

[Federal Register: June 11, 2008 (Volume 73, Number 113)]  
[Rules and Regulations]  
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[DOCID:fr11jn08-1]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2008-0292; Directorate Identifier 2007-NM-286-AD; Amendment 39-15550; AD 2008-12-07]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ and EMB-145XR Airplanes**

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

**ACTION:** Final rule.

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**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

It has been found that in case of fuel leakage inside the conduit used to route the clear ice detector wiring through the wing fuel tank, it is possible to have fuel accumulation inside the conduit due to application of wiring protection sealant in the conduit end. The absence of fuel leakage detectability into the clear ice detector wiring conduit, associated with an ignition source, could result in fire or explosion inside the tank.

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective July 16, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 16, 2008.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1405; fax (425) 227-1149.

## **SUPPLEMENTARY INFORMATION:**

### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the Federal Register on March 13, 2008 (73 FR 13494). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been found that in case of fuel leakage inside the conduit used to route the clear ice detector wiring through the wing fuel tank, it is possible to have fuel accumulation inside the conduit due to application of wiring protection sealant in the conduit end. The absence of fuel leakage detectability into the clear ice detector wiring conduit, associated with an ignition source, could result in fire or explosion inside the tank.

Corrective action includes removing the sealant used to protect the wiring conduits of the left- and right-hand clear ice detectors at the holes through the wing spars, and installing protective Teflon spiral around the wiring. You may obtain further information by examining the MCAI in the AD docket.

### **Comments**

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

### **Conclusion**

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

### **Differences Between This AD and the MCAI or Service Information**

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a Note within the AD.

### **Costs of Compliance**

We estimate that this AD will affect about 142 products of U.S. registry. We also estimate that it will take about 3 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Required parts cost will be negligible. 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 this AD to the U.S. operators to be \$34,080, or \$240 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 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 this AD:

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.

## **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 the NPRM, 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.

## **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 FAA amends § 39.13 by adding the following new AD:



**2008-12-07 Empresa Brasileira De Aeronautica S.A. (EMBRAER):** Amendment 39-15550.  
Docket No. FAA-2008-0292; Directorate Identifier 2007-NM-286-AD.

**Effective Date**

- (a) This airworthiness directive (AD) becomes effective July 16, 2008.

**Affected ADs**

- (b) None.

**Applicability**

(c) This AD applies to EMBRAER Model EMB-135BJ and EMB-145XR airplanes, certificated in any category, as identified in EMBRAER Service Bulletins 145-30-0048 and 145LEG-30-0015, both dated March 31, 2006.

**Subject**

- (d) Air Transport Association (ATA) of America Code 30: Ice and Rain Protection.

**Reason**

- (e) The mandatory continuing airworthiness information (MCAI) states:

It has been found that in case of fuel leakage inside the conduit used to route the clear ice detector wiring through the wing fuel tank, it is possible to have fuel accumulation inside the conduit due to application of wiring protection sealant in the conduit end. The absence of fuel leakage detectability into the clear ice detector wiring conduit, associated with an ignition source, could result in fire or explosion inside the tank.

Corrective action includes removing the sealant used to protect the wiring conduits of the left-hand (LH) and right-hand (RH) clear ice detectors at the holes through the wing spars, and installing protective Teflon spiral around the wiring.

**Actions and Compliance**

(f) At the applicable compliance time specified in paragraph (f)(1) or (f)(2) of this AD, unless already done, remove the sealant used to protect the LH and RH clear ice detector wiring conduits at the holes through the wing spars and install protective Teflon spiral, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145-30-0048 or 145LEG-30-0015, both dated March 31, 2006, as applicable.

(1) For Model EMB-135BJ airplanes: Within 4,000 flight hours or 48 months after the effective date of this AD, whichever occurs first.

(2) For Model EMB-145XR airplanes: Within 5,000 flight hours or 48 months after the effective date of this AD, whichever occurs first.

## **FAA AD Differences**

Note: This AD differs from the MCAI and/or service information as follows. The MCAI specifies a compliance time of "5,000 flight hours" for all affected airplanes. This AD requires a compliance time of "5,000 flight hours" for Model EMB-145XR airplanes, and "4,000 flight hours" for Model EMB-135BJ airplanes. This difference has been coordinated with the Agência Nacional de Aviação Civil.

## **Other FAA AD Provisions**

(g) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1405; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

## **Related Information**

(h) Refer to MCAI Brazilian Airworthiness Directive 2007-02-03, effective March 15, 2007; EMBRAER Service Bulletin 145-30-0048, dated March 31, 2006; and EMBRAER Service Bulletin 145LEG-30-0015, dated March 31, 2006 for related information.

## **Material Incorporated by Reference**

(i) You must use EMBRAER Service Bulletin 145-30-0048, dated March 31, 2006 or EMBRAER Service Bulletin 145LEG-30-0015, dated March 31, 2006, as applicable, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343–CEP 12.225, Sao Jose dos Campos–SP, Brazil.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; 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 May 30, 2008.  
Ali Bahrami,  
Manager, Transport Airplane Directorate, Aircraft Certification Service.  
[FR Doc. E8-12734 Filed 6-10-08; 8:45 am]