

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 the 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 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):

**2006-07-07 Airbus:** Amendment 39-14534.  
Docket No. FAA-2006-24124;  
Directorate Identifier 2004-NM-272-AD.

#### Effective Date

- (a) This AD becomes effective April 17, 2006.

#### Affected ADs

- (b) None.

#### Applicability

- (c) This AD applies to A300 B4-600, B4-600R, and F4-600R series airplanes, and Model C4-605R variant F airplanes (collectively called A300-600 series airplanes); certificated in any category; except those on which Airbus Modification 8608 or 8609 is incorporated.

#### Unsafe Condition

- (d) This AD results from reports of cracking in the vertical web of the center spar sealing angles of the wing earlier than the inspection interval specified in AD 98-18-02, amendment 39-10718. We are issuing this AD to prevent crack formation in the sealing angles; such cracks could rupture the sealing angle and lead to subsequent crack formation in the bottom skin of the wing, and resultant reduced structural integrity of the center spar section of the wing.

#### 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.

#### Modification

- (f) Within 500 flight cycles after the effective date of this AD: Modify nine bolt holes in the vertical flange of the center spar sealing angles outboard of rib 8, adjacent to the pylon attachment fitting, and do any applicable related investigative and corrective actions before further flight; by doing all the actions in and in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300-57-6033, Revision 01, dated December 18, 2003. If any crack is found during the related investigative action: Before further flight, repair in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300-57-6027, Revision 06, dated March 2, 2005.

#### No Reporting Required

- (g) Although Airbus Service Bulletin A300-57-6033, Revision 01, dated December 18, 2003, specifies to report crack findings to the manufacturer, this AD does not include that requirement.

#### 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.

- (3) Airbus Repair Drawing R571-40588 or R571-40942, as referenced in paragraphs (c) and (d) of AD 98-18-02, is an AMOC for the modification in paragraph (f) of this AD.

#### Related Information

- (i) French airworthiness directive 2003-290(B) R1, dated October 1, 2003, also addresses the subject of this AD.

#### Material Incorporated by Reference

- (j) You must use Airbus Service Bulletin A300-57-6027, Revision 06, dated March 2, 2005; and Airbus Service Bulletin A300-57-6033, Revision 01, dated December 18, 2003; 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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, 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 March 15, 2006.

**Kalene C. Yanamura,**

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

[FR Doc. 06-3063 Filed 3-30-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-22062; Directorate Identifier 2003-NM-219-AD; Amendment 39-14538; AD 2006-07-11]

**RIN 2120-AA64**

#### Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all McDonnell Douglas airplanes identified above. This AD requires a one-time inspection of the aft attach fitting assembly of the spoiler link to determine the part number, and further

investigative action and replacement of the assembly with a new or serviceable assembly, if necessary. This AD results from a determination that the holes of certain aft attach fitting assemblies of the spoiler link were not cold-worked during production. We are issuing this AD to prevent fatigue cracking of the aft attach fitting of the spoiler link and consequent failure of the fitting. Failure of the fitting could result in an asymmetrical lift condition and consequent reduced controllability of the airplane.

**DATES:** This AD becomes effective May 5, 2006.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of May 5, 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 Aerotech Engineering, Inc., 19655 Descartes, Foothill Ranch, California 92610; for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Roger Durbin, Aerospace Engineer, Airframe Branch, ANM-120L, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5233; fax (562) 627-5210.

#### **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 all McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 airplanes. That NPRM was published in the **Federal Register** on August 11, 2005 (70 FR 46790). That NPRM proposed to require a one-time inspection of the aft attach fitting assembly of the spoiler link to determine the part number, and further

investigative action and replacement of the assembly with a new or serviceable assembly, if necessary.

##### **Comments**

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

##### **Request To Address Illegible Part Numbers**

Midwest Airlines (MAL) is concerned about the possibility that operators may not be able to determine the part number on the subject parts. The parts manufacturer used an "Ink Stamp" method of marking the parts, and the parts are dimensionally the same as parts produced by the original equipment manufacturer. Thus, the stamped part number is the only way to identify affected parts. MAL points out that the stamped part number wears and washes off of parts, making it impossible to identify an affected part. MAL notes that a cursory look at airplanes in its fleet revealed that the part number on some of its airplanes is no longer legible. MAL believes that all unmarked parts would have to be changed to ensure that all discrepant parts are removed from service.

We agree that some clarification is necessary. While determining the stamped part number is the only immediate way to identify an affected part, a review of maintenance and purchasing records may also assist in determining whether an affected part is installed. We agree that any part on which the part number and/or lot number cannot be conclusively determined must be replaced to ensure that all discrepant parts are removed from service. Therefore, we have revised paragraph (f)(2) and (g) of this AD to clarify what actions are required if the part number and/or lot number cannot be determined. Also, we have revised paragraph (f) and (f)(2) of this AD to clarify that a review of maintenance records is an acceptable means of determining a part number.

