

U.S. operators is estimated to be \$14,235, or \$65 per airplane.

The installation of hydraulic tube assemblies that include check valves that is currently required by AD 2000–20–05, and retained in this proposed AD, takes approximately 2 work hours per airplane to accomplish, at an average labor rate of \$65 per work hour. Required parts cost approximately \$2,129 per airplane. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be \$494,921, or \$2,259 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 removing amendment 39–11916 (65 FR 59708, October 6, 2000), and by adding a new airworthiness directive (AD), to read as follows:

#### **Empresa Brasileira De Aeronautica S.A.**

(EMBRAER): Docket 2002–NM–87–AD. Supersedes AD 2000–20–05, Amendment 39–11916.

**Applicability:** Model EMB–120 series airplanes as listed in EMBRAER Service Bulletin 120–32–0077, Change 03, dated August 3, 2001; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent the landing gear doors from becoming blocked from opening during application of emergency procedures in the event of a loss of hydraulics, accomplish the following:

#### **Restatement of Requirements of AD 2000–20–05**

##### *Airplane Flight Manual (AFM) Revision*

(a) For airplanes subject to AD 2000–20–05: Within 10 flight hours after November 13, 2000 (the effective date of AD 2000–20–05, amendment 39–11916), revise the “Emergency Procedures” and “Abnormal Procedures” sections of the airplane flight manual (AFM) by inserting into the AFM a copy of EMB–120 AFM 120/794, Revision 45, dated October 14, 1996.

**Note 1:** Airplanes subject to AD 2000–20–05 are those listed in EMBRAER Service Bulletin 120–32–0077, Change 02, dated December 23, 1997.

##### *Inspection and Corrective Actions*

(b) For airplanes subject to AD 2000–20–05, on which the check valve has been installed in accordance with EMBRAER Service Bulletin 120–32–0077, dated February 7, 1997: Within 100 flight hours after November 13, 2000, conduct a general visual inspection to detect the check valve flow direction in accordance with EMBRAER Service Bulletin 120–32–0077, Change 02, dated December 23, 1997; or Change 03, dated August 3, 2001. If the check valve is installed incorrectly, prior to further flight, reinstall the check valve in the proper position in accordance with Change 02 or Change 03 of the service bulletin.

**Note 2:** For the purposes of this AD, a general visual inspection is defined as: “A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within

touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.”

(c) For airplanes subject to AD 2000–20–05, that are not equipped with the check valve installed in accordance with EMBRAER Service Bulletin 120–32–0077, dated February 7, 1997; or Change 01, dated September 25, 1997; or Change 02, dated December 23, 1997; or Change 03, dated August 3, 2001: Within 2,000 flight hours after November 13, 2000, install hydraulic tube assemblies incorporating a check valve in accordance with Service Bulletin 120–32–0077, Change 01, dated September 25, 1997; Change 02, dated December 23, 1997; or Change 03, dated August 3, 2001.

#### **New Requirements of This AD**

**Note 3:** Airplanes not subject to AD 2000–20–05 are those airplanes added by Change 03 of EMBRAER Service Bulletin 120–32–0077, dated August 3, 2001.

##### *Airplane Flight Manual (AFM) Revision*

(d) For airplanes not subject to AD 2000–20–05: Within 10 flight hours after the effective date of this AD, revise the “Emergency Procedures” and “Abnormal Procedures” sections of the airplane flight manual (AFM) by inserting into the AFM a copy of EMB–120 AFM 120/794, Revision 45, dated October 14, 1996.

##### *Inspection and Corrective Actions*

(e) For airplanes that are not subject to AD 2000–20–05, and on which the check valve has been installed in accordance with EMBRAER Service Bulletin 120–32–0077, dated February 7, 1997: Within 100 flight hours after the effective date of this AD, accomplish all of the applicable actions in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 120–32–0077, Change 03, dated August 3, 2001.

(f) For airplanes not subject to AD 2000–20–05, on which the check valve has not been installed in accordance with EMBRAER Service Bulletin 120–32–0077, dated February 7, 1997; or Change 01, dated September 25, 1997; or Change 02, dated December 23, 1997: Within 2,000 flight hours after the effective date of this AD, accomplish all of the applicable actions in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 120–32–0077, Change 03, dated August 3, 2001.

(g) Accomplishment of the specified actions before the effective date of this AD per EMBRAER Service Bulletin 120–32–0077, Change 01, dated September 25, 1997; or Change 02, dated December 23, 1997; is considered acceptable for compliance with the applicable requirements of paragraphs (e) and (f) of this AD.

#### **Alternative Methods of Compliance**

(h) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116,