

"4,000 flight hours" for Model EMB-135BJ airplanes. This difference has been coordinated with ANAC.

#### 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: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1405; 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 Directive 2007-02-03, effective March 15, 2007; Embraer Service Bulletin 145-30-0048, dated March 31, 2006; and Embraer Service Bulletin 145LEG-30-0015, dated March 31, 2006; for related information.

Issued in Renton, Washington, on March 3, 2008.

**Ali Bahrami,**

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. E8-5002 Filed 3-12-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2008-0293; Directorate Identifier 2007-NM-287-AD]

**RIN 2120-AA64**

#### **Airworthiness Directives; ATR Model ATR42-200, -300, -320, -500 Airplanes; and Model ATR72-101, -201, -102, -202, -211, -212, and -212A Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed 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:

A recent incident evidenced that some failures of the Pitot probe heating resistance may not be seen by the low current detection system on aircraft not equipped with [ATR] modification 05469 \* \* \*. In some conditions, an out of tolerance resistance, failing to provide a proper Pitot probe de-icing could not be detected.

\* \* \* \* \*

The unsafe condition is that undetected icing of the pitot probe could produce incorrect airspeed readings, which could lead to loss of control of the airplane. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by April 14, 2008.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal*: Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax*: (202) 493-2251.

- *Mail*: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery*: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### 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 this proposed AD, 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.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1149.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2008-0293; Directorate Identifier 2007-NM-287-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

##### **Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2007-0179, dated July 31, 2007 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

A recent incident evidenced that some failures of the Pitot probe heating resistance may not be seen by the low current detection system on aircraft not equipped with [ATR] modification 05469 (SB (Service Bulletin) ATR42-30-0072 or ATR72-30-1042). In some conditions, an out of tolerance resistance, failing to provide a proper Pitot probe de-icing could not be detected.

To address this unsafe condition, this Airworthiness Directive (AD) requires repetitive verification of the Pitot probes'

resistance and replacement of any defective probes, and ultimate replacement of the three low current sensors for Captain, First Officer and Standby Pitot probes.

The unsafe condition is that undetected icing of the pitot probe could produce incorrect airspeed readings, which

could lead to loss of control of the airplane. You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

ATR has issued the service information described in the following table. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### SERVICE INFORMATION

Avions de Transport Regional Service Bulletin	Revision level	Date
ATR42-30-0072 .....	1 .....	June 1, 2005.
ATR42-30-0074 .....	Original .....	May 14, 2007.
ATR72-30-1042 .....	1 .....	June 1, 2005.
ATR72-30-1044 .....	Original .....	May 14, 2007.

#### FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### 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 proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the proposed AD.

#### Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 51 products of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$1,880 per product. Where the service information lists required parts costs that are covered under warranty, we have

assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$112,200, or \$2,200 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify 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. 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 proposed AD and placed it in the AD docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

**ATR—Gie Avions De Transport Regional (Formerly Aerospatiale):** Docket No. FAA-2008-0293; Directorate Identifier 2007-NM-287-AD.

#### Comments Due Date

(a) We must receive comments by April 14, 2008.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to ATR Model ATR42-200, -300, -320, and -500 airplanes and Model ATR72-101, -201, -102, -202, -211, -212, and -212A airplanes; certificated in any category; all serial numbers; except for airplanes having ATR Modification 05469 installed in production, or installed in

service in accordance with Avions de Transport Regional Service Bulletin ATR42–30–0072 or ATR72–30–1042, both Revision 1, both dated June 1, 2005; as applicable.

#### Subject

(d) Air Transport Association (ATA) of America Code 30: Ice and Rain Protection.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

A recent incident evidenced that some failures of the Pitot probe heating resistance may not be seen by the low current detection system on aircraft not equipped with [ATR] modification 05469 (SB (Service Bulletin) ATR42–30–0072 or ATR72–30–1042). In some conditions, an out of tolerance resistance, failing to provide a proper Pitot probe de-icing could not be detected.

To address this unsafe condition, this Airworthiness Directive (AD) requires repetitive verification of the Pitot probes' resistance and replacement of any defective probes, and ultimate replacement of the three low current sensors for Captain, First Officer and Standby Pitot probes.

The unsafe condition is that undetected icing of the pitot probe could produce incorrect airspeed readings, which could lead to loss of control of the airplane.

#### Actions and Compliance

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

(1) Within 550 flight hours after the effective date of this AD, measure the heating

resistance of the three pitot probes, in accordance with the Accomplishment Instructions of Avions de Transport Regional Service Bulletin ATR42–30–0074 or ATR72–30–1044, both dated May 14, 2007, as applicable. If any resistance exceeds 50 ohms, before next flight, replace the pitot probe in accordance with the Accomplishment Instructions of the applicable service bulletin. Repeat the measurement thereafter at intervals not to exceed 550 flight hours, until the current sensors have been replaced as required by paragraph (f)(2) of this AD.

(2) Within 5,000 flight hours after the effective date of this AD, replace the three pitot probe current sensors, in accordance with the Accomplishment Instructions of Avions de Transport Regional Service Bulletin ATR42–30–0072 or ATR72–30–1042, both Revision 1, both dated June 1, 2005; as applicable. Doing this paragraph ends the repetitive inspections required by paragraph (f)(1) of this AD.

#### FAA AD Differences

**Note:** 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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; 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 European Aviation Safety Agency (EASA) Airworthiness Directive 2007–0179, dated July 31, 2007, and the service information described in Table 1 of this AD, for related information.

TABLE 1.—SERVICE INFORMATION

Avions de Transport Regional Service Bulletin	Revision level	Dated
ATR42–30–0072 .....	1 .....	June 1, 2005.
ATR42–30–0074 .....	Original .....	May 14, 2007.
ATR72–30–1042 .....	1 .....	June 1, 2005.
ATR72–30–1044 .....	Original .....	May 14, 2007.

Issued in Renton, Washington, on March 3, 2008.

Ali Bahrami,

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2007–0290; Directorate Identifier 2007–NM–250–AD]

RIN 2120–AA64

**Airworthiness Directives; Sandel Avionics Incorporated Model ST3400 Terrain Awareness Warning System/ Radio Magnetic Indicator (TAWS/RMI) Units Approved Under Technical Standard Order(s) C113, C151a, or C151b; Installed on Various Small and Transport Category Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to revise an existing airworthiness directive (AD) that applies to Sandel Avionics Incorporated Model ST3400 TAWS/RMI units as described above. The existing AD currently requires installing a warning placard on the TAWS/RMI and revising the Limitations section of the airplane flight manual (AFM). The existing AD also requires installing upgraded software in the TAWS/RMI. This proposed AD would allow installing later revisions of the software described in the existing AD. This proposed AD results from a report that an in-flight bearing error occurred in a Model ST3400 TAWS/RMI configured to receive bearing information from a very high frequency omnidirectional range (VOR) receiver interface via a composite video signal, due to a combination of input signal fault and software error. We are proposing this AD to prevent a bearing error, which