

3), including installing placards and attaching the oxygen mask hose to the oxygen bottle.

The DAC classified Change 01 of EMBRAER Service Bulletin 120-25-0264 as mandatory and issued Brazilian airworthiness directive 2001-11-03 R1, dated September 13, 2002, in order to assure the continued airworthiness of these airplanes in Brazil.

#### FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require either revising the Limitations Section of the Airplane Flight Manual (AFM) to require a maximum operating altitude of 25,000 feet; or modifying the flight attendant's seat, or reworking the oxygen bottle kit, as applicable, and revising the Limitations Section of the AFM to require a maximum operating altitude of 30,000 feet. Modification of the flight attendant's seat, or rework of the oxygen bottle kit, as applicable, are required to be accomplished per EMBRAER Service Bulletin 120-25-0264, Change 01, except as described below.

#### Clarification of Applicability

The applicability of Brazilian airworthiness directive 2001-11-03 R1 specifies all Model EMB-120 series airplanes equipped with a lavatory installed in the forward part of the passenger cabin. However, paragraph 1.1.1, part I, of Change 01 of the service bulletin limits its effectivity to certain serial numbers of the affected airplane models equipped with a forward toilet and galley and on which the original issue of the service bulletin has not been accomplished. In addition, paragraph 1.1.2, part II, of Change 01 of the service bulletin limits its effectivity to certain serial numbers of the affected airplane

models equipped with a forward toilet and galley and on which the original issue of the service bulletin has been accomplished.

The FAA considers that the effectivity of Change 01 of the service bulletin provides a more accurate listing of the specific airplanes that are applicable to the actions required by this proposed AD. For this reason, the applicability of this proposed AD specifies those airplanes as listed in the service bulletin.

#### Differences Between This Proposed AD and the Brazilian Airworthiness Directive

Operators should note the following differences:

- Part I of the Compliance section of the Brazilian airworthiness directive limits flight operations to 25,000 feet unless the right-hand aisle passenger seat in the front row is reserved for the flight attendant's use during operation above 25,000 feet.
- Part II of the Compliance section of the Brazilian airworthiness directive specifies that, for those airplanes that have accomplished Change 01 of EMBRAER Service Bulletin 120-25-0264, flight operations are limited to 30,000 feet unless the right-hand front row aisle passenger seat is reserved for flight attendant use during flight operations above 30,000 feet.

We have determined that reserving a passenger seat for use by the flight attendant does not adequately address the identified unsafe condition. During an emergency event such as the rapid loss of cabin pressure, it is necessary for the flight attendant to communicate with both the flightcrew and passengers via the airplane communication system. The existing system is located at the flight attendant's seat and is not within reach of the flight attendant if seated in the front row passenger seat. Therefore, in an emergency, the flight attendant would not be able to provide the flightcrew with emergency information about the passengers and airplane condition or to provide the necessary emergency instructions to the passengers. For these reasons, the AFM revisions required by this proposed AD limit flight operations to 25,000 feet, or to 30,000 feet if the actions required by this proposed AD (modification or rework, as applicable) have been accomplished.

We have consulted with the DAC about this difference between the maximum operating altitudes specified in the Brazilian airworthiness directive and the operating altitudes required by this proposed AD. After considering this information, the DAC has agreed with

the flight operation limitations required by this proposed AD.

#### Cost Impact

The FAA estimates that 150 Model EMB-120 series airplanes of U.S. registry would be affected by this proposed AD.

Should an operator be required to revise the AFM (maximum operating altitude of 25,000 feet), it would take approximately 1 work hour per airplane to accomplish the proposed AFM revision, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this proposed AFM revision on U.S. operators is estimated to be \$60 per airplane.

Should an operator be required to accomplish either the modification or rework action, it would take approximately 8 work hours per airplane to accomplish the proposed modification or rework action, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$3,960 per airplane. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be \$4,440 per airplane.

Should an operator be required to revise the AFM (maximum operating altitude of 30,000 feet), it would take approximately 1 work hour per airplane to accomplish the proposed AFM revision, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this proposed AFM revision on U.S. operators is estimated to be \$60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.