

subject to accelerated fatigue cracking. For certain airplanes, this AD would also require a detailed inspection to detect cracking of the trailing arm cardan of each MLG, and replacement of the cardan with a new cardan. The detailed inspection and replacement would be required to be accomplished in accordance with EMBRAER Alert Service Bulletin 145-32-A080, Change 01, described previously.

Differences Between Proposed AD and Brazilian Airworthiness Directive

Operators should note that the applicability of the parallel Brazilian airworthiness directive affects, in part, Model EMB-135ER/LR and EMB-145 series airplanes equipped with certain MLG struts, except for certain struts modified by EMBRAER Service Bulletin 145-32-0035, original issue, or further revisions approved by the DAC. The affected trailing arm cardans (P/N 2309-2041-001) were originally installed during production only on airplanes having serial numbers (S/N) 145004 through 145087 inclusive. However, because MLGs are interchangeable on these airplane models, there is a possibility that airplanes having S/N 145001 through 145003 inclusive, and 145088 through 145617 inclusive, may have an MLG with the subject trailing arm cardan that was installed by operators during normal maintenance. Therefore, the applicability of this proposed AD includes airplanes having S/N 145001 through 145617 inclusive. We have determined that a one-time inspection of the trailing arm cardan of each MLG to identify affected cardans is necessary on those airplanes.

We have received verification that the affected cardans installed during production have already been removed from U.S.-registered airplanes and MLGs in stock. Therefore, we have extended the compliance time for this inspection (intended to also identify affected cardans installed during normal maintenance) to within 45 days after the effective date of this AD, instead of within 7 days, as required by the Brazilian airworthiness directive.

These issues have been coordinated and concurred with by the DAC.

Cost Impact

The FAA estimates that 401 Model EMB-135 and EMB-145 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S.

operators is estimated to be \$24,060, or \$60 per airplane.

The cost impact figure discussed above is 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.

For the reasons discussed above, I certify that 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); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket 2003-NM-04-AD.

Applicability: Model EMB-135 and EMB-145 series airplanes having serial numbers (S/N) 145001 through 145617 inclusive; 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 (e) 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 ensure that correct trailing arm cardan of each main landing gear (MLG) are installed, accomplish the following:

Identification of Certain Part Number (P/N)

(a) Within 45 days after the effective date of this AD: Perform a one-time inspection of the trailing arm cardans of the MLGs to identify cardans having P/N 2309-2041-001.

Corrective Actions

(b) If any trailing arm cardan having P/N 2309-2041-001 is found installed during the inspection required by paragraph (a) of this AD: Prior to further flight, perform a detailed inspection to detect cracking of that trailing arm cardan of the MLG, per "Part I" of the Accomplishment Instructions of EMBRAER Alert Service Bulletin 145-32-A080, Change 01, dated August 22, 2002.

Note 2: For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(1) If no cracking is detected: Within 60 days or 500 flight hours after the effective date of this AD, whichever occurs first, replace the trailing arm cardan of the MLG with a new cardan having P/N 2309-2041-401 or 2309-2041-003, per "Part II" of the Accomplishment Instructions of the alert service bulletin.

(2) If any cracking is detected: Prior to further flight, replace the trailing arm cardan of the MLG with a new cardan having P/N 2309-2041-401 or 2309-2041-003, per "Part II" of the Accomplishment Instructions of the alert service bulletin.