the end fitting of the fuel feed hose on the aft side of the front spar and to the fitting and tube coupling on both sides of the dry bay wall, in accordance with the applicable service bulletin.

(2) If the test does not meet required resistance limits, before further flight, remove any existing sealant at the front spar; rework the spar bonding path between the end fitting of the fuel feed hose and the front spar to meet bonding resistance test requirements; and apply sealant to the end fitting of the fuel feed hose on the forward and aft sides of the front spar, and to the fitting and tube coupling on both sides of the dry bay wall, in accordance with the applicable service bulletin.

**Inspection of Electrical Bonding Jumper**

(i) For all airplanes as identified in the service bulletins: Within 60 months after the effective date of this AD, perform a general visual inspection and applicable corrective actions to ensure that an electrical bonding jumper is installed between the engine fuel feed tube and the adjacent wing station 285.65 rib in the left and right wing fuel tanks, in accordance with the applicable service bulletin.

**Replacement of O-Ring and Test**

(j) For airplanes on which the actions in paragraphs (g) or (h)(2) of this AD were done before the effective date of this AD in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–28A0076, dated August 27, 2004; and Boeing Alert Service Bulletin 757–28A0077, dated August 27, 2004; as applicable: Within 60 months after the effective date of this AD, replace the O-ring, part number (P/N) MS29513–330 with a new O-ring, P/N MS29513–328, and do a leak test before further flight after reassembly. Do all actions in accordance with Part B of the Accomplishment Instructions of the applicable service bulletin.

**Exception to Accomplishment Instructions in Service Bulletins**

(k) Although Boeing Service Bulletin 757–28A0076, Revision 1; and Boeing Service Bulletin 757–28A0077, Revision 1; both dated October 20, 2005, permit operator's equivalent procedures (OEP), this AD would require using the referenced airplane maintenance manuals, except that operators may use their own FAA-approved OEPs to drain the left and right engine fuel tubes, to drain and ventilate the fuel tanks, and to enter the fuel tanks.

**Actions Accomplished in Accordance With Original Issues of Service Bulletins**

(l) Actions done before the effective date of this AD in accordance with Boeing Alert Service Bulletin 757–28A0076 and Boeing Alert Service Bulletin 757–28A0077, both dated August 27, 2004, are acceptable for compliance with the corresponding requirements of paragraphs (g), (h)(1), (h)(2), and (i) of this AD.

**Alternative Methods of Compliance (AMOCs)**

(m)(1) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

**Material Incorporated by Reference**

(n) You must use Boeing Service Bulletin 757–28A0076, Revision 1, dated October 20, 2005; or Boeing Service Bulletin 757–28A0077, Revision 1, dated October 20, 2005; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov;* or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on June 9, 2006.

**Kalene C. Yanamura,**

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

[FR Doc. 06–5501 Filed 6–19–06; 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; Amendment 39–14654; AD 2006–13–02]**

**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:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain EMBRAER Model ERJ 170 airplanes. This AD requires inspecting for excess sealant applied to the attachment bolts of the negative pressure relief valve, and performing corrective actions if necessary. 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.

**DATES:** This AD becomes effective July 25, 2006.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of July 25, 2006.

**ADDRESSES:** You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL–401, Washington, DC.

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 AD.

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

**SUPPLEMENTARY INFORMATION:**

### Examining the Docket

You may examine the airworthiness directive (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 street address stated in the **ADDRESSES** section.

### Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain EMBRAER Model ERJ 170 airplanes. That NPRM was published in the **Federal Register** on April 21, 2006 (71 FR 20593). That NPRM proposed to require inspecting for excess sealant applied to the attachment bolts of the negative pressure relief valve, and performing corrective actions if necessary.

### Comments

We provided the public the opportunity to participate in the development of this AD. We received no

comments on the NPRM or on the determination of the cost to the public.

**Clarification of Serial Number Range**

To clarify the range of the serial numbers of the affected airplanes we have added the word ''inclusive'' to the applicability of the AD.

**Conclusion**

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

**Costs of Compliance**

This AD will affect about 54 airplanes of U.S. registry. The required actions will 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 this 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 AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under 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 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, Incorporation by reference, Safety.

