

**(e) Unsafe Condition**

This AD was prompted by a report of an inboard main landing gear (MLG) door assembly departure due to premature fatigue cracking in the inboard MLG door hinge fittings. We are issuing this AD to detect and correct fatigue cracking in the inboard MLG door hinge fittings, which could result in loss of the MLG door assembly from the airplane; loss of the MLG door assembly could impact the flight control surfaces and result in reduced controllability of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Initial and Repetitive Inspections**

Except as provided by paragraph (h) of this AD, at the applicable time in paragraph 1.E. of Boeing Alert Service Bulletin 737–52A1167, dated December 1, 2011, do either a detailed or surface high frequency eddy current (HFEC) inspection for cracking of the left- and right-side inboard MLG door hinge fittings, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–52A1167, dated December 1, 2011. If any cracking is found, before further flight, modify the inboard MLG door hinge fittings on both left- and right-side inboard MLG doors, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–52A1167, dated December 1, 2011. Repeat either inspection at the applicable time in paragraph 1.E. of Boeing Alert Service Bulletin 737–52A1167, dated December 1, 2011. Doing the modification terminates the inspection requirements of this AD.

**(h) Exception**

Where Boeing Alert Service Bulletin 737–52A1167, dated December 1, 2011, specifies a compliance time “after the original issue date of this service bulletin,” this AD requires compliance within the specified compliance time after the effective date of this AD.

**(i) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/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 the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that 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.

**(i) Related Information**

(1) For more information about this AD, contact Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6440; fax: 425–917–6590; email: [nancy.marsh@faa.gov](mailto:nancy.marsh@faa.gov).

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on June 8, 2012.

**Michael Kaszycki,**

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

[FR Doc. 2012–14806 Filed 6–15–12; 8:45 am]

**BILLING CODE 4910–13–P**

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

**[Docket No. FAA–2012–0638; Directorate Identifier 2011–NM–266–AD]**

**RIN 2120–AA64**

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 airplanes, and Model EMB–145, –145ER, –145MR, –145LR, –145MP, and –145EP airplanes. This proposed AD was prompted by a report of a lightning strike hitting an airplane tail boom causing certain rear bulkhead parts to jam an elevator control rod. This proposed AD would require installing or reworking, as applicable, metallic diverters and aluminum sheets; modifying the lights assembly on the tail boom rear movable fairing; and replacing the hood assembly with a new hood assembly and

rerouting its electrical harness. We are proposing this AD to prevent lightning strikes from causing certain parts to contact the airplane pitch control system, which could reduce airplane controllability.

**DATES:** We must receive comments on this proposed AD by August 2, 2012.

**ADDRESSES:** You may send comments by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** (202) 493–2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—BRASIL; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email [distrib@embraer.com.br](mailto:distrib@embraer.com.br); Internet: <http://www.flyembraer.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2012–0638; Directorate Identifier 2011–NM–266–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

## Discussion

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2011–11–01, dated November 30, 2011 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

\* \* \* [A] lightning strike event hitting the airplane tail boom [caused certain rear bulkhead parts to jam an elevator control rod] \* \* \*. The lack of the appropriate protection against lightning strike effects [could cause certain parts to contact the airplane pitch control system, which could reduce airplane controllability.]

\* \* \* \* \*

The required actions include installing or reworking, as applicable, metallic diverters and aluminum sheets; modifying the lights assembly on the tail boom rear movable fairing; and replacing the hood assembly with a new hood assembly and rerouting its electrical harness. You may obtain further information by examining the MCAI in the AD docket.

## Relevant Service Information

EMBRAER has issued Service Bulletin 145LEG–55–0013, dated September 8, 2011 (for Model EMB–135BJ airplanes); and Service Bulletin 145–55–0030, Revision 05, dated July 29, 2011 (for Model EMB–145 and EMB–135, except –135BJ, airplanes). The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

## FAA’s Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation

in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

## Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 668 products of U.S. registry. We also estimate that it would take about 12 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$2,507 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$2,356,036, or \$3,527 per product.

## 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 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 this 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);
3. Will not affect intrastate aviation in Alaska; and
4. 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.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 FAA amends § 39.13 by adding the following new AD:

**Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Docket No. FAA–2012–0638; Directorate Identifier 2011–NM–266–AD.

### (a) Comments Due Date

We must receive comments by August 2, 2012.

### (b) Affected ADs

None.

### (c) Applicability

This AD applies to Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145, –145ER, –145MR, –145LR, –145MP, and –145EP airplanes; and Model EMB–135BJ, –135ER, –135KE, –135KL, and –135LR airplanes; certificated in any category; all serial numbers.

