIN 2120-AA64**

**Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes**

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

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

**SUMMARY:** We propose to supersede Airworthiness Directive (AD) 98-12-01, which applies to certain Pilatus Aircraft Ltd (Pilatus) Models PC-6, PC-6/A, PC-6/B, and PC-6/C series airplanes equipped with turbo-prop engines. AD 98-12-01 currently requires you to modify the fuel system to improve the venting between the collector tank, the main wing tanks, and the engine. Since we issued AD 98-12-01, the FAA determined the action should also apply to all the models of the PC-6 airplanes listed in the type certification data sheet of Type Certificate (TC) No. 7A15 that are produced in the United States through a licensing agreement between Pilatus and Fairchild Republic Company (also identified as Fairchild Industries, Fairchild Heli Porter, or Fairchild-Hiller Corporation). In addition, the intent of the applicability of AD 98-12-01 was to apply to affected serial numbers of the airplane models listed in TC No. 7A15. Consequently, this proposed AD would retain all the actions of AD 98-12-01, would add those Fairchild Republic Company airplanes to the applicability of this proposed AD, and would list out the individual specific airplane models. We are proposing this AD to prevent engine

fuel starvation during maximum climb and descent caused by poor fuel tank venting with low fuel levels, which could result in a loss of engine power during critical phases of flight.

**DATES:** We must receive comments on this proposed AD by May 24, 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.

For service information identified in this proposed AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224.

**FOR FURTHER INFORMATION CONTACT:** Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

**SUPPLEMENTARY INFORMATION:**  
**Comments Invited**

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, "FAA-2006-24091; Directorate Identifier 2006-CE-17-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 we receive concerning this proposed AD.

**Discussion**

Mandatory continuing airworthiness information and the FAA's determination that an unsafe condition existed on certain Pilatus Models PC-6, PC-6/A, PC-6/B-H2, PC-6/B1-H2, PC-6/B, PC-6/C series airplanes (all models in the TCDS) equipped with turbo-prop engines caused us to issue AD 98-12-01, Amendment 39-10558 (63 FR 30370, June 4, 1998). AD 98-12-01 currently requires you to modify the fuel system to improve the venting between the collector tank, the main wing tanks, and the engine on certain Models PC-6, PC-6/A, PC-6/B-H2, PC-6/B1-H2, PC-6/B, PC-6/C series airplanes.

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, notified the FAA of the need to supersede AD 98-12-01 to address an unsafe condition that may exist or could develop on certain Models PC-6, PC-6/A, PC-6/B-H2, PC-6/B1-H2, PC-6/B, PC-6/C series airplanes. The FOCA reports that the AD action should also apply to all the models of the PC-6 airplanes listed in the type certification data sheet of TC No. 7A15 produced in the United States through a licensing agreement between Pilatus and Fairchild Republic Company (also identified as Fairchild Industries, Fairchild Heli Porter, or Fairchild-Hiller Corporation).

This condition, if not corrected, could result in engine fuel starvation during maximum climb and descent caused by poor fuel tank venting with low fuel levels, which could result in a loss of engine power during critical phases of flight.

**Foreign Airworthiness Authority Information**

The FOCA recently issued Swiss AD Number HB 2005-289, effective date August 23, 2005, to ensure the continued airworthiness of all models of the PC-6 airplanes listed in TC No. 7A15, including those produced in the United States under a licensing agreement with Pilatus and Fairchild Republic Company (also identified as Fairchild Industries, Fairchild Heli Porter, or Fairchild-Hiller Corporation).

The State of Design for the Pilatus PC-6 airplanes is Switzerland and the airplanes 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.

Under this bilateral airworthiness agreement, the FOCA has kept us informed of the situation described above.