##### **Request To Allow Repetitive Inspections in Lieu of Immediate Replacement**

The Air Transport Association (ATA), on behalf of its member, Delta Airlines (Delta), requests that we revise the proposed AD to allow an affected part to be repetitively inspected in lieu of requiring replacement of any identified affected part before further flight. ATA and Delta state that this would allow the replacement to be scheduled and done during a maintenance visit. Neither

ATA nor Delta state a technical justification for the request.

We do not concur. There are no data available to determine the damage tolerance characteristics of the subject parts. Thus, we cannot be sure that repetitive inspections of an affected part would ensure an adequate level of safety. We note that the compliance time of 10,000 total flight hours on the aft attach fitting assembly of the spoiler link, or 18 months after the effective date of this AD, whichever is later, should allow the majority of operators to comply with the requirements of this AD at a scheduled maintenance visit. In addition, we have determined from the parts manufacturer that an adequate supply of replacement parts exists to support replacing affected parts during a scheduled maintenance visit within the compliance time. We have not changed the AD in this regard. However, operators may request approval of an alternative method of compliance (AMOC) for the replacement in accordance with paragraph (i)(1) of this AD. The request must include data substantiating that the AMOC would provide an acceptable level of safety.

##### **Request To Expand Applicability**

MAL is concerned about the possibility that the subject aft attach fitting assemblies of the spoiler link may be installed on other McDonnell Douglas Model DC-9 airplanes (e.g., Model DC-9-10, -20, -30, -40, or -50 series airplanes).

We acknowledge MAL's concern, but note that the Parts Manufacturing Authority (PMA) supplement limits the installation of the subject parts to McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 airplanes. Thus, the subject parts are not installed on any airplane models other than these. We have not changed the AD in this regard.

##### **Request To Include Replacement Cost**

MAL, ATA, and Delta request that we revise the Costs of Compliance section of the proposed AD to include the cost of labor and parts associated with replacing the aft attach fitting assembly of the spoiler link. Delta notes that the proposed AD doesn't include any analysis of the cost of replacement if a subject assembly is installed. Delta believes that this information should be provided to operators.

We do not concur. We acknowledge that replacing an affected assembly would take approximately 5 work hours, the cost of necessary parts would be \$350, and that there are approximately 134 affected parts that were produced

and sold. However, the economic analysis of an AD is limited to the cost of actions that are actually required by the AD—in this case, the inspection to determine if a part is affected. The economic analysis does not consider the costs of conditional actions, such as replacing a part that is found to be affected. Such conditional actions would be required—regardless of AD direction—to correct an unsafe condition identified in an airplane and to ensure that the airplane is operated in an airworthy condition, as required by the Federal Aviation Regulations. We have not changed the AD in this regard.

#### Clarification of AMOC Paragraph

We have revised this action to clarify the appropriate procedure for notifying the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

#### 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 changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

#### Costs of Compliance

There are about 1,296 airplanes of the affected design in the worldwide fleet. This AD will affect about 738 airplanes of U.S. registry. The inspection to determine the part number of the aft attach fitting assembly of the spoiler link will take about 1 work hour per airplane, at an average labor rate of \$65 per work hour. Based on these figures, the estimated cost of this inspection for U.S. operators is \$47,970, or \$65 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 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):

**2006-07-11 McDonnell Douglas:**  
Amendment 39-14538. Docket No. FAA-2005-22062; Directorate Identifier 2003-NM-219-AD.

##### Effective Date

- (a) This AD becomes effective May 5, 2006.

##### Affected ADs

- (b) None.

##### Applicability

- (c) This AD applies to all McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-

87), MD-88, and MD-90-30 airplanes, certificated in any category.

#### Unsafe Condition

(d) This AD was prompted by a determination that the holes of certain aft attach fitting assemblies of the spoiler link were not cold-worked during production. We are issuing this AD to prevent fatigue cracking of the aft attach fitting of the spoiler link and consequent failure of the fitting. Failure of the fitting could result in an asymmetrical lift condition and consequent 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.

#### Inspection

(f) Prior to the accumulation of 10,000 total flight hours on the aft attach fitting assembly of the spoiler link, or within 18 months after the effective date of this AD, whichever is later: Inspect the aft attach fitting assembly of the spoiler link to determine the part number, in accordance with Item 1.a). of Section 1.D., "Description," of Aerotech Manufacturing Service Bulletin DC9-27-01-AMI5139, Revision "A," dated June 19, 2003. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the assembly can be conclusively determined from that review.

