

No more than 10 repetitive inspections are permitted for any affected drive shaft.

(c) If a crack is found as a result of the inspections required by paragraph (b) of this AD, before further flight, replace the drive shaft with an airworthy drive shaft.

(d) Before further flight, or after 10 repetitive inspections have been accomplished, replace with an airworthy drive shaft any drive shaft that has reached or exceeded the applicable TIS stated in paragraph (b) of this AD.

(e) 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, Rotorcraft Standards Staff, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff, Rotorcraft Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(f) Special flight permits will not be issued.

(g) The inspection shall be done in accordance with GKN Westland Helicopters Ltd. Service Bulletin No. W30-65-48, dated November 29, 1995, and Annex A, dated November 8, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from GKN Westland Helicopters Ltd., Customer Support Division, Yeovil, Somerset BA20 2YB, England, telephone (01935) 703884, fax (01935) 703905. Copies may be inspected at the FAA, Office of Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on March 31, 1998.

Note 3: The subject of this AD is addressed in Civil Aviation Authority (United Kingdom) AD 013-11-95, dated January 31, 1996.

Issued in Fort Worth, Texas, on March 4, 1998.

Eric Bries,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

[FR Doc. 98-6450 Filed 3-13-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-64-AD; Amendment 39-10397; AD 98-06-19]

RIN 2120-AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-145 series airplanes. This action requires draining and sealing of the ground spoiler and speed brake actuators. This action also requires replacement of the spoiler actuator assembly and the speed brake actuator assembly with modified actuator assemblies. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent asymmetric deployment of the speed brakes during flight and consequent reduced controllability of the airplane; or failure of the ground spoilers to deploy during landing or rejected takeoff, which could result in increased aircraft stopping distances.

DATES: Effective March 31, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 31, 1998.

Comments for inclusion in the Rules Docket must be received on or before April 15, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-64-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Neil Berryman, Systems 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) 703-6066; fax (770) 703-6097.

SUPPLEMENTARY INFORMATION: The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB-145 series airplanes. The DAC advises that it has received reports indicating that the ground spoilers and/or speed brakes may fail to deploy. The cause of these failures has been attributed to moisture penetration into the respective actuators in combination with freezing temperatures, which can result in jamming of the actuators. These conditions, if not corrected, can result in asymmetric deployment of the speed brakes during flight and consequent reduced controllability of the airplane; or failure of the ground spoilers to deploy during landing or rejected takeoff, which could result in increased aircraft stopping distances.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 145-27-0029, dated November 10, 1997, which describes procedures for draining and sealing of the ground spoiler and speed brake actuators.

EMBRAER has also issued Service Bulletins 145-27-0013 and 145-27-0014, both dated August 20, 1997, which describe procedures for replacement of the spoiler actuator assembly and the speed brake actuator assembly with modified actuator assemblies. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

The DAC classified these service bulletins as mandatory and issued Brazilian airworthiness directive 97-10-04 (undated) 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 § 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 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, this AD is being issued to prevent asymmetric deployment of the speed brakes during flight and consequent reduced controllability of the airplane; or failure of the ground spoilers to deploy during landing or rejected takeoff, which could result in increased aircraft stopping distances. This AD requires accomplishment of the actions specified in the service bulletins described previously.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-64-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 adding the following new airworthiness directive:

98-06-19 Empresa Brasileira De Aeronautica S.A. (EMBRAER):
Amendment 39-10397. Docket 98-NM-64-AD.

Applicability: Model EMB-145 series airplanes, serial numbers 145004 through 145018 inclusive; equipped with a speed brake actuator assembly having part number 360540-1001, or a spoiler actuator assembly having part number 360440-1001; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 (e) 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 asymmetric deployment of the speed brakes during flight and consequent reduced controllability of the airplane; or failure of the ground spoilers to deploy during landing or rejected takeoff, which could result in increased aircraft stopping distances; accomplish the following:

(a) Within 400 flight hours after the effective date of this AD, drain and seal the ground spoiler and speed brake actuators in accordance with EMBRAER Service Bulletin 145-27-0029, dated November 10, 1997.

(b) Within 90 days after the effective date of this AD, replace the spoiler actuator assembly and the speed brake actuator assembly with modified actuator assemblies in accordance with EMBRAER Service Bulletins 145-27-0013, and 145-27-0014, both dated August 20, 1997.

(c) Airplanes on which the replacements required by paragraph (b) of this AD are performed within the compliance time specified in paragraph (a) of this AD are not required to accomplish the action required by paragraph (a).

(d) As of the effective date of this AD, no person shall install a ground spoiler actuator assembly having part number 360440-1001, or speed brake actuator assembly having part number 360540-1001, on any airplane.

(e) 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 Inspector, who

may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(f) 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.

(g) The actions shall be done in accordance with EMBRAER Service Bulletin 145-27-0029, dated November 10, 1997; EMBRAER Service Bulletin 145-27-0013, dated August 20, 1997; and EMBRAER Service Bulletin 145-27-0014, dated August 20, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Brazilian airworthiness directive 97-10-04 (undated).

(h) This amendment becomes effective on March 31, 1998.

Issued in Renton, Washington, on March 9, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-6499 Filed 3-13-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-38-AD; Amendment 39-10393; AD 98-06-15]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that requires replacement of the return filter diaphragm assemblies on hydraulic systems 1 and 2 with modified filter units having new diaphragms. This

amendment is prompted by a report of insufficient running clearance of the brake units due to overpressure in the hydraulic return system; this condition could lead to brake overheating. The actions specified by this AD are intended to prevent too high pressure in the hydraulic return system during the selection of subsystem(s), which could result in inadvertent braking and/or blown tires.

DATES: Effective April 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, The Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes was published in the **Federal Register** on May 25, 1995 (60 FR 27704). That action proposed to require replacement of the return filter diaphragm assemblies on hydraulic systems 1 and 2 with modified filter units having new diaphragms.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Withdraw Proposed AD

The Air Transport Association (ATA) of America, on behalf of one member, requests that the proposed AD be withdrawn because the corrective action specified in the referenced Fokker Service Bulletin SBF100-29-025, dated December 31, 1993, is ineffectual in preventing overpressure of the subject hydraulic return system.

The FAA does not concur with the commenter's request to withdraw the

proposal. The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, has advised the FAA that there have been no additional reports of discrepancies in the system since the service bulletin was issued. In addition, the commenter provides no justification to substantiate the claim that the corrective action is ineffectual. Based on this information, the FAA has determined that the modification specified in Fokker Service Bulletin SBF100-29-025, dated December 31, 1993, adequately addresses the unsafe condition.

Request To Extend Compliance Time

One commenter requests an extension of the proposed compliance time of 6 months, but provides no specific extension time. The commenter's request is based on the number of airplanes in its fleet and the time required to accomplish the action. The commenter expresses concern that it may not be able to modify all airplanes in 6 months.

The FAA does not concur with the request for an extension of the compliance time. In developing the compliance time, the FAA considered the safety implications, parts availability, and normal maintenance schedules. In consideration of all these factors, and the time since the Notice of Proposed Rulemaking (NPRM) was published, the FAA has determined that the compliance time, as proposed, represents an appropriate interval to complete the necessary replacement.

Request to Revise Unsafe Condition

One commenter, the manufacturer, requests that the description of the cause of the addressed unsafe condition that appeared in the proposed AD be clarified. The unsafe condition that appears in the proposal reads as follows: “* * * to prevent overpressure in the hydraulic return system which could result in reduced braking performance and/or blown tires due to brake overheating.” The commenter suggests that a more accurate description would be “* * * to prevent too high pressure in the hydraulic return system during the selection of the subsystem(s), which could result in inadvertent braking and/or blown tires.” The manufacturer states that its service bulletin was issued following an incident in which all four tires blew on touchdown. During a taxi check, following the replacement of several components, inspections revealed a brake problem. It was found that the brakes locked as soon as the flaps moved to a new position and unlocked as soon as the flaps stopped moving.