Cost Impact

The FAA estimates that 177 airplanes of U.S. registry are affected by AD 95–19–04. The actions that are currently required by that AD take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. The cost of required parts (local manufacture of a placard) is negligible. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $10,620, or $60 per airplane. However, the adoption of this proposed rescission would eliminate those costs.

Should an operator elect to remove the placard required by AD 95–19–04, it would take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of removal of the placard would be approximately $60 per airplane.

Should an operator elect to remove the band reject filters that were one option for compliance with AD 95–19–04, it would take approximately 15 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of removing the band reject filters would be approximately $900 per airplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 39–9365.

Learjet: Docket 99–NM–311–AD. Rescinds AD 95–19–04, Amendment 39–9365.

Applicability: Model 35, 35A, 36, 36A, 55, 55B, and 55C airplanes; equipped with Global Wulfsburg GNS 500, GNS–1000, and GNS–X Flight Management Systems; certificated in any category.

Issued in Renton, Washington, on December 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–33734 Filed 12–28–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–305–AD]

RIN 2120–AA64

Airworthiness Directives; EMBRAER Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain EMBRAER Model EMB–145 series airplanes, that currently requires revisions to the Airplane Flight Manual (AFM) to provide the flight crew with updated procedures for prohibiting use of the autopilot below 1,500 feet above ground level, emergency procedures for pitch trim runaway, and abnormal procedures for autopilot trim failure and stabilizer out of trim. That AD also requires installation of certain warning placards. This action would require replacement of a certain integrated computer with a new integrated computer; installation of an upgraded integrated computers checklist; and removal of certain placards and certain limitations in the AFM. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the pitch trim system, which could cause undetected autopilot trim runaway, and consequent reduced controllability of the airplane, uncommanded autopilot disconnect, and excessive altitude loss.

DATES: Comments must be received by January 28, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–305–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule 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 FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Rob Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6071; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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 notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–305–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. 99–NM–305–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 21, 1999, the FAA issued AD 99–01–12, amendment 39–11015 (64 FR 4521, January 29, 1999), applicable to certain EMBRAER Model EMB–145 series airplanes, to require revisions to the Airplane Flight Manual to provide the flight crew with updated procedures for prohibiting use of the autopilot below 1,500 feet above ground level, emergency procedures for pitch trim runaway, and abnormal procedures for autopilot trim failure and stabilizer out of trim. That AD also requires installation of certain warning placards. That action was prompted by a report indicating that, during a flight test of a similar airplane model, the pitch trim monitoring subsystem malfunctioned internally. The requirements of that AD are intended to prevent failure of the pitch trim system, which could cause undetected autopilot trim runaway, and consequent reduced controllability of the airplane, uncommanded autopilot disconnect, and excessive altitude loss.

Actions Since Issuance of Previous Rule

In the preamble to AD 99–01–12, the FAA indicated that the actions required by that AD were considered ''interim action'' and that further rulemaking action was being considered. The FAA now has determined that further rulemaking action is indeed necessary, and this proposed AD follows from that determination.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 145–31–0010, dated March 18, 1999. The service bulletin describes procedures for replacement of the integrated computer IC–600 #1, part number (P/N) 7017000–82402, with a new integrated computer, P/N 7017000–82422; installation of an upgraded integrated computers checklist; and removal of warning placards, P/N 145–39641–001, on the left and right sides of the cockpit glare shield panel. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The Departmento de Aviacao Civil (DAC), which is the regulatory authority for Brazil, approved this service bulletin and issued Brazilian airworthiness directive 98–12–01R1, dated May 26, 1999, in order to assure the continued airworthiness of these airplanes in Brazil.

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 Rule

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 99–01–12 to continue to require revisions to the AFM to provide the flight crew with updated procedures for prohibiting use of the autopilot below 1,500 feet above ground level, emergency procedures for pitch trim runaway, and abnormal procedures for autopilot trim failure and stabilizer out of trim. The proposed AD also would continue to require installation of certain warning placards. The proposed AD also would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Foreign AD

The proposed AD would differ from the parallel Brazilian airworthiness directive in that it would mandate replacement of the integrated computer IC–600 #1, P/N 7017000–82402, with a new integrated computer, P/N 7017000–82422. The Brazilian airworthiness directive provides for that action as an alternative to installation of certain warning placards.

