

A320–25–1248, Revision 01, dated April 16, 2003; as applicable.

(1) For all airplanes: Modify the shelf (floor panel) above ADIRU 3 by installing shims between the shelf and the webs of the shelf support structure.

(2) For airplanes with Airbus Modification 25900P3941 or Airbus Service Bulletin A320–25–1200 accomplished as of January 27, 2004: Modify the polycarbonate guard (umbrella) protecting the ADIRUs by installing shims between the guard and the shelf support structure.

(3) For airplanes with Airbus Modification 23027P2852 or Airbus Service Bulletin A320–52–1038 accomplished as of January 27, 2004: Modify the ladder located in the avionics compartment by machining the slot at the foot of the ladder to increase the depth by 0.236 inch.

#### New Requirements of This AD

##### Modification for Certain Airplanes

(g) For all airplanes equipped with any ADIRU installed in accordance with Airbus Modification 31070, 31742, or 35517, except

airplanes on which Airbus Modification 30650 or 30872 has been accomplished in production: Within 46 months after the effective date of this AD, modify the ADIRU shelf supports by accomplishing all of the applicable actions specified in the Accomplishment Instructions of Airbus Service Bulletin A320–25–1248, Revision 01, dated April 16, 2003.

##### Replacement of ADIRUs

(h) For all airplanes except those on which Airbus Modification 35517 has been incorporated in production: Within 46 months after the effective date of this AD, replace all three ADIRUs with improved ADIRUs having P/N 465020–0303–0316 in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–34–1350, dated March 20, 2006; or Airbus Service Bulletin A320–34–1350, Revision 01, dated December 12, 2007.

##### Alternative Methods of Compliance (AMOCs)

(i) The Manager, International Branch, ANM–116, Transport Airplane Directorate,

FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN Tim Dulin, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2141; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

##### Related Information

(j) European Aviation Safety Agency airworthiness directive 2007–0217, dated August 9, 2007, also addresses the subject of this AD.

##### Material Incorporated by Reference

(k) You must use service information identified in Table 1 of this AD, as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise.

TABLE 1—ALL MATERIAL INCORPORATED BY REFERENCE

Service bulletin	Revision level	Date
Airbus Service Bulletin A320–25–1248 .....	Original .....	February 16, 2001.
Airbus Service Bulletin A320–25–1248 .....	01 .....	April 16, 2003.
Airbus Service Bulletin A320–34–1350 .....	Original .....	March 20, 2006.
Airbus Service Bulletin A320–34–1350 .....	01 .....	December 12, 2007.

(1) The Director of the Federal Register approved the incorporation by reference of the documents identified in Table 2 of this

AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

TABLE 2—NEW MATERIAL INCORPORATED BY REFERENCE

Service bulletin	Revision level	Date
Airbus Service Bulletin A320–25–1248 .....	01 .....	April 16, 2003.
Airbus Service Bulletin A320–34–1350 .....	Original .....	March 20, 2006.
Airbus Service Bulletin A320–34–1350 .....	01 .....	December 12, 2007.

(2) On January 27, 2004 (68 FR 74172, December 23, 2003), the Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A320–25–1248, dated February 16, 2001.

(3) Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on August 6, 2008.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E8–19138 Filed 8–27–08; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2007–27785; Directorate Identifier 2006–NM–267–AD; Amendment 39–15649; AD 2008–17–11]

**RIN 2120–AA64**

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes and Model ERJ 190 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

It has been found that some "caution" messages issued by the Flight Guidance Control System (FGCS) are not displayed on aircraft equipped with [certain] EPIC software load[s] \* \* \*. Therefore, following a possible failure on one FGCS channel during a given flight, such a failure condition will remain undetected \* \* \*. If another failure occurs on the second FGCS channel, the result may be a hardover command by the autopilot.

An unexpected hardover command may cause a sudden roll, pitch, or yaw movement, which could result in reduced controllability of the airplane. We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective October 2, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 2, 2008.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149.

#### **SUPPLEMENTARY INFORMATION:**

#### **Discussion**

We issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That supplemental NPRM was published in the **Federal Register** on April 11, 2008 (73 FR 19770). That supplemental NPRM proposed to correct an unsafe condition for the specified products. The mandatory continuing airworthiness information (MCAI) for Model ERJ 170 airplanes states:

It has been found that some "caution" messages issued by the Flight Guidance Control System (FGCS) are not displayed on

aircraft equipped with EPIC software load versions 17.3, 17.4, 17.5, 17.6, or 17.7. Therefore, following a possible failure on one FGCS channel during a given flight, such a failure condition will remain undetected or latent in subsequent flights. If another failure occurs on the second FGCS channel, the result may be a hardover command by the autopilot.

