

**§ 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-2006-24696; Directorate Identifier 2006-NM-038-AD.

**Comments Due Date**

(a) The FAA must receive comments on this AD action by January 2, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to the airplanes identified in Table 1 of this AD, certificated in any category.

TABLE 1.—APPLICABILITY

EMBRAER model—	As identified in—
EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes.	EMBRAER Service Bulletin 145-28-0028, dated November 7, 2005.
EMB-135BJ, -135ER, -135KE, -135KL, and -135LR airplanes .....	EMBRAER Service Bulletin 145LEG-28-0030, dated April 19, 2006.

**Unsafe Condition**

(d) This AD results from a report of the failure of a fitting clamp of an electrical bonding cable for the fuel tubing. We are issuing this AD to prevent loss of bonding protection in the interior of the fuel tanks or adjacent areas, and a consequent potential source of ignition in a fuel tank and possible fire or explosion.

**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.

**Electrical Bonding Clamp Replacement**

(f) At the time specified in paragraph (f)(1) or (f)(2) of this AD, as applicable: Replace the

electrical bonding clamps having part numbers AN735D6 and AN735D4 inside the forward fuel tank or the ventral, wing stub, and wing fuel tanks, and adjacent areas, as applicable; by accomplishing all actions specified in the Accomplishment Instructions of the applicable service bulletin identified in Table 2 of this AD.

TABLE 2.—APPLICABLE SERVICE INFORMATION

For EMBRAER model—	Use—
EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes.	EMBRAER Service Bulletin 145-28-0028, dated November 7, 2005.
EMB-135BJ, -135ER, -135KE, -135KL, and -135LR airplanes .....	EMBRAER Service Bulletin 145LEG-28-0030, dated April 19, 2006.

(1) For Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes; and Model EMB-135ER, -135KE, -135KL, and -135LR airplanes: Within 5,000 flight hours after the effective date of this AD.

(2) For Model EMB-135BJ airplanes: Within 4,000 flight hours or 48 calendar months after the effective date of this AD, whichever occurs first.

**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 2006-02-03R2, effective October 8, 2006, also addresses the subject of this AD.

Issued in Renton, Washington, on November 20, 2006.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6-20629 Filed 12-5-06; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2006-24448; Airspace Docket No. 06-AGL-02]

**Establishment of Class E Airspace; Mineral Point, WI**

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

**ACTION:** Direct final rule; request for comments; withdrawal.

**SUMMARY:** This action withdraws the direct final rule, request for comment, published in the **Federal Register** Thursday, October 5, 2006 (71 FR 58738). In that action, the FAA will establish Class E Airspace in Mineral Point, WI. The FAA has determined that withdrawal of the direct final rule is warranted as a result of objections raised during the comment period.

**DATES:** *Effective Date:* 0901 UTC, January 18, 2007.

**FOR FURTHER INFORMATION CONTACT:** Steve Davis, FAA Terminal Operations, Central Service Office, Airspace and Procedures Branch, AGL-530, Federal Aviation Administration, 2300 East

Devon Avenue, Des Plaines, Illinois 60018; telephone (847) 294-7131.

**SUPPLEMENTARY INFORMATION:** On October 5, 2006, a direct final rule, request for comment, was published in the **Federal Register** to amend Title 14 Code of Federal Regulations (14 CFR) part 71 to establish Class E Airspace in Mineral Point, WI (71 FR 58738). As a result of objections raised during the comment period, the direct final rule is being withdrawn.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Withdrawal**

In consideration of the foregoing, the direct final rule for **Federal Register** Docket No. FAA-2006-24448, Airspace Docket No. 06-AGL-02, as published in the **Federal Register** on October 5, 2006 (71 FR 58738), is hereby withdrawn.

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in Fort Worth, Texas, on November 21, 2006.

Walter L. Tweedy,

Acting Manager, System Support Group, ATO Central Service Area.

[FR Doc. 06-9531 Filed 12-5-06; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[EPA-HQ-OAR-2002-0058; FRL-8252-2]

RIN 2060-AN32

**National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters: Reconsideration of Emissions Averaging Provision and Technical Corrections**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; notice of final action on reconsideration.

**SUMMARY:** EPA is promulgating amendments to the National Emission Standards for Hazardous Air Pollutants

(NESHAP) for Industrial, Commercial, and Institutional Boilers and Process Heaters. After promulgation of this final rule, the Administrator received petitions for reconsideration of certain provisions in the final rule.

Subsequently, EPA published a notice of the reconsideration and requested public comment on proposed amendments to the NESHAP. After evaluating public comments, we are adopting each of the amendments that we proposed.

**DATES:** This final rule is effective on February 5, 2007. The incorporation by reference of certain publications listed in this final rule is approved by the Director of the Office of Federal Register as of February 5, 2007.

**ADDRESSES:** EPA has established a docket for this action under docket ID No. EPA-HQ-OAR-2002-0058. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as

copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, EPA West Building, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Eddinger, Energy Strategies Group, Sector Policies and Programs Division (D243-01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-5426, fax number: (919) 541-5450, e-mail address: [eddinger.jim@epamail.epa.gov](mailto:eddinger.jim@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulated Entities.* Categories and entities potentially regulated by the final rule:

Category	NAICS code	Examples of potentially regulated entities
Any industry using a boiler or process heater in the final rule ...	321	Manufacturers of lumber and wood products.
	322	Pulp and paper mills.
	325	Chemical manufacturers.
	324	Petroleum refiners and manufacturers of coal products.
	316, 326, 339	Manufacturers of rubber and miscellaneous plastic products.
	331	Steel works.
	332	Electroplating, plating, polishing, anodizing, and coloring.
	336	Manufacturers of motor vehicle parts and accessories.
	221	Electric, gas, and sanitary services.
	622	Health services.
	611	Educational Services.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this final rule. To determine whether your facility would be regulated by this final rule, you should carefully examine the applicability criteria in 40 CFR 63.7485 of this final rule. If you have any questions regarding the applicability of this final rule to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

*WorldWide Web (WWW).* In addition to being available in the docket, an electronic copy of this final rule will be available on the WWW through the Technology Transfer Network Web site (TTN). EPA has posted a copy of the final rule on the TTN's policy and

guidance page for newly proposed or promulgated rules at <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control.

*Judicial Review.* Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of the final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by February 5, 2007. Under CAA section 307(d)(7)(B), only an objection to the final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under CAA section 307(b)(2), the requirements established by today's final action may not be challenged separately in any civil

or criminal proceedings brought by EPA to enforce these requirements.

*Background Information Document.* EPA proposed and provided notice of the reconsideration of the NESHAP for industrial, commercial, and institutional boilers and process heaters on October 31, 2005 (70 FR 62264) and received 17 comment letters on the proposal. A memorandum "National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters, Summary of Public Comments and Responses to GE Petition and Reconsideration of the Final Rule," containing EPA's responses to each public comment is available in Docket No. EPA-HQ-OAR-2002-0058.