### (d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

### (e) Reason

This AD was prompted by a report of a lightning strike hitting an airplane tail boom causing certain rear bulkhead parts to jam an elevator control rod. We are issuing this AD

to prevent lightning strikes from causing certain parts to contact the airplane pitch control system, which could reduce airplane controllability.

#### (f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### (g) Actions

Within 5,000 flight hours or 48 months after the effective date of this AD, whichever occurs first: Install or rework, as applicable, metallic diverters and aluminum sheets; modify the lights assembly on the tail boom rear movable fairing; and replace the hood assembly with a new hood assembly having part number (P/N) 145-23046-403 and reroute its electrical harness. Do all the actions in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145LEG-55-0013, dated September 8, 2011 (for Model EMB-135BJ airplanes); or EMBRAER Service Bulletin 145-55-0030, Revision 05, dated July 29, 2011 (for Model EMB 145 and EMB-135, except -135BJ, airplanes).

#### (h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

#### (i) Related Information

(1) Refer to MCAI ANAC Airworthiness Directive 2011-11-01, dated November 30, 2011, and the following service information, for related information.

(i) EMBRAER Service Bulletin 145LEG-55-0013, dated September 8, 2011.

(ii) EMBRAER Service Bulletin 145-55-0030, Revision 05, dated July 29, 2011.

(2) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227-901 São Jose dos Campos—SP—BRASIL; telephone +55 12 3927-5852 or +55 12 3309-0732; fax +55 12 3927-7546; email [distrib@embraer.com.br](mailto:distrib@embraer.com.br); Internet: <http://www.flyembraer.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on June 8, 2012.

**Michael Kaszycki,**

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

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 226

#### Notice of Intent To Establish an Osage Negotiated Rulemaking Committee

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of intent; request for comments or nominations.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is announcing its intent to establish an Osage Negotiated Rulemaking Committee (Committee). The Committee will develop specific recommendations to address future management and administration of the Osage Mineral Estate, including potential revisions to the regulations governing leasing of Osage Reservation Lands for Oil and Gas Mining, 25 CFR Part 226. The Committee will include representatives of parties who would be affected by a final rule. BIA solicits comments on this proposal to establish the Committee and its proposed membership. BIA also invites anyone who will be significantly affected by the proposed rule and believes their interests will not be adequately represented by the proposed members listed below to nominate a member to the Committee.

**DATES:** Submit nominations for Committee members or written comments on this notice on or before July 18, 2012.

**ADDRESSES:** You may submit nominations to the Committee or comments on this notice by any of the following methods:

- Mail comments or nominations to Mr. Robert Impson, Designated Federal Officer, Eastern Oklahoma Regional Office, Bureau of Indian Affairs, 3100 W. Peak Blvd., Muskogee, OK 74401; (918) 781-4600.

- Hand-carry comments or use an overnight courier service. Our courier address is 3100 W. Peak Blvd., Muskogee, OK 74401; (918) 781-4600.

- Email comments or nominations to [robert.impson@bia.gov](mailto:robert.impson@bia.gov). Include the words Osage Negotiated Rulemaking in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Impson, Designated Federal Officer, Eastern Oklahoma Regional Office, Bureau of Indian Affairs, 3111 W. Peak Blvd., Muskogee, OK 74401; [robert.impson@bia.gov](mailto:robert.impson@bia.gov); (918) 781-4600; (918) 781-4604 (FAX).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On October 14, 2011, the United States and the Osage Nation (formerly known as the Osage Tribe) signed a Settlement Agreement to resolve litigation regarding alleged mismanagement of the Osage Nation's oil and gas mineral estate, among other claims. As part of the Settlement Agreement, the parties agreed that it would be mutually beneficial "to address means of improving the trust management of the Osage Mineral Estate, the Osage Tribal Trust Account, and Other Osage Accounts." Settlement Agreement, Paragraph 1.i. During settlement negotiations, it became apparent that a review of the existing regulations is necessary to better assist the BIA in managing the Osage Mineral Estate. The parties agreed to engage in a negotiated rulemaking for this purpose, Settlement Agreement, Paragraph 9.b.

##### II. Statutory Authorities

The Negotiated Rulemaking Act of 1996 (NRA) (5 U.S.C. 561 *et seq.*); the Federal Advisory Committee Act (FACA) (5 U.S.C. Appendix 2, section 1 *et seq.*); the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*); the Act of June 28, 1906, ch. 3572, 34 Stat. 539, as amended; and the Leasing of Osage Reservation Lands for Oil and Gas Mining, 25 CFR part 226.

##### III. The Committee and Its Process

In a negotiated rulemaking, a report containing recommendations for the provisions of the proposed rule is developed by a committee composed of representatives of government and the interests that will be significantly affected by the rule. Decisions on what