**Adoption of the Amendment**

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

**2006–13–02 Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Amendment 39–14654. Docket No. FAA–2006–24523; Directorate Identifier 2006–NM–057–AD.

**Effective Date**

(a) This AD becomes effective July 25, 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 inclusive.

**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.

**Material Incorporated by Reference**

(i) You must use EMBRAER Service Bulletin 170–21–0014, dated August 19, 2005, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at *http://dms.dot.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

Issued in Renton, Washington, on June 9, 2006.

**Kalene C. Yanamura,**

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

[FR Doc. 06–5500 Filed 6–19–06; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2006–24073; Directorate Identifier 2002–NM–272–AD; Amendment 39–14653; AD 2006–13–01]**

**RIN 2120–AA64**

## Airworthiness Directives; Boeing Model 727–200 Series Airplanes Equipped With a No. 3 Cargo Door

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding an existing airworthiness directive (AD), which applies to certain Boeing Model 727–200 series airplanes. That AD currently requires initial and repetitive inspections for cracks in the forward frame of the No. 3 cargo door cutout; and corrective actions, if necessary. The existing AD also provides for an optional structural modification, which terminates the repetitive inspections. This new AD reduces the compliance time for the initial inspections and adds an optional method of inspection for both the initial and repetitive inspections. This AD also adds initial and repetitive inspections of an additional area, and repair if necessary. Additionally, this AD clarifies that the previously optional structural modification is now required by other rulemaking. This AD results from additional reports of cracking in the forward frame of the No. 3 cargo door cutout. We are issuing this AD to detect and correct cracking of the forward frame and fuselage skin of the No. 3 cargo door cutout, which could result in failure of the frame and skin, and consequent rapid decompression of the airplane.

**DATES:** This AD becomes effective July 25, 2006.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of July 25, 2006.

**ADDRESSES:** You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL–401, Washington, DC.

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

**FOR FURTHER INFORMATION CONTACT:** Daniel F. Kutz, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6456; fax (425) 917–6590.

**SUPPLEMENTARY INFORMATION:**

### Examining the Docket

You may examine the airworthiness directive (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 street address stated in the **ADDRESSES** section.

### Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 86–17–05 R1, amendment 39–5714 (52 FR 32534, August 28, 1987). The existing AD applies to certain Boeing Model 727–200 series airplanes. That NPRM was published in the **Federal Register** on March 7, 2006 (71 FR 11345). That NPRM proposed to continue to require initial and repetitive inspections for cracks in the forward frame of the No. 3 cargo door cutout; and corrective actions, if necessary. That NPRM proposed to reduce the compliance time for the initial inspections and add an optional method of inspection for both the initial and repetitive inspections. That NPRM also proposed to add initial and repetitive inspections of an additional area, and repair if necessary. Additionally, that NPRM clarified that the previously optional structural modification is now required by other rulemaking.

### Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been received on the NPRM.

### Request for Clarification of Certain Language

Boeing requests that certain language be added to the Actions Since Existing AD was Issued section of the NPRM to clarify that the forward frame is the subject of the findings and that the skin and doubler in the area are also involved as an area of concern.

We agree that adding the suggested language would clarify the location of the subject unsafe condition (i.e., the forward frame of the No. 3 cargo door cutout, along with the surrounding skin and doubler). However, because that section of the NPRM is not restated in the final rule, we find that no change to the AD is necessary in this regard.

### Request To Correct AD Number in Restatement of Requirements Heading

Boeing points out that there is a typographical error in the AD number identified in the ''REQUIREMENTS OF AD 86–17–05 R1 WITH REDUCED THRESHOLD AND NEW OPTIONAL INSPECTION METHOD:'' heading in the regulatory text of the NPRM, and requests that the error, ''AD 86–17–05 RL,'' be corrected to read ''AD 86–17–05 R1.''

We agree. We have verified that an error did occur in the AD number in that heading during printing of the NPRM. That AD number is correct in this final rule.

### Conclusion

We have carefully reviewed the available data, including the comments that have been received, and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

### Costs of Compliance

There are about 269 airplanes of the affected design in the worldwide fleet. The new requirements of this AD add no additional economic burden. The current costs for U.S. operators to comply with this AD are repeated for the convenience of affected operators, as follows: