

“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–2006–24695; Directorate Identifier 2006–NM–035–AD.

### Comments Due Date

- (a) The FAA must receive comments on this AD action by June 23, 2006.

### Affected ADs

- (b) None.

### Applicability

- (c) This AD applies to Boeing Model 747–200B, 747–200C, 747–200F, 747–300, and 747SR series airplanes, certificated in any category; as identified in Boeing Special Attention Service Bulletin 747–54–2223, dated January 26, 2006.

### Unsafe Condition

- (d) This AD results from reports of heat damage and cracking of the skin and internal structure adjacent to and aft of the precooler exhaust vent on several engine struts on in-service airplanes. We are issuing this AD to detect and correct cracking, buckling, wrinkling, or heat damage of the skin and internal structure of the engine struts, which could result in extensive damage to the engine struts and consequent possible separation of an engine from the airplane during flight.

### 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

- (f) The term “service bulletin,” as used in this AD, means the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–54–2223, dated January 26, 2006.

### Repetitive Detailed Inspections

- (g) Within 18 months after the effective date of this AD, do a detailed inspection of engine struts 1 through 4, as applicable, for heat discoloration, cracking, buckling, or wrinkling, in accordance with the service bulletin. Repeat the detailed inspection thereafter at intervals not to exceed 18 months.

### Corrective Actions

- (h) If any heat discoloration, buckling, or wrinkling is found during any detailed inspection required by paragraph (g) of this AD, before further flight, do a conductivity test to detect the extent of the heat damage and a penetrant inspection or high frequency eddy current inspection to detect cracking of the heat-discolored, buckled, or wrinkled area, in accordance with the service bulletin.

- (1) If the conductivity test results are within the limits specified in the service bulletin and no cracking is detected, before further flight, repair any buckled or wrinkled area using a method approved in accordance with the procedures specified in paragraph (j) of this AD. Heat discoloration does not need to be repaired if the conductivity test results of the heat-discolored area are within the specified limits in the service bulletin.

- (2) If the conductivity test results are outside the limits specified in the service bulletin or if any cracking is detected, before further flight, repair any cracking, heat discoloration, or buckled or wrinkled area

using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

- (i) If any cracking is found during any detailed inspection required by paragraph (g) of this AD, before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

### Alternative Methods of Compliance (AMOCs)

- (j)(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 April 28, 2006.

**Ali Bahrami,**

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

[FR Doc. E6–7016 Filed 5–8–06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2006–23673; Directorate Identifier 2005–NM–233–AD]

**RIN 2120–AA64**

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The FAA withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD) for all EMBRAER Model EMB–135 and EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes. The proposed AD would have required inspecting to determine the

part number of the ailerons. For airplanes with affected aileron part numbers, the proposed AD would have required reworking the aileron damper fitting, and for certain airplanes, replacing the rod end of the aileron damper assembly with an improved rod end. Since the proposed AD was issued, we have received new data indicating that there is no unsafe condition associated with structural failure of the rod end of the aileron damper. Accordingly, the proposed AD is withdrawn.

**ADDRESSES:** 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 U.S. Department of Transportation, 400 Seventh Street, SW., Room PL-401, Washington, DC. This docket number is FAA-2006-23673; the directorate identifier for this docket is 2005-NM-233-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:

##### Discussion

We proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with a notice of proposed rulemaking (NPRM) for a new AD for all EMBRAER Model EMB-135 and EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes. That NPRM was published in the **Federal Register** on January 25, 2006 (71 FR 4067). The NPRM would have required inspecting to determine the part number of the ailerons. For airplanes with affected aileron part numbers, the NPRM would have required reworking the aileron damper fitting. Also, for certain airplanes, the NPRM would have required replacing the rod end of the aileron damper assembly with an improved rod end. The NPRM resulted from reports of structural failure of the rod end of the aileron damper, which was caused by insufficient clearance between the lugs of the aileron damper fitting and the rod end of the aileron damper. The proposed actions were intended to prevent failure of the aileron damper, which could result in failure of the aileron actuator and

consequent reduced controllability of the airplane.

#### Comments

EMBRAER requests that we withdraw the NPRM. EMBRAER points out that the unsafe condition stated in the NPRM (failure of the aileron damper, which could result in failure of the aileron actuator and consequent reduced controllability of the airplane) is incorrect. While the NPRM was intended to address reports of structural failure of the rod end of the aileron damper, there is no unsafe condition caused by such a failure. The aileron damper was introduced to improve safety by increasing redundancy: the aileron damper prevents vibration of the aileron surface in the event of failure of both rods of the aileron power control actuator (PCA). Failure of the rod end of the aileron damper and subsequent failure of the aileron damper will not cause vibration of the aileron surface.

Further, while failure of the rod ends of the aileron PCA could result in reduced controllability of the airplane, this unsafe condition is already addressed by another action. EMBRAER notes that the FAA has previously issued AD 99-05-04 (64 FR 13894, March 23, 1999). That AD requires inspections to detect and correct cracking or failure of the rod ends of the aileron PCA on all EMBRAER Model EMB-145 series airplanes.

EMBRAER further states that repetitive inspections of the aileron damper rod ends and fitting lugs for integrity and general condition are specified as a Certification Maintenance Requirement (for Model EMB-135 airplanes) and a System Inspection Requirement (for Model EMB-145 airplanes). The failures of the aileron damper rod ends that prompted the NPRM were discovered during inspections performed under these requirements.

We agree with the commenter's request to withdraw the NPRM. EMBRAER Service Bulletin 145-27-0108, Revision 01, dated April 28, 2005, which the NPRM references as the appropriate source of service information for the required actions, was issued to correct insufficient clearance between the lugs of the aileron damper fitting and the rod end of the aileron damper. We have coordinated with EMBRAER and have determined that the actions in that service bulletin are not intended to address an unsafe condition. Doing those actions may provide an economic benefit to operators by preventing the need for an expensive repair in the event that damage is detected during

routine inspections. Since there is no unsafe condition, the proposed AD is unnecessary.

#### FAA's Conclusions

Upon further consideration, we have determined that there is no unsafe condition associated with structural failure of the rod end of the aileron damper. Accordingly, the NPRM is withdrawn.

Withdrawal of the NPRM does not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

#### Regulatory Impact

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Withdrawal

Accordingly, we withdraw the NPRM, Docket No. FAA-2006-23673, Directorate Identifier 2005-NM-233-AD, which was published in the **Federal Register** on January 25, 2006 (71 FR 4067).

Issued in Renton, Washington, on April 28, 2006.

**Ali Bahrami,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-24092; Directorate Identifier 2006-CE-18-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).