

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To detect and correct fatigue cracking of the landing gear legs, which could result in landing gear failure with consequent loss of control of the sailplane during landing operations, accomplish the following:

(a) *For all of the affected sailplanes:* Within the next 120 calendar days after the effective date of this AD, inspect the retaining bars chamfer on both landing gear legs for a minimum of 3.0 millimeters (mm) radius in accordance with the "Actions" section, paragraph A3, of Grob Service Bulletin (SB) 817-39, dated January 4, 1994.

(1) If the chamfer radius is 3.0 mm or greater, prior to further flight, glue a reinforcing plastic strip (part number (P/N) 109-5000.07) to the retaining bar in accordance with the "Actions" section, paragraph A4, of Grob SB 817-39, dated January 4, 1994.

(2) If the chamfer radius is less than 3.0 mm, prior to further flight, replace the retaining bar with a new improved design retaining bar, P/N 109-5000.02; and install the plastic strip, P/N 109-5000.07. Accomplish these actions in accordance with the "Actions" section, paragraph A5, of Grob SB 817-39, dated January 1994.

(b) *For sailplanes that are not equipped with landing gear legs, P/N 109B-5001.01/1:* Upon the accumulation of 1,000 hours TIS on the landing gear leg or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 500 hours TIS, inspect the landing gear legs for cracks (using the magnetic particle or X-ray analysis method) in accordance with the "Actions" section, paragraph B9, of Grob SB 817-39, dated January 4, 1994.

(1) If any crack(s) is found that does not exceed a maximum depth of 0.5 millimeters (mm) on each side, prior to further flight, polish out the crack(s) in accordance with the "Actions" section, paragraph B10, of Grob SB 817-39, dated January 4, 1994.

(2) If after polishing out any crack, as specified in paragraph (b)(1) of this AD, the undercarriage thickness is not at least 13 mm, prior to further flight, replace the cracked landing gear leg with a P/N 109B-5001.01/1 landing gear leg, in accordance with the "Actions" section, paragraph B10, of Grob SB 817-39, dated January 4, 1994.

(3) If any crack(s) is found that is equal to or exceeds a maximum depth of 0.5 mm on either side, prior to further flight, replace the cracked landing gear leg with a P/N 109B-5001.01/1 landing gear leg, in accordance with the "Actions" section, paragraph B10, of Grob SB 817-39, dated January 4, 1994.

(4) Replacing both landing gear legs with P/N 109B-5001.01/1 may be accomplished at any time as terminating action for the repetitive inspection requirement of this AD, but must be accomplished prior to further flight on any landing gear found cracked as specified in paragraph (b)(2) or (b)(3) of this AD.

(5) If one landing gear leg is replaced prior to further flight when a crack is found, the other landing gear leg must still be repetitively inspected every 500 hours TIS

until replacement with the improved design part.

Note 2: Landing gear legs (P/N 109B-5001.01/1) have a "0" stamped on the front side of the leg for easy identification.

(c) 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 sailplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) Questions or technical information related to Grob Service Bulletin TM 817-39, dated January 4, 1994, should be directed to Grob-Werke GmbH & Co. KG, Unternehmensbereich, Burkhart Grob Flugzeugbau, Flugplatz Mattsies, 86874 Tussenhausen, Germany. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) The inspections, installation, polishing, and replacements required by this AD shall be done in accordance to Grob Service Bulletin TM 817-39, dated January 4, 1994. 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 Grob-Werke GmbH & Co. KG, Unternehmensbereich, Burkhart Grob Flugzeugbau, Flugplatz Mattsies, 86874 Tussenhausen, Germany. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(g) This amendment becomes effective on January 9, 1999.

Issued in Kansas City, Missouri, on November 16, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-31317 Filed 11-24-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-317-AD; Amendment 39-10904; AD 98-24-19]

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 Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 series airplanes. This action requires revising the Performance Section of the Airplane Flight Manual (AFM) to provide the flightcrew with procedures to adjust landing distances for landings performed with the anti-icing system active. This action also requires revising the Limitations Sections of the AFM to prohibit certain types of approaches with the anti-icing system active. This amendment is prompted by a report that increased (i.e., higher than normal) flight idle thrust may occur when the anti-icing system is active. The actions specified in this AD are intended to ensure that the flightcrew is advised of appropriate landing field lengths when operating with the anti-icing system active, and that instrument approaches at certain flap settings are prohibited with the anti-icing system active. Increased flight idle thrust when the anti-icing system is active, if not corrected, could result in landing overrun.

DATES: Effective December 10, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 10, 1998.

Comments for inclusion in the Rules Docket must be received on or before December 28, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-317-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:

Thomas Peters, Aerospace Engineer, ACE-118A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6063; fax (770) 703-6097.