(1) If the part number is not AMI3954558-1 or AMI3954558-501: No further action is required by this AD, but the provisions of paragraph (h) of this AD continue to apply.

(2) If the part number is AMI3954558-1 or AMI3954558-501, or if the part number cannot be conclusively determined: Before further flight, inspect the aft attach fitting assembly of the spoiler link to determine the lot number, then determine if the lot number is identified in the "Lot Number" column of the table in Section 1.A.1. of the service bulletin. If the lot number is not identified in the service bulletin, no further action is required by this AD, but the provisions of paragraph (h) of this AD continue to apply. A review of airplane maintenance records is acceptable in lieu of this inspection if the lot number of the assembly can be conclusively determined from that review.

#### Replacement

(g) If the part number of the aft attach fitting assembly of the spoiler link is AMI3954558-1 or AMI3954558-501, and the lot number is identified in the "Lot Number" column of the table in Section 1.A.1. of Aerotech Manufacturing Service Bulletin DC9-27-01-AMI5139, Revision "A," dated June 19, 2003, or if the part number and/or lot number cannot be conclusively determined: Before further flight, replace the assembly with a new or serviceable assembly having a lot number that is not identified in the "Lot Number" column of the table in Section 1.A.1. of the service bulletin, in accordance with Item 1.b). of Section 1.D., "Description," of the service bulletin.

**Parts Installation**

(h) As of the effective date of this AD, no person may install, on any airplane, an aft attach fitting assembly of the spoiler link having part number AMI3954558-1 or AMI3954558-501, and having a lot number identified in the "Lot Number" column of the table in Section 1.A.1. of Aerotech Manufacturing Service Bulletin DC9-27-01-AMI5139, Revision "A," dated June 19, 2003.

**Alternative Methods of Compliance (AMOCs)**

(i)(1) The Manager, Los Angeles Aircraft Certification Office, 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 14 CFR 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

**Material Incorporated by Reference**

(j) You must use Aerotech Manufacturing Service Bulletin DC9-27-01-AMI5139, Revision "A," dated June 19, 2003; 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 Aerotech Engineering, Inc., 19655 Descartes, Foothill Ranch, California 92610; 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 March 17, 2006.

**Ali Bahrami,**

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

[FR Doc. 06-3064 Filed 3-30-06; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. FAA-2005-20918; Directorate Identifier 2004-NM-269-AD; Amendment 39-14539; AD 2006-07-12]**

**RIN 2120-AA64**

**Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Boeing Model 737-100, -200, -200C, -300, -400, and -500 series airplanes. This AD requires a one-time inspection for scribe lines and cracks in the fuselage skin at certain lap joints, butt joints, external repair doublers, and other areas; and related investigative/corrective actions if necessary. This AD results from reports of fuselage skin cracks adjacent to the skin lap joints on airplanes that had scribe lines. Scribe line damage can also occur at many other locations, including butt joints, external doublers, door scuff plates, the wing-to-body fairing, and areas of the fuselage where decals have been applied or removed. We are issuing this AD to prevent rapid decompression of the airplane due to fatigue cracks resulting from scribe lines on pressurized fuselage structure.

**DATES:** This AD becomes effective May 5, 2006.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of May 5, 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, PO Box 3707, Seattle, Washington 98124-2207, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Sue Lucier, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6438; 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 all Boeing Model 737-100, -200, -200C, -300, -400, and -500 series airplanes. That NPRM was published in the **Federal Register** on April 29, 2005 (70 FR 22272). That NPRM proposed to require a one-time inspection for scribe lines and cracks in the fuselage skin at certain lap joints, butt joints, external repair doublers, and other areas; and related investigative/corrective actions if necessary.

**Comments**

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

**Support for Proposed AD**

One commenter (AWAS Aviation Services) agrees that fatigue cracks on the fuselage should be addressed in a suitable time period. The commenter considers the proposed compliance time acceptable.

**Request To Consider Similar Rulemaking for Other Airplanes**

The National Transportation Safety Board (NTSB) believes that the proposed AD will address scribe-type damage on the affected airplanes in a timely manner. However, the NTSB is concerned that this type of damage is not limited to those airplanes, but could be present on virtually every pressurized airplane currently in service. The NTSB urges the FAA to examine similar rulemaking for other makes and models of pressurized airplanes.

We acknowledge the NTSB's concerns. This is a long-term durability issue that is not limited to any particular aircraft model. The effect on each aircraft model will vary with each model's design characteristics and the conditions to which they may be operated. In support of this, we have been in contact with other governing regulatory agencies and other manufacturers, and we may consider