

considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2002-NM-87-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-87-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

On September 26, 2000, the FAA issued AD 2000-20-05, amendment 39-11916 (65 FR 59708, October 6, 2000), applicable to certain EMBRAER Model EMB-120 series airplanes. That AD requires revising the airplane flight manual (AFM), and either installing hydraulic tube assemblies incorporating a check valve, or visually inspecting the check valve if already installed and performing corrective actions if necessary. That action was prompted by a report indicating that, in the event of the loss of pressure in the green hydraulic system, if the present AFM "free-fall" operational procedure was not followed, there was a possibility that the landing gear doors may not open. The requirements of that AD are intended to prevent the landing gear doors from becoming blocked from opening during application of

emergency procedures in the event of a loss of hydraulics.

#### Actions Since Issuance of Previous AD

Since the issuance of that AD, the Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, advised the FAA that additional airplanes are subject to the same unsafe condition.

#### Explanation of Relevant Service Information

Since the issuance of AD 2000-20-05, Empresa Brasileira de Aeronautica S.A. (EMBRAER) has issued Service Bulletin 120-32-0077, Change 03, dated August 3, 2001, which describes the same inspection and installation procedures as those specified in Service Bulletin 120-32-0077, Change 02, dated December 23, 1997. Change 02 of the service bulletin was cited in AD 2000-20-05 as the appropriate source of service information. The relevant change in Change 03 of the service bulletin is that the effectivity listing has been changed to include new serial numbers. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

The DAC classified this service bulletin as mandatory and issued Brazilian airworthiness directive 97-05-03R3, effective date October 2, 2001, to ensure the continued airworthiness of these airplanes in Brazil. The Brazilian AD also mandates incorporation of an AFM revision of abnormal landing gear extension procedures.

#### FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 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 AD

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 supersede AD 2000-20-05 to continue to require revising the airplane flight

manual (AFM), and either installing hydraulic tube assemblies incorporating a check valve, or visually inspecting the check valve if already installed and performing corrective actions if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously. This action would also add airplanes to the applicability of the existing AD.

#### Changes to the Applicability of the Existing AD

This proposed AD would expand the applicability from affected airplanes as listed in EMBRAER Service Bulletin 120-32-0077, Change 02, dated December 23, 1997, to include affected airplanes as listed in EMBRAER Service Bulletin 120-32-0077, Change 03, dated August 3, 2003.

#### Explanation of Change Made to Existing Requirements

The FAA has changed all references to a "visual inspection" in the existing AD to "general visual inspection" in this action. Also, the definition of a "general visual inspection" has been included in this action.

#### Cost Impact

There are approximately 219 airplanes of U.S. registry that would be affected by this proposed AD. This proposed AD adds no new requirements, but only adds airplanes to the applicability of the existing AD. This proposed AD adds no new economic burden on affected operators, but since issuance of AD 2000-20-05, the estimated labor rate has increased from \$60 to \$65 per work hour, and the estimated cost for required parts has increased from \$2,021 to \$2,129. The current costs associated with this proposed AD are otherwise reiterated in their entirety as follows for the convenience of affected operators:

The AFM revision that is currently required by AD 2000-20-05, and retained in this proposed AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of the currently required AFM revision on U.S. operators is estimated to be \$14,235, or \$65 per airplane.

The general visual inspection that is currently required by AD 2000-20-05, and retained in this proposed AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of the currently required general visual inspection on