

Airworthiness Directive

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39 [63 FR 39485 NO. 141 07/23/98]

Docket No. 98-NM-33-AD; Amendment 39-10673; AD **98-15-22**

RIN 2120-AA64

Airworthiness Directives; EMPRESA BRASILEIRA DE AERONAUTICA S.A.
(EMBRAER) Model EMB-120 Series Airplanes

PDF Copy (If Available):

▼ Preamble Information

AGENCY: Federal Aviation Administration, DOT

ACTION: Final rule

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all EMBRAER Model EMB-120 series airplanes, that requires a one-time inspection for delamination, erosion, and condition of fillet sealant and conductive edge sealer of the wing and empennage leading edge area behind the de-ice boots, and follow-on corrective actions. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent delamination of the wing and empennage leading edge due to improper installation of the wing de-ice boot, which could result in reduced controllability of the airplane.

DATES: Effective August 27, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343 - CEP 12.225, Sao Jose dos Campos - SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rob Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE-116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337-2748; telephone (770) 703-6071; fax (770) 703-6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all EMBRAER Model EMB-120 series airplanes was published in the **Federal Register** on March 27, 1998 (63 FR 14855). That action proposed to require a one-time inspection for delamination, erosion, and condition of fillet sealant and conductive edge sealer of the wing and empennage leading edge area behind the de-ice boots, and follow-on corrective actions.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Two commenters support issuance of the rule as proposed.

Request to Cite Original Service Bulletin

One commenter requests that the proposed AD add the original issue of EMBRAER Alert Service Bulletin 120-51-A004, dated September 13, 1997, as an approved method to comply with the required inspection specified in paragraph (a) of the proposed AD. The commenter indicates that it has completed the inspection; however, the inspection was accomplished in accordance with the original issue of the alert service bulletin, rather than Change 01, which is referenced in the proposed AD as the appropriate source of service information. The commenter states that the differences between the two versions of the alert service bulletin are not sufficient to warrant accomplishment of the inspection a second time on its fleet of Model EMB-120 series airplanes.

The FAA does not concur with the commenter's request. The manufacturer advises that operators that have accomplished the inspections in accordance with the original issue of EMBRAER Alert Service Bulletin 120-51-A004, dated September 13, 1997, will need to accomplish additional work, as described in Change 01 of the alert service bulletin. While the FAA concurs that the inspection procedures did not change significantly between the original issue and Change 01 of the alert service bulletin, the FAA has determined that Change 01 should be accomplished as it better addresses inspection requirements and repair procedures; therefore, no change to the final rule is necessary. (Part II of the alert service bulletin adds procedures for application of conductive edge sealer over the anti-static paint.) However, under the provisions of paragraph (c) of the final rule, the FAA may approve requests for an alternative method of compliance if sufficient data are submitted to substantiate that such a method would provide an acceptable level of safety.

Issuance of Change 2 of the Alert Service Bulletin

Another commenter, the manufacturer, advises that it soon will publish Change 2 of EMBRAER Alert Service Bulletin 120-51-A004. The FAA notes this, and advises that it may consider further rulemaking once it has reviewed the revision to the alert service bulletin. However, the FAA does not consider it appropriate to delay issuance of this final rule, which requires accomplishment of actions in accordance with Change 01 of the alert service bulletin.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 240 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$28,800, or \$120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding the following new airworthiness directive:

▼ Regulatory Information

98-15-22 EMPRESA BRASILEIRA DE AERONAUTICA S.A. (EMBRAER):

Amendment 39-10673. Docket 98-NM-33-AD.

Applicability: All Model EMB-120 series airplanes, certificated in any category.

NOTE 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent delamination of the wing and empennage leading edge due to improper installation of the wing de-ice boot, which could result in reduced controllability of the airplane, accomplish the following:

- (a) Within 75 flight hours or 120 days after the effective date of this AD, whichever occurs later: Perform a one-time visual inspection for delamination, erosion, and condition of fillet sealant and conductive edge sealer of the wing and empennage leading edge area behind the de-ice boots, in accordance with EMBRAER Alert Service Bulletin 120-51-A004, Change 01, dated November 10, 1997. Except as provided by paragraph (b) of this AD, prior to further flight, accomplish follow-on corrective actions in accordance with the alert service bulletin.
- (b) If any discrepancy is found during accomplishment of paragraph (a) of this AD, and the alert service bulletin specifies to contact EMBRAER: Prior to further flight, repair the affected structure in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.
- (c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta

ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

NOTE 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) Except as provided by paragraph (b) of this AD, the actions shall be done in accordance with EMBRAER Alert Service Bulletin 120-51-A004, Change 01, dated November 10, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343 - CEP 12.225, Sao Jose dos Campos - SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

NOTE 3: The subject of this AD is addressed in Brazilian airworthiness directive 97-09-07.

(f) This amendment becomes effective on August 27, 1998.

▼ Footer Information

▼ Comments