The MCAI for Model ERJ 190 airplanes states:

It has been found that some "caution" messages issued by the Flight Guidance Control System (FGCS) are not displayed on aircraft equipped with EPIC software load versions 4.3, 4.4, 4.5, 4.6, or 4.7. Therefore, following a possible failure on one FGCS channel during a given flight, such a failure condition will remain undetected or latent in subsequent flights. If another failure occurs on the second FGCS channel, the result may be a hardover command by the autopilot.

An unexpected hardover command may cause a sudden roll, pitch, or yaw movement, which could result in reduced controllability of the airplane. Corrective actions include a functional check of the FGCS channels engagement, installation of an upgrade to the Primus EPIC Field-Loadable Software, and replacement of the actuator input-output processor if necessary. You may obtain further information by examining the MCAI in the AD docket.

#### **Comments**

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

#### **Request To Extend Compliance Time**

EMBRAER and Air Transport Association (ATA), on behalf of one of its members, US Airways, request that we extend the compliance time for installing Primus EPIC Field-Loadable Software Version 19.3 or higher specified in paragraph (f)(2) of the supplemental NPRM from "within 8 months after the effective date" to a specific later date. ATA requests the compliance time be extended until April 2009; EMBRAER suggests "no later than April 30, 2009." US Airways states that a future upgrade, EPIC 21.4, is expected in August 2008. US Airways also states that airlines would prefer to wait to install EPIC 21.4 due to problems with EPIC Loads 19.3 and 19.4. EMBRAER states that the Agência Nacional de Aviação Civil (ANAC) will issue new revisions to Brazilian Airworthiness Directives 2006-11-02 and 2006-11-03 to extend the compliance time to April 30, 2009, for installation of EPIC Load 19.3 or 19.4.

We agree to revise the compliance time. ANAC has issued Brazilian Airworthiness Directives 2006-11-02R3

and 2006-11-03R3, both effective June 13, 2008, which revise the compliance time of the previous airworthiness directives. The latest Brazilian airworthiness directives specify a compliance time of no later than April 30, 2009, to install the software. Based on the nature of the software issues and potential for certain caution messages to not be displayed in the event of certain other failures, we have determined that a two-month extension of the compliance time will not have a significant effect on the overall safety risk. We have revised the compliance time for installing the software specified in paragraph (f)(2) of this AD to "within 10 months after the effective date of the AD." The 10-month compliance time is based on the calendar date specified in the Brazilian airworthiness directives and approximates the elapsed time between the issuance of this AD and April 30, 2009.

#### **Conclusion**

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the change described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

#### **Differences Between This AD and the MCAI or Service Information**

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

#### **Costs of Compliance**

We estimate that this AD will affect 98 products of U.S. registry. We also estimate that it will take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$15,680, or \$160 per product.

#### **Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue

rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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.

For the reasons discussed above, I certify this AD:

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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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. The FAA amends § 39.13 by adding the following new AD:

**2008-17-11 Empresa Brasileira de Aeronautica S.A. (EMBRAER):**  
Amendment 39-15649. Docket No. FAA-2007-27785; Directorate Identifier 2006-NM-267-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective October 2, 2008.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to EMBRAER Model ERJ 170-100 LR, -100 STD, -100 SE, -100 SU, -200 LR, -200 STD, and -200 SU airplanes, certificated in any category, equipped with Primus EPIC software load version 17.3, 17.4, 17.5, 17.6, or 17.7; and Model ERJ 190-100 STD, -100 LR, -100 IGW, -200 STD, -200 LR, and -200 IGW airplanes, certificated in any category, equipped with Primus EPIC software load version 4.3, 4.4, 4.5, 4.6, or 4.7.

#### Subject

(d) Air Transport Association (ATA) of America Code 22: Auto Flight.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) for Model ERJ 170 airplanes states:

It has been found that some "caution" messages issued by the Flight Guidance Control System (FGCS) are not displayed on aircraft equipped with EPIC software load versions 17.3, 17.4, 17.5, 17.6, or 17.7. Therefore, following a possible failure on one FGCS channel during a given flight, such a failure condition will remain undetected or latent in subsequent flights. If another failure occurs on the second FGCS channel, the result may be a hardover command by the autopilot.

The MCAI for Model ERJ 190 airplanes states:

It has been found that some "caution" messages issued by the Flight Guidance Control System (FGCS) are not displayed on aircraft equipped with EPIC software load versions 4.3, 4.4, 4.5, 4.6, or 4.7. Therefore, following a possible failure on one FGCS channel during a given flight, such a failure condition will remain undetected or latent in subsequent flights. If another failure occurs

on the second FGCS channel, the result may be a hardover command by the autopilot.

An unexpected hardover command may cause a sudden roll, pitch, or yaw movement, which could result in reduced controllability of the airplane. Corrective actions include a functional check of the FGCS channels engagement, installation of an upgrade to the Primus EPIC Field-Loadable Software, and replacement of the actuator input-output processor if necessary.

