

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance 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:

**Boeing:** Docket No. FAA-2008-0090; Directorate Identifier 2007-NM-312-AD.

#### Comments Due Date

(a) We must receive comments by March 17, 2008.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747-28A2292, dated September 14, 2007.

**Note 1:** This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

#### Unsafe Condition

(d) This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent electrical current from flowing through a motor operated valve (MOV) actuator into a fuel tank, which could create a

potential ignition source inside the fuel tank. This condition, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

#### Compliance

(e) Comply with this AD within the compliance times specified, unless already done.

#### Measurement and Corrective Action

(f) For all airplanes: Within 60 months after the effective date of this AD, measure the electrical bond resistance between the MOV actuators and airplane structure for the main, center, and auxiliary fuel tanks as applicable, and do all the applicable corrective actions, by accomplishing all of the applicable actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747-28A2292, dated September 14, 2007. The corrective actions must be accomplished before further flight.

(g) For Model 747-400 series airplanes identified in paragraph 1.A of Boeing Alert Service