

Actions	Compliance	Procedures
(3) If no signs of cracks, corrosion, or fractures are found during the inspection required in paragraph (e)(1) of this AD, you may reuse the barrel nuts and bolts if they have been inspected and are free of deformation and irregularities in the threads. Reinstall inspected parts to the correct torque value. If the barrel nuts and bolts are not free of deformation and irregularities in the threads, install new parts to the correct torque value.	Before further flight after the inspection required in paragraph (e)(1) of this AD, unless already done.	Follow Mitsubishi Heavy Industries, Ltd. MU-2 Service Bulletins referenced as JCAB T.C.: No. 241, dated July 14, 2004, and FAA T.C.: No. 103/57-004, dated August 2, 2004, as applicable, and the appropriate maintenance manual.

#### May I Request an Alternative Method of Compliance?

(f) The Manager, Fort Worth Airplane Certification Office, FAA, has the authority to approve alternative methods of compliance for this AD, if requested using the procedures found in 14 CFR 39.19.

(g) For information on any already approved alternative methods of compliance or for information pertaining to this AD, contact Andrew McAnaul, Aerospace Engineer, ASW-150 (c/o MIDO-43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308-3365; facsimile: (210) 308-3370.

#### Is There Other Information That Relates to This Subject?

(h) Mitsubishi Heavy Industries, Ltd. MU-2 Service Bulletins JCAB T.C.: No. 241, dated July 14, 2004, and FAA T.C.: No. 103/57-004, dated August 2, 2004, pertain to the subject of this AD.

#### May I Get Copies of the Documents Referenced in This AD?

(i) To get copies of the documents referenced in this AD, contact Mitsubishi Heavy Industries, Ltd., Nagoya Aerospace Systems Works, 10, OYE-CHO, Minato-Ku, Nagoya, Japan, or Turbine Aircraft Services, Inc., 4550 Jimmy Doolittle Drive, Addison, Texas 75001; telephone: (972) 248-3108; facsimile: (972) 248-3321. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC, or on the Internet at <http://dms.dot.gov>. The docket number is Docket No. FAA-2006-23578; Directorate Identifier 2006-CE-01-AD.

Issued in Kansas City, Missouri, on January 19, 2006.

#### John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-23674; Directorate Identifier 2005-NM-234-AD]

RIN 2120-AA64

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT 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 Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT airplanes. This proposed AD would require a one-time inspection of the interior of the internal elevator torque tube of each elevator control surface for oxidation and corrosion, and corrective actions. This proposed AD results from corrosion in torque tubes of the elevators found during scheduled maintenance. We are proposing this AD to detect and correct corrosion in the torque tubes of the elevators, which could lead to an unbalanced elevator and result in reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by February 24, 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-2006-23674; Directorate Identifier 2005-NM-234-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 Aviação Civil (DAC), which is the airworthiness authority for Brazil, notified us that an unsafe condition may exist on all Empresa Brasileira de Aeronáutica S.A. (EMBRAER) Model EMB–120, –120ER, –120FC, –120QC, and –120RT airplanes. The DAC advises that, during scheduled maintenance, corrosion was found inside the torque tubes of the elevators. Corrosion in the torque tubes can lead to an unbalanced elevator. This condition, if not corrected, could result in reduced controllability of the airplane.

### Relevant Service Information

EMBRAER has issued Service Bulletin 120–55–0015, dated January 14, 2005. The service bulletin describes procedures for doing a visual inspection of the interior of the internal elevator torque tube of each elevator control surface for oxidation and corrosion, and corrective actions. If no oxidation or corrosion is found and the internal diameter of the torque tube is protected (painted), the corrective action includes cleaning the internal diameter and applying a corrosion inhibiting compound. If no oxidation or corrosion is found but the internal diameter of the torque tube is unprotected, the corrective action includes cleaning the internal diameter and applying a chemical conversion coating, finishing coat, and corrosion inhibiting compound. If only oxidation is found, the corrective action includes removing the oxidation and applying a chemical conversion coating, finishing coat, and corrosion inhibiting compound. If oxidation is found but cannot be completely removed or if any corrosion points are found, the corrective action includes removing the affected elevator; removing any oxidation or corrosion from the interior part of the torque tubes with sandpaper; and applying a

chemical conversion coating, finishing coat, and corrosion inhibiting compound. If the thickness of the removed corrosion is greater than 0.005 inch, the corrective action is to replace the corroded torque tube with a new torque tube.

The DAC mandated the service information and issued Brazilian airworthiness directive 2005–10–03, dated November 3, 2005, to ensure the continued airworthiness of these airplanes in Brazil.

