

Docket Number 2002–NM–336–AD.” The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–336–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

#### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain EMBRAER Model EMB–135 and –145 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on February 28, 2003 (68 FR 9607). That NPRM (the “original NPRM”) would have required operators to inspect the pitot-true air temperature (TAT) relays and the full authority digital engine control (FADEC) electronic interface resistor modules to detect contamination; perform corrective action if necessary; clean the relay/connector pins and sockets; modify the seal between the cockpit console panels and the storm window; and/or install a new protective frame (protective sheets) at the cockpit relay supports. The original NPRM was prompted by reports of several occurrences of smoke in the cockpit during flight, due to oxidation in the pitot-true air temperature (TAT) #2 relay caused by water leakage from the storm window located above the relay console. That condition, if not corrected, could result in increased resistance and overheating of the relay and consequent smoke in the cockpit.

#### Comments

Due consideration has been given to the comments received in response to the original NPRM.

#### Support for the Original NPRM

The commenters generally support the intent of the original NPRM.

#### Request to Cite New Service Information

One commenter, the manufacturer, advises that it has revised one of the service bulletins cited in the original NPRM (EMBRAER Service Bulletin 145–30–0032, Change 02, dated December 3, 2001). Change 03, dated January 27, 2003, was issued to add

airplanes to the effectivity. The commenter requests that the original NPRM be revised to cite Change 03 as the appropriate source of service information for the inspection, modification, and installation of pitot TAT relays.

The FAA agrees with the request. The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, classified Change 03 as mandatory and issued Brazilian airworthiness directive 2001–05–01R2, dated April 22, 2003, to ensure the airworthiness of these airplanes in Brazil. The FAA notes that the only difference between Change 02 and Change 03 is the effectivity; the procedures are the same in both versions of the service bulletin. The applicability and paragraphs (a), (c), and (d) have been revised in this supplemental NPRM to refer to Change 03 of the service bulletin and provide credit for actions done in accordance with Change 02.

#### Request To Revise Proposed Applicability

As a result of the revised effectivity in Service Bulletin 145–30–0032, Service Bulletins 145–30–0032 and 145–76–0003 have different effectivity listings. This same commenter requests that the applicability of the original NPRM be revised.

The FAA agrees. To adequately address the identified unsafe condition for the affected fleet, the applicability has been revised in this supplemental NPRM to include airplanes identified in EMBRAER Service Bulletin 145–30–0032, Change 03.

#### Request To Revise Airplanes Affected by Paragraph (b)

This same commenter requests that the airplanes identified in paragraph (b) of the original NPRM be reidentified to cite airplanes listed in EMBRAER Service Bulletin 145–76–0003, dated April 22, 2002.

The FAA agrees. This change will accurately identify the airplanes subject to the proposed module inspection requirement. Paragraph (b) has been revised accordingly in this supplemental NPRM.

#### Request To Follow Different Service Information

One commenter requests that paragraph (d) of the original NPRM be

revised to also consider installation of new protective sheets to the relay supports as acceptable for compliance with that requirement if done in accordance with Part I of EMBRAER Service Bulletin 145–25–0211, Change 06, dated December 26, 2002.

The FAA agrees, finding that the procedures are the same in both references. Paragraph (d) has been revised accordingly in this supplemental NPRM.

#### Conclusion

Since certain changes described above expand the scope of the original NPRM, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

#### Changes to 14 CFR Part 39/Effect on the Supplemental NPRM

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 AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, we no longer need to include it in each individual AD. In this supplemental NPRM, Note 1 and paragraph (f) of the original NPRM have been removed, and paragraph (e) of the original NPRM has been revised to only identify the office authorized to approve AMOCs.

#### Revised Labor Rate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from \$60 per work hour to \$65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

#### Cost Impact

The FAA estimates that 365 airplanes of U.S. registry would be affected by this supplemental NPRM. The FAA provides the following cost estimates to accomplish the proposed actions:

Action	Work hours per airplane	Average hourly labor rate	Parts cost per airplane	Cost per airplane
Inspect the pitot-TAT relay .....	1	\$65	.....	\$65