Mandating the terminating action is based on the FAA's determination that, in this case, long-term continued operational safety would be better assured by a modification to remove the source of the problem, rather than by revising flight procedures. The source of the unsafe condition (failure of the pitch trim monitoring system) is in the design of the pitch trim monitoring system installed on the airplane, in that the pitch trim monitoring system failed to detect a trim malfunction. In this particular case, there is no way to physically prevent the use of the autopilot below 1,500 ft. above ground level (AGL), unlike in other situations in which the inadvertent positioning of a switch or lever can be remedied by application of a limiter or guard to prevent or restrict operation of that switch or lever.

While revising flight procedures ensures that the flight crew is informed that an unsafe condition may exist if the autopilot is selected below 1,500 ft. AGL, it does not remove the source of that unsafe condition. Human factors (e.g., variations in flight crew training and familiarity with the airplane, flight crew awareness in the presence of other hazards, flight crew fatigue) may allow inadvertent selection of the autopilot below 1,500 ft. AGL and result in the unsafe condition. Thus, revisions to flight procedures are not considered adequate to provide the degree of safety assurance necessary for the transport airplane fleet. Consideration of these factors has led the FAA to mandate replacement of the integrated computer IC–600 #1, P/N 7017000–82402, with a new integrated computer, P/N 7017000–82422; and installation of an integrated computers checklist, if applicable, in order to eliminate the unsafe condition associated with a failure of the pitch trim monitoring system.

Operators should also note that, although PART II of Brazilian AD 98–12–01R1 requires installation of an upgraded integrated computers checklist, the FAA has determined that this is only necessary if a checklist is currently installed on the airplane.

Explanation of Change to Applicability Statement

Operators should note that the applicability of the proposed AD differs from the applicability of AD 99–01–12 in that it no longer affects airplanes

equipped with IC–600 #1 having P/N 7017000–83402. The DAC has informed the FAA that affected airplanes equipped with this IC–600 #1 part number are not subject to the identified unsafe condition. Brazilian AD 98–12–01R1 also reflects this change.

Cost Impact

There are approximately 46 airplanes of U.S. registry that would be affected by this proposed AD.

The actions that are currently required by AD 99–01–12, and retained in this proposed AD, take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $2,760, or $60 per airplane.

The new integrated computer replacement, checklist installation and placard removals that are proposed in this AD action would take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $675 per airplane. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $33,810, or $735 per airplane.

The removal of AFM limitations that is proposed in this AD action would take approximately 1 work hour per airplane to accomplish. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $2,760, or $60 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.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 39–11015 (64 FR 4521, January 29, 1999), and by adding a new airworthiness directive (AD), to read as follows:

Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket 99–NM–305–AD. Supersedes AD 99–01–12, Amendment 39–11015.

Applicability: Model EMB–145 series airplanes, serial numbers 145004 through 145047 inclusive and 145049 through 145051 inclusive; certificated in any category; equipped with IC–600 #1 having part number (P/N) 7017000–82402; excluding those airplanes on which the modification specified in any of the following Embraer service bulletins has been accomplished:

- Embraer Service Bulletin 145–22–0001, dated May 7, 1998;
- Embraer Service Bulletin 145–22–0004, Revision 01, dated July 30, 1998;
- Embraer Service Bulletin 145–31–0007, Revision 02, dated June 30, 1998.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the pitch trim system, which could cause undetected autopilot trim runaway, and result in reduced controllability of the airplane, uncommanded autopilot disconnect, and excessive altitude loss; accomplish the following:

Restatement of Requirements of AD 99–01–12

Placard Installation and AFM Revision

(a) Within 20 flight hours after February 2, 1999 (the effective date of AD 99–01–12, amendment 39–11015), accomplish paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD.