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

This airplane model is manufactured in Brazil and is 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 the Proposed AD and Service Bulletin."

### Difference Between the Proposed AD and Service Bulletin

Brazilian airworthiness directive 2005–10–03 is applicable to "all EMB–120( ) aircraft models in operation." However, this does not agree with EMBRAER Service Bulletin 120–55–0015, which states that only certain EMB–120 airplanes are affected and identifies them by serial number. This proposed AD would be applicable only to the airplanes listed in the service bulletin. This difference has been coordinated with the DAC.

### Clarification of Inspection Terminology

The "visual inspection" specified in the EMBRAER service bulletin is referred to as a "detailed inspection" in this proposed AD. We have included the definition for a detailed inspection in a note in this proposed AD.

### Costs of Compliance

This proposed AD would affect about 108 airplanes of U.S. registry. The proposed actions would take about 3 work hours per airplane, at an average labor rate of \$65 per work hour. Based

on these figures, the estimated cost of the proposed AD for U.S. operators is \$21,060, or \$195 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-2006-23674; Directorate Identifier 2005-NM-234-AD.

**Comments Due Date**

(a) The FAA must receive comments on this AD action by February 24, 2006.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to EMBRAER Model EMB-120, -120ER, -120FC, -120QC, and -120RT airplanes, certificated in any category; as identified in EMBRAER Service Bulletin 120-55-0015, dated January 14, 2005.

**Unsafe Condition**

(d) This AD results from corrosion in torque tubes of the elevators found during scheduled maintenance. We are issuing this AD to detect and correct corrosion in the torque tubes of the elevators, which could lead to an unbalanced elevator and result in reduced controllability 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.

**Detailed Inspection and Corrective Actions**

(f) Within 4,000 flight hours or 730 days after the effective date of this AD, whichever is first: Do a detailed inspection of the interior of the internal elevator torque tube of each elevator control surface for oxidation and corrosion, and the applicable corrective actions, by accomplishing all of the applicable actions specified in the Accomplishment Instructions of EMBRAER Service Bulletin 120-55-0015, dated January 14, 2005. The corrective actions must be done before further flight after accomplishing the inspection.

**Note 1:** 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)**

(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 2005-10-03, dated November 3, 2005, also addresses the subject of this AD.

Issued in Renton, Washington, on January 17, 2006.

**Ali Bahrami,**

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

[FR Doc. E6-902 Filed 1-24-06; 8:45 am]

**BILLING CODE 4910-13-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 52 and 81**

**[EPA-R04-OAR-2005-AL-0003-200539; FRL-8024-6]**

**Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Alabama; Redesignation of the Birmingham 8-Hour Ozone Nonattainment Area to Attainment for Ozone**

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

**ACTION:** Proposed rule.

**SUMMARY:** On November 16, 2005, the State of Alabama, through the Alabama Department of Environmental Management (ADEM), submitted a request for parallel processing to redesignate the Birmingham 8-hour ozone nonattainment area (Birmingham area) to attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS); and for EPA approval of an Alabama draft State Implementation Plan (SIP) revision containing a maintenance plan with a 2017 end year for the Birmingham area. The Birmingham area is composed of two counties, Jefferson and Shelby. EPA is proposing to approve the 8-hour ozone redesignation request for the Birmingham area. Additionally, EPA is parallel processing the redesignation request and draft 8-hour ozone maintenance plan SIP revision for the Birmingham area (a required component of any redesignation to attainment) and

is proposing approval of this draft maintenance plan because EPA has determined that the draft plan complies with the requirements of Section 175A of the Clean Air Act (CAA).

This proposed approval is based on EPA's determination that Alabama has demonstrated that the Birmingham area has met the criteria for redesignation to attainment specified in the CAA, including the determination that the entire Birmingham area has attained the 8-hour ozone standard. In this action, EPA is also providing information on the status of its transportation conformity adequacy determination for the new motor vehicle emissions budgets (MVEBs) for the year 2017 that is contained in the 8-hour ozone maintenance plan for the Birmingham area. EPA is proposing to approve the 2017 MVEBs.

**DATES:** Written comments must be received on or before February 24, 2006.

**ADDRESSES:** Submit your comments, identified Docket ID No. EPA-R04-OAR-2005-AL-0003, by one of the following methods:

1. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
2. E-mail: [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov).
3. Fax: 404.562.9019.
4. Mail: "EPA-R04-OAR-2005-AL-0003", Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.
5. Hand Delivery or Courier. Deliver your comments to: Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division 12th floor, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. "EPA-R04-OAR-2005-AL-0003". EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through [www.regulations.gov](http://www.regulations.gov) or e-mail,