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Jay J. Pardee,

*Manager, Engine and Propeller Directorate,  
Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-NM-88-AD; Amendment 39-13189; AD 2003-12-04]

RIN 2120-AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB-135 and -145 series airplanes, that requires replacing the four Gamah clamp/sleeve joints on an engine bleed air duct with new threaded coupling assemblies. For certain airplanes, this AD also requires replacing the two supports for the engine bleed air duct with two new supports. The actions specified by this AD are intended to prevent hot air leaks from the bleed air duct due to disconnection of the duct joint, which could result in heat damage to components near the duct, and consequent increased risk of fire in the rear baggage compartment. This action is intended to address the identified unsafe condition.

**DATES:** Effective July 17, 2003. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 17, 2003.

**ADDRESSES:** The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), PO 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA,

Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

**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 certain EMBRAER Model EMB-135 and -145 series airplanes was published in the **Federal Register** on January 30, 2003 (68 FR 4725). That action proposed to require replacing the four Gamah clamp/sleeve joints on an engine bleed air duct with new threaded coupling assemblies. For certain airplanes, that action also proposed to require replacing the two supports for the engine bleed air duct with two new supports.

#### 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.

#### Support for the Proposed AD

One commenter has no objections to the proposed AD.

#### Requests To Cite Recent Service Bulletin Versions

The proposed AD cited EMBRAER Service Bulletin 145-36-0024, dated May 31, 2001, as the appropriate source of service information for the proposed requirements. Several commenters request that the FAA revise the proposed AD to reflect the most current revision levels of the service bulletin revisions. (Change 01 of the service bulletin was issued August 7, 2002, and Change 02 was issued December 13, 2002.) One commenter requests that the proposed AD be revised to also allow future revisions of the service bulletin for compliance with the AD to avoid the need for requests and approvals of alternative methods of compliance.

The FAA partially agrees with the requests. Because the actions in both revisions are essentially the same as those in the original service bulletin, paragraph (a) in this final rule has been revised to cite Change 02 and to provide credit for work accomplished in accordance with the original or Change 01 of the service bulletin. However, to use a later revision of the cited service bulletin, affected operators must request approval of an alternative method of compliance under the provisions of paragraph (c) of this final rule. In an AD, use of the phrase "or later FAA-approved revisions" in reference to a specific service bulletin violates Office of the Federal Register regulations for

approving materials that are incorporated by reference.

#### Request To Revise Applicability of Proposed AD

One commenter notes that in Change 02 of the service bulletin the effectivity was revised. Because the applicability of the proposed AD excluded certain airplanes listed in the original version of the service bulletin, the commenter requests that the applicability of the proposed AD be revised to refer to Change 02 of the service bulletin.

The FAA agrees. Certain airplanes were removed from the effectivity of the revised service bulletin. Therefore, the applicability statement of this final rule has been revised accordingly.

#### 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 with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

#### Changes to 14 CFR Part 39/Effect on the AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. However, for clarity and consistency in this final rule, we have retained the language of the NPRM regarding that material.

#### Cost Impact

The FAA estimates that 346 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the replacement, and that the average labor rate is \$60 per work hour. Required parts will cost approximately between \$1,978 and \$2,007 per airplane. Based on these figures, the cost impact of the AD on U.S. operators of these airplanes is estimated to be between \$746,668 and \$756,702; or between \$2,158 and \$2,187 per airplane.

The cost impact figures discussed above are 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. The cost impact figures discussed in AD rulemaking actions represent only the time