

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-24271; Directorate Identifier 2006-NM-006-AD; Amendment 39-14669; AD 2006-13-16]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 727 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 Boeing Model 727 airplanes. This AD requires repetitive measurements of the freeplay of the left and right outboard aileron balance tabs and of the upper and lower rudder tabs, and related investigative/corrective actions if necessary. This AD also requires repetitive lubrication of the hinge bearings and rod end bearings of the outboard aileron balance tabs. This AD results from reports of freeplay-induced vibration of the outboard aileron balance tabs and rudder tabs. We are issuing this AD to prevent excessive vibration of the airframe during flight, which could result in divergent flutter and loss of control of the airplane.

**DATES:** This AD becomes effective August 1, 2006.

The Director of the Federal Register approved the incorporation by reference

of a certain publication listed in the AD as of August 1, 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:** Dennis Stremick, Aerospace Engineer, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6450; 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 would apply to certain Boeing Model 727 series airplanes. That NPRM was published in the **Federal Register** on April 5, 2006 (71 FR 17033). That NPRM proposed to require repetitive measurements of the freeplay of the left and right outboard aileron balance tabs and of the upper and lower rudder tabs, and related investigative/corrective actions if necessary. That NPRM also proposed to require repetitive lubrication of the hinge bearings and rod end bearings of the outboard aileron balance tabs.

#### Comments

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

#### Request for Clarification

Boeing requests that certain wording about the compliance times in the "Relevant Service Information" paragraph of the preamble of the NPRM be clarified for consistency purposes with the wording in Boeing Special Attention Service Bulletin 727-27-0234, dated November 10, 2005 (referred to as the appropriate source of service information for doing the actions specified in the NPRM).

We partially agree. We agree that the wording used to describe the compliance times could be clarified as Boeing suggested. However, the "Relevant Service Information" paragraph does not reappear in the final rule. Therefore, we find no change to the final rule is necessary in this regard.

Boeing also requests that the words "aileron balance tabs" in paragraph (g)(2) of the NPRM be changed to "outboard aileron balance tabs" for consistency purposes with the words in Boeing Special Attention Service Bulletin 727-27-0234.

We agree and have revised paragraph (g)(2) of this AD accordingly.

#### Conclusion

We have carefully reviewed the available data, including the comments 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 944 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Freeplay measurement .....	8	\$80	\$640, per measurement cycle.	539	\$344,960, per measurement cycle.
Lubrication .....	4	80	\$320, per lubrication cycle ...	539	\$172,480, per lubrication cycle.

**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):

**2006-13-16 Boeing:** Amendment 39-14669. Docket No. FAA-2006-24271; Directorate Identifier 2006-NM-006-AD.

**Effective Date**

(a) This AD becomes effective August 1, 2006.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Boeing Model 727, 727C, 727-100, 727-100C, 727-200, and 727-200F series airplanes, certificated in any category; as identified in Boeing Special Attention Service Bulletin 727-27-0234, dated November 10, 2005.

**Unsafe Condition**

(d) This AD results from reports of freeplay-induced vibration of the outboard aileron balance tab and rudder tab. We are issuing this AD to prevent excessive vibration of the airframe during flight, which could result in divergent flutter and loss of control 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.

**Compliance Times**

(f) Except as provided by paragraph (h) of this AD, at the applicable times specified in paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 727-27-0234, dated November 10, 2005, do the actions specified in paragraph (g) of this AD. Where the service bulletin specifies a compliance time "from the initial release of this service bulletin," this AD requires

compliance within the applicable compliance time after the effective date of this AD.

**Freeplay Measurement, Related Investigative and Corrective Actions, and Lubrication**

(g) At the applicable times specified in paragraph (f) of this AD, do the actions specified in paragraphs (g)(1) and (g)(2) of this AD in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727-27-0234, dated November 10, 2005.

(1) Measure the freeplay of the left and right outboard aileron balance tabs and of the upper and lower rudder tabs, and do applicable related investigative and corrective actions if necessary.

(2) Lubricate the hinge bearings and rod end bearings of the outboard aileron balance tabs.