### Actions and Compliance

(f) Unless already done, do the following actions.

(1) Within 300 flight hours after the effective date of this AD, do a functional check of the FGCS channels engagement, in accordance with EMBRAER Service Bulletin 170-22-0003 or Service Bulletin 190-22-0002, both Revision 01, both dated November 5, 2007, as applicable. Repeat the functional check thereafter at intervals not to exceed 600 flight hours, until the terminating action described by paragraph (f)(2) of this AD has been done. If any malfunction of the FGCS is discovered during any functional check required by this paragraph, before further flight, do all applicable replacements of the actuator input-output processor in accordance with the applicable service bulletin.

**Note 1:** For the purpose of this AD, a functional check is: "A quantitative check to determine if one or more functions of an item perform within specified limits."

(2) Within 10 months after the effective date of this AD, install Primus EPIC Field-Loadable Software Version 19.3 or higher, in accordance with EMBRAER Service Bulletin 170-31-0019, Revision 01, dated June 25, 2007; or Service Bulletin 190-31-0009, Revision 02, dated June 29, 2007; as applicable. Doing this installation ends the repetitive functional checks required by paragraph (f)(1) of this AD.

(3) Any functional check done before the effective date of this AD in accordance with EMBRAER Service Bulletin 170-22-0003 or 190-22-0002, both dated November 9, 2006, as applicable, is considered acceptable for compliance with the requirements of paragraph (f)(1) of this AD.

### FAA AD Differences

**Note 2:** This AD differs from the MCAI and/or service information as follows: No differences.

### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149. Before using any approved AMOC on any airplane to

which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) **Airworthy Product:** For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) **Reporting Requirements:** For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) Refer to MCAI Brazilian Airworthiness Directives 2006-11-02R3 and 2006-11-03R3, both effective June 13, 2008; EMBRAER Service Bulletins 170-22-0003 and 190-22-0002, both Revision 01, both dated November 5, 2007; EMBRAER Service Bulletin 170-31-0019, Revision 01, dated June 25, 2007; and EMBRAER Service Bulletin 190-31-0009, Revision 02, dated June 29, 2007; for related information.

#### Material Incorporated by Reference

(i) You must use the applicable service information specified in Table 1 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

TABLE 1—MATERIAL INCORPORATED BY REFERENCE

EMBRAER Service Bulletin—	Revision—	Dated—
170-22-0003.	01	November 5, 2007.
170-31-0019.	01	June 25, 2007.
190-22-0002.	01	November 5, 2007.
190-31-0009.	02	June 29, 2007.

Issued in Renton, Washington, on August 6, 2008.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E8-19143 Filed 8-27-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA-2008-0621; Directorate Identifier 2008-NM-015-AD; Amendment 39-15653; AD 2008-17-15]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Boeing Model 737-600, -700, -800, and -900 Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Boeing Model 737-600, -700, -800, and -900 series airplanes. This AD requires installing hot short protector (HSP) support brackets and equipment for the fuel quantity indicating system (FQIS) fuel densitometer and other specified actions as applicable. This AD also requires revising the Airworthiness Limitations (AWLs) section of the Instructions for Continued Airworthiness to incorporate AWL No. 28-AWL-07. This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent the center tank fuel densitometer from overheating and becoming a potential ignition source inside the center fuel tank, which, in combination with flammable fuel vapors, could result in a center fuel tank explosion and consequent loss of the airplane.

**DATES:** This AD is effective October 2, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 2, 2008.

**ADDRESSES:** For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207.

#### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through

Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800-647-5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

#### **FOR FURTHER INFORMATION CONTACT:**

Georgios Roussos, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6482; fax (425) 917-6590.

#### **SUPPLEMENTARY INFORMATION:**

#### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to certain Boeing Model 737-600, -700, -800, and -900 series airplanes. That NPRM was published in the **Federal Register** on June 9, 2008 (73 FR 32491). That NPRM proposed to require installing hot short protector (HSP) support brackets and equipment for the fuel quantity indicating system (FQIS) fuel densitometer and other specified actions as applicable. That NPRM proposed to also require revising the Airworthiness Limitations (AWLs) section of the Instructions for Continued Airworthiness to incorporate AWL No. 28-AWL-07.

#### **Comments**

We gave the public the opportunity to participate in developing this AD. We considered the single comment received. Boeing concurs with the NPRM.

#### **Change to Final Rule Regarding Later Revisions of Service Information**

We removed all references to the use of “later revisions” of the applicable service information from this AD to be consistent with FAA and Office of the **Federal Register** policies. We may consider approving the use of later revisions of the service information as an alternative method of compliance with this AD, as provided by paragraph (k) of this AD.

#### **Conclusion**

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting the AD with the change described previously. We also determined that this change will not increase the economic burden