

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2000–NM–66–AD; Amendment 39–13248; AD 2003–15–05]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain EMBRAER Model EMB–120 series airplanes, that currently requires repetitive visual checks or inspections to verify that the flight idle stop system circuit breakers are closed, and functional tests to determine if the backup flight idle stop system is operative. This amendment requires modification of the secondary flight idle stop system (SFISS), which terminates the repetitive 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 inadvertent or intentional operation with the power levers below the flight idle stop during flight for airplanes that are not certificated for in-flight operation, which could result in engine overspeed and consequent loss of controllability of the airplane.

DATES: Effective September 4, 2003.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of September 4, 2003.

The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of September 23, 1992 (57 FR 40838, September 8, 1992).

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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 92–16–51, amendment 39–8355 (57 FR 40838, September 8, 1992), which is applicable to certain EMBRAER Model EMB–120 series airplanes, was published as a second supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on May 15, 2002 (67 FR 34641). That action proposed to continue to require repetitive visual checks or inspections to verify that the flight idle stop system circuit breakers are closed, and functional tests to determine if the backup flight idle stop system is operative. That action proposed to remove one airplane from the applicability, and add new inspections and corrective actions if necessary. Additionally, that action proposed to require modification of the secondary flight idle stop system (SFISS), which would terminate the repetitive 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 to the second supplemental NPRM.

Request To Withdraw Proposed AD

One commenter states that an AD addressing the in-flight reversing issue is unjustified and inappropriate, and suggests that the proposed AD be withdrawn. The commenter asserts that an AD is unjustified because the subject unsafe condition is a pilot training issue and that, by adding further complexity to the propeller reversing controls, the proposed AD would only increase the opportunities for mechanical malfunction instead of improving safety. The commenter suggests that, instead of issuing an AD to address the unsafe condition, the FAA require operators to provide proper pilot training and oral testing specifically addressing the in-flight reversing issue.

The FAA does not agree that the AD be withdrawn or that the proposed actions would increase the opportunities for mechanical malfunction of the SFISS. We do not consider this unsafe condition to be simply a result of inadequate pilot training. Operational experience has shown that the existing SFISS is

vulnerable to certain maintenance-originated failure modes, which could affect the operational reliability of the system. In addition, such failure modes do not result in a visual indication to the flightcrew of an inoperable condition. We find that these reliability concerns necessitate mandating installation of a more reliable SFISS design, one that also provides flightcrews with a real-time indication of the system's operability. We have determined that this design change adds more reliability and does not add significant complexity to the SFISS. Therefore, we find it necessary to issue the AD as proposed.

Request To Add Service Information for Certain Repair Procedures

The other commenter, the manufacturer, states that EMBRAER Service Bulletins 120–76–0018 and 120–76–0022 will be revised to include procedures for the bellcrank bolt hole repair provided in paragraph (e) of the second supplemental NPRM. The commenter also states that the revised service bulletins would eliminate the need for operators to contact the FAA or the Departamento de Aviacao Civil (DAC) (or its delegated agent) for approved methods of accomplishing the repair.

We agree. Since the issuance of the second supplemental NPRM, the manufacturer has issued EMBRAER Service Bulletins 120–76–0018, Change 06, dated August 9, 2002; and 120–76–0022, Change 03, dated August 9, 2002. The second supplemental NPRM specified that the FAA or DAC (or its delegated agent) be contacted for an approved method of compliance for the proposed repair. We have reviewed and approved these revised service bulletins and find that they do contain the appropriate repair instructions. Accordingly, we have revised paragraph (e) of this final rule to add those revised service bulletins as additional options for accomplishing the repair. However, we have not removed the provision for contacting the FAA or DAC (or its delegated agent) from that paragraph. Changing the requirements in such a manner would require us to issue a third supplemental NPRM, and we find that further delay in issuing this AD would be inappropriate in light of the identified unsafe condition.

Request To Remove Reference to Certain Service Information

The same commenter suggests that reference to EMBRAER Service Bulletin 120–76–0015 be removed from the proposed requirements because it is applicable to only one airplane (serial number (S/N) 120068), currently