**Concurrent Repetitive Cycles**

(h) If a freeplay measurement required by paragraph (g)(1) of this AD and a lubrication cycle required by paragraph (g)(2) of this AD are due at the same time or will be done during the same maintenance visit, the freeplay measurement and applicable related investigative and corrective actions must be done before the lubrication.

**Alternative Methods of Compliance (AMOCs)**

(i)(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.

**Material Incorporated by Reference**

(j) You must use Boeing Special Attention Service Bulletin 727-27-0234, dated November 10, 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 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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington, on June 15, 2006.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06-5652 Filed 6-26-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 520

#### Oral Dosage Form New Animal Drugs; Oxytetracycline

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc. The supplemental NADA revises labeling of oxytetracycline soluble powder with the current genus for the causative bacteria for American foul brood of honeybees.

**DATES:** This rule is effective June 27, 2006.

**FOR FURTHER INFORMATION CONTACT:** Joan C. Gotthardt, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-7571, e-mail: [joan.gotthardt@fda.hhs.gov](mailto:joan.gotthardt@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Pfizer, Inc., 235 East 42d St., New York, NY 10017-5755, filed a supplement to NADA 8-622 that provides for use of TERRAMYCIN-343 (oxytetracycline HCl) Soluble Powder for treatment of various bacterial diseases of livestock. The supplemental NADA revises labeling with the current genus for the causative bacteria for American foul brood of honeybees. The supplemental

NADA is approved as of May 9, 2006, and the regulations in 21 CFR 520.1660d are amended to reflect the approval.

Approval of this supplemental NADA did not require review of additional safety or effectiveness data or information. Therefore, a freedom of information summary is not required.

FDA has determined under § 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

#### List of Subjects in 21 CFR Part 520

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

#### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

#### § 520.1660d [Amended]

■ 2. In paragraph (d)(2)(ii) of § 520.1660d, remove "*Bacillus*" and add in its place "*Paenibacillus*".

Dated: June 7, 2006.

**Steven D. Vaughn,**

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine. [FR Doc. E6-10053 Filed 6-26-06; 8:45 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Part 57

#### RIN 1219-AB29

#### Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Final rule; corrections.

**SUMMARY:** This document contains corrections to the final rule addressing

"Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners," and published in the **Federal Register** on Thursday, May 18, 2006 (71 FR 28924).

**DATES:** The corrections to the preamble are effective June 27, 2006. The correction to § 57.5060(d) is effective August 16, 2006.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey, Acting Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Blvd., Room 2350, Arlington, Virginia 22209-3939; 202-693-9440 (telephone); or 202-693-9441 (facsimile).

This document is available on the Internet at <http://www.msha.gov/REGSINFO.HTM>.

**SUPPLEMENTARY INFORMATION:** As published, the preamble and rule text contain errors which may be misleading and need to be corrected.

Accordingly, the preamble is corrected as follows:

1. On page 28926, in the second column, in the third full paragraph, at the end of the paragraph, insert "(70 FR 55019)."

2. On page 28926, in the third column, at the end of the third line, insert "(71 FR 4331)."

3. On page 28928, in the first column, in the second paragraph, eighth line from the bottom, change "regulation" to "standard."

4. On page 28929, in Table IV-3, under the column entitled, "Description," in the fourth paragraph, in the last line, change "PM10" to "PM<sub>10</sub>."

5. On page 28971, in the first column, first full paragraph, in the last line, delete the word "approach," and replace it with the word "be."

6. On page 29007, in the second column, in the reference for "Gavett," in the last line, change "0124(l-3)" to "0124(1-3)."

7. On page 29007, in the third column, in the tenth line from the bottom, change "12(l-2)" to "12(1-2)."

8. On page 29008, in the first column, in the eighth line from the bottom, change "B6C3F1" to "B6C3F1."

In addition, the rule text is corrected as follows:

#### § 57.5060 [Corrected]

■ 1. On page 29012, in the first column, under § 57.5060 paragraph (d), fourth line, delete the "s" from the word "exposures" so that the sentence now reads, "The mine operator must install, use, and maintain feasible engineering and administrative controls to reduce a miner's exposure to or below the applicable DPM PEL established in this section."