(1) Install warning placards, P/N 145–39641–001, on the left and right sides of the cockpit glare shield panel, using double-face tape (or similar), in accordance with Embraer Service Bulletin, 145–31–A010, dated December 15, 1998, which states:

''DO NOT OPERATE AUTOPILOT BELOW 1,500 FT A.G.L.''

(2) Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) (in the ''AUTOPILOT'' section) to include the information contained in this paragraph of the AD. This may be accomplished by inserting a copy of this AD in the AFM.

''AUTOPILOT

THE USE OF AUTOPILOT BELOW 1,500 FEET IS PROHIBITED.''

(3) Revise the Emergency Procedures Section of the FAA-approved AFM (in the ''PITCH TRIM RUNAWAY'' section) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

''PITCH TRIM RUNAWAY	
Immediately and simultaneously:	
Control Column	HOLD FIRMLY
Quick Disconnect Button.	PRESS AND HOLD
Pitch Trim Main System.	OFF
Pitch Trim Back Up System.	OFF
Quick Disconnect Button.	RELEASE

If control column forces are excessive, try to recover airplane control by turning one system on and trimming the airplane as necessary. Initiate with the backup system. Leave the failed system off.

If neither system is operative:

PITCH TRIM INOPERATIVE Procedure.	COMPLETE
Autopilot	OFF

Do not use the autopilot for the remainder of the flight.''

(4) Revise the Abnormal Procedures Section of the FAA-approved AFM (in the ''AUTOPILOT'' section) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

''AUTOPILOT TRIM FAILED

PITCH TRIM RUNAWAY Procedure.	PERFORM
STABILIZER OUT OF TRIM PITCH TRIM RUNAWAY Procedure.	PERFORM''

New Requirements of this AD

Terminating Action

(b) Within 500 flight hours after the effective date of this AD, accomplish paragraphs (b)(1) and (b)(2) of this AD. Accomplishment of paragraph (b) of this AD constitutes terminating action for the requirements of paragraph (a) of this AD.

(1) Replace the integrated computer IC–600 #1, P/N 7017000–82402, with a new integrated computer, P/N 7017000–82422; install an upgraded integrated computers checklist; and remove warning placards, P/N 145–39641–001, on the left and right sides of the cockpit glare shield panel required by paragraph (a)(1) of this AD; in accordance with EMBRAER Service Bulletin S.B. 145–31–0010, dated March 18, 1999.

Note 2: Installation of an upgraded integrated computers checklist is required only if an integrated computers checklist is currently installed on the airplane.

(2) Remove the limitations required by paragraphs (a)(2), (a)(3), and (a)(4) of this AD from the AFM.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance/Operations Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in Brazilian airworthiness directive 98–12–01R1, dated May 26, 1999.

Issued in Renton, Washington, on December 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–33733 Filed 12–28–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–313–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 767–200 and –300 series airplanes. This proposal would require repetitive inspections to detect wear or damage of the door latches and disconnect housings of the off-wing escape slide compartments. If wear or damage is found, the proposed AD would require replacement of these discrepant components with new components. This proposal is prompted by reports of worn and damaged door latches and disconnect housings of the off-wing escape slide compartments. The actions specified by the proposed AD are intended to ensure deployment of an escape slide during an emergency evacuation. Non-deployment of an escape slide during an emergency could slow down the evacuation of the airplane and result in injury to passengers or flightcrew.

DATES: Comments must be received by February 14, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–313–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Jim Cashdollar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2785; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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 notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–313–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. 98–NM–313–AD , 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of broken and worn door latches and disconnect housings of the off-wing escape slide compartments on Boeing Model 767–200 and –300 series airplanes. These worn or broken parts have caused non-deployment of a slide during an emergency evacuation and during a test. This condition, if not corrected, could result in non-deployment of an escape slide during an emergency evacuation. Non-deployment of an escape slide during an emergency could slow down the evacuation of the airplane and result in injury to passengers or flightcrew.