

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):

2007-05-02 Empresa Brasileira de Aeronautica S.A. (EMBRAER); Amendment 39-14963. Docket No. FAA-2006-26356; Directorate Identifier 2006-NM-166-AD.

Effective Date

(a) This AD becomes effective April 5, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all EMBRAER Model ERJ 170-100 LR, -100 STD, -100 SE, -100 SU, -200 LR, -200 STD, and -200 SU airplanes; and Model ERJ 190-100 STD, -100 LR, and -100 IGW airplanes; certificated in any category.

Unsafe Condition

(d) This AD results from reports of erroneous air speed indications caused by blockage of the pitot sensors due to freezing of accumulated moisture in the air data smart probe (ADSP) pneumatic passages. We are issuing this AD to prevent an erroneous air speed indication, which could reduce the flightcrew's ability to control 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.

Inspect To Determine Part Number (P/N) of ADSPs

(f) Within 600 flight hours after the effective date of this AD, inspect to determine the part number of the ADSPs. For any Rosemount Aerospace ADSP having P/N 2015G2H2H-4(), 2015G2H2H-5(), 2015G2H2H-6(), or 2015G2H2H-7(), do the applicable actions required by this AD. For any ADSP having any other part number, no further action is required by this AD.

Note 1: The parentheses used in the identified ADSP model part numbers indicate the presence or absence of an additional letter(s), which varies with the basic ADSP model designation. The letter(s) defines minor changes that do not affect interchangeability or eligibility of the ADSP. Therefore, this AD still applies regardless of

the presence or absence of these letters on the ADSP model designation.

Detailed Inspection, Moisture Removal, and Related Investigative/Corrective Actions

(g) Within 600 flight hours after the effective date of this AD, perform a detailed inspection for blockage of the pitot drain holes of the ADSP, remove accumulated moisture from the pneumatic passages of the ADSP, and, before further flight, do all related investigative actions and applicable corrective actions. Perform all required actions in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 170-34-0007, dated April 28, 2005 (for Model ERJ 170 airplanes); or EMBRAER Service Bulletin 190-34-0003, dated December 2, 2005 (for Model ERJ 190 airplanes); as applicable. Repeat all required actions thereafter at intervals not to exceed 600 flight hours.

Note 2: EMBRAER Service Bulletins 170-34-0007 and 190-34-0003 refer to Rosemount Aerospace Service Bulletin 2015G2H2H-34-04, Revision 1, dated April 6, 2005, as an additional source of service information for accomplishing the required actions.

Note 3: For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

Alternative Methods of Compliance (AMOCs)

(h)(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

(i) Brazilian airworthiness directives 2006-05-05, effective June 14, 2006, and 2006-05-08, effective June 19, 2006, also address the subject of this AD.

Material Incorporated by Reference

(j) You must use EMBRAER Service Bulletin 170-34-0007, dated April 28, 2005; or EMBRAER Service Bulletin 190-34-0003, dated December 2, 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 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

FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on February 16, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-3363 Filed 2-28-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2006-25942; Airspace Docket No. 06-ACE-12]

Modification of Class E Airspace; Thedford, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Thedford, NE.

DATES: *Effective Date:* 0901 UTC, May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Grant Nichols, System Support, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; *telephone:* (816) 329-2522.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on January 11, 2007 (72 FR 1278). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on May 10, 2007. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Fort Worth, Texas on February 16, 2007.

Walter Tweedy,

Manager, System Support Group, ATO
Central Service Area.

[FR Doc. 07-903 Filed 2-28-07; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2006-25943; Airspace
Docket No. 06-ACE-13]

Modification of Class E Airspace; Phillipsburg, KS

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of
effective date.

SUMMARY: This document confirms the
effective date of the direct final rule
which revises Class E airspace at
Phillipsburg, KS.

DATES: *Effective Date:* 0901 UTC, May
10, 2007.

FOR FURTHER INFORMATION CONTACT:
Grant Nichols, System Support, DOT
Regional Headquarters Building, Federal
Aviation Administration, 901 Locust,
Kansas City, MO 64106; *telephone:*
(816) 329-2522.

SUPPLEMENTARY INFORMATION: The FAA
published this direct final rule with a
request for comments in the **Federal
Register** on January 18, 2007 (72 FR
2181). The FAA uses the direct final
rulemaking procedure for a non-
controversial rule where the FAA
believes that there will be no adverse
public comment. This direct final rule
advised the public that no adverse
comments were anticipated, and that
unless a written adverse comment, or a
written notice of intent to submit such
an adverse comment, were received
within the comment period, the
regulation would become effective on
May 10, 2007. No adverse comments
were received, and thus this notice
confirms that this direct final rule will
become effective on that date.

Issued in Fort Worth, Texas on February
16, 2007.

Walter Tweedy,

Manager, System Support Group, ATO
Central Service Area.

[FR Doc. 07-902 Filed 2-28-07; 8:45 am]

BILLING CODE 4910-13-M

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Docket No. SSA-2006-0085]

RIN 0960-AG05

Optometrists as "Acceptable Medical Sources" To Establish a Medically Determinable Impairment

AGENCY: Social Security Administration.

ACTION: Final rules.

SUMMARY: We are revising the Social
Security and Supplemental Security
Income (SSI) disability regulations
regarding sources of evidence for
establishing a medically determinable
impairment under titles II and XVI of
the Social Security Act (the Act). The
revised regulations expand the
situations in which we consider
licensed optometrists to be "acceptable
medical sources."

DATES: These rules are effective April 2,
2007.

FOR FURTHER INFORMATION CONTACT: Art
Spencer, Director, Office of Disability
Evaluation Policy, Social Security
Administration, 4465 Annex Building,
6401 Security Boulevard, Baltimore, MD
21235-6401, (410) 966-5766 or TTY
(410) 966-5609. For information on
eligibility or filing for benefits, call our
national toll-free number, 1-800-772-
1213, or TTY 1-800-325-0778, or visit
our Internet Web site, Social Security
Online, at [http://
www.socialsecurity.gov](http://www.socialsecurity.gov).

SUPPLEMENTARY INFORMATION:

Electronic Version

The electronic file of this document is
available on the date of publication in
the **Federal Register** at [http://
www.gpoaccess.gov/fr/index.html](http://www.gpoaccess.gov/fr/index.html).

What is an "acceptable medical source?"

Our rules provide that you must show
that you have a medically determinable
impairment with evidence from an
"acceptable medical source." An
"acceptable medical source" is an
individual who has the training and
expertise to provide us with the signs
and laboratory findings based on
medically acceptable clinical and
laboratory diagnostic techniques that
establish a medically determinable
physical or mental impairment. Our
regulations identify professionals whom
we consider to be "acceptable medical
sources." (See §§ 404.1513(a) and
416.913(a).) In our prior rules, these
sections provided that a licensed
optometrist was an "acceptable medical
source," but only for the measurement

of visual acuity and visual fields. They
further indicated that, for claims under
title II, we might need a report from a
physician to determine other aspects of
eye diseases.

Our rules in §§ 404.1513(d) and
416.913(d) provide that, once we have
established that you have a medically
determinable impairment, we consider
all other relevant evidence from other
medical and non-medical sources,
including your own statements, to
determine its severity and how it affects
you.

Why are we changing our rules?

In the early 1990s, we discussed
expanding the role of optometrists as
"acceptable medical sources" with the
American Optometric Association
(AOA). However, because licensing
requirements and scope of practice
varied considerably among jurisdictions
at that time, we found that it was not
feasible for us to revise our policy.

More recently, we again met with
representatives of the AOA and
obtained information about the
education, qualifications, and State
scope-of-practice requirements related
to optometrists. Based on our review of
accreditation and practice requirements,
we have determined that, with the
exception of the U.S. Virgin Islands, the
licensing requirements, scope of
treatment, and diagnostic protocols for
licensed optometrists are sufficient to
qualify all licensed optometrists as
"acceptable medical sources" for visual
disorders. Therefore, it is now
appropriate to revise our regulations to
authorize licensed optometrists to be
"acceptable medical sources" for visual
disorders in all jurisdictions but the
U.S. Virgin Islands.¹

The revised regulations expand the
situations in which we consider
licensed optometrists to be "acceptable
medical sources." These revised
regulations will allow us to make more
decisions based on medical evidence
supplied to us solely from optometrists,
rather than having to purchase time-
consuming and expensive consultative
examinations with ophthalmologists.
Therefore, these regulations will help
some individuals with visual disorders
qualify for benefits more quickly.

¹ The U.S. Virgin Islands does not allow
optometrists to administer or prescribe
pharmaceuticals, including topical application of
pharmaceuticals for diagnostic or treatment
purposes. Because a complete evaluation of the eye
includes the use of diagnostic pharmaceuticals,
optometrists in the U.S. Virgin Islands are not
qualified to perform a complete evaluation of the
eye.