SUPPLEMENTARY INFORMATION: The Departamento de Aviação 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 a fault was discovered during a review of Version II.2 of the Full Authority Digital Engine Control, which is installed on Model EMB-145 series airplanes equipped with Allison Model AE3007A1/2 engines. That fault affects operations when the anti-icing system is active, and causes increased (i.e., higher than normal) flight idle thrust during landing. Such increased flight idle thrust increases landing distances over those shown in the existing Performance Section of the FAA-approved Airplane Flight Manual (AFM), which could result in landing overrun if the landing distance is greater than the available runway. Also, such increased flight idle thrust during instrument approaches using the Flaps 22 setting could result in reduced controllability of the airplane due to inadequate drag to slow the airplane or to descend. This condition, if not corrected, also could result in landing overrun.

Explanation of Relevant Service Information

The FAA has reviewed EMBRAER EMB-145 Airplane Flight Manual 145/1153, Revision 19, dated October 23, 1998, which describes procedures for revising the Performance Section of the FAA-approved AFM to provide the flightcrew with procedures to adjust landing distances for landings performed with the anti-icing system active.

FAA's Determination

The FAA has determined that it is necessary to revise the Limitations Section of the FAA-approved AFM to

prohibit instrument approaches using the Flaps 22 setting when the anti-icing system is active. This determination is based on the fact that, in conditions of increased flight idle thrust, such a setting may not provide adequate drag, which could reduce the ability of the flightcrew to slow the airplane or to descend, and could result in increased landing distances.

U.S. Type Certification of the Airplane

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.

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 ensure that the flightcrew is advised of appropriate landing field lengths when operating with the anti-icing system active. This AD also is being issued to ensure that the flightcrew is advised that instrument approaches at certain flap settings are prohibited with the anti-icing system active. Increased flight idle thrust when the anti-icing system is active, if not corrected, could result in landing overrun. This AD requires revising the Performance Section of the FAA-approved AFM to advise the flightcrew of adjustments to landing distances for landings performed with the anti-icing system active. This AD also requires revising the Limitations Section of the FAA-approved AFM to prohibit certain types of approaches with the anti-icing system active. Accomplishment of the AFM revisions is intended to adequately address the identified unsafe condition.

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-317-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:

98-24-19 Empresa Brasileira de Aeronautica S.A. (EMBRAER):
Amendment 39-10904. Docket 98-NM-317-AD.

Applicability: Model EMB-145 series airplanes, equipped with Allison Model AE3007A1/2 engines; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flightcrew is advised of appropriate landing field lengths when operating with the anti-icing system active, and that instrument approaches at certain flap settings are prohibited with the anti-icing system active, accomplish the following:

(a) Within 10 days after the effective date of this AD, accomplish the actions specified by paragraphs (a)(1) and (a)(2) of this AD.

(1) Revise the Performance Section of the FAA-approved Airplane Flight Manual (AFM) by inserting a copy of EMBRAER EMB-145 AFM 145/1153, Revision 19, dated October 23, 1998, into the AFM.

Note 1: When landing in abnormal configurations per the emergency and abnormal procedures of Section 3 of the AFM and operating with the anti-icing system active, the landing field length multiples specified in Section 3 should be applied to

the landing field lengths specified in Supplement 6 of Revision 19 of the AFM.
(2) Revise the Limitations Section of Supplement 12 of the FAA-approved AFM to include the following statement. This action may be accomplished by inserting a copy of this AD into the AFM.

“Flaps 22 instrument approaches with anti-ice on are not approved.”

(b) 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.

(c) 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.

(d) The AFM revision specified in paragraph (a)(1) of this AD shall be done in accordance with EMBRAER EMB-145 Airplane Flight Manual 145/1153, Revision 19, dated October 23, 1998, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
List of Effective Pages, Pages A, S6-i, S6-ii	19	October 23, 1998.
List of Effective Pages, Page B	18	August 6, 1998.

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.

(e) This amendment becomes effective on December 10, 1998.

Issued in Renton, Washington, on November 16, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-31316 Filed 11-24-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-SW-17-AD; Amendment 39-10909; AD 98-24-23]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Model SE.3160, SA.316B, SA.316C, and SA.319B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Eurocopter France Model SE.3160, SA.316B, SA.316C, and SA.319B helicopters. This action requires inspecting certain horizontal stabilizer spar tubes and replacing them if cracks are found or repairing them if crazing, corrosion, fretting marks, or scratches are found and are repairable. This amendment is prompted by several

service reports of spar tube corrosion and fatigue cracks discovered during normal maintenance inspections, which could cause loss of the horizontal stabilizer and subsequent loss of control of the helicopter.

DATES: Effective December 10, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 10, 1998.

Comments for inclusion in the Rules Docket must be received on or before January 25, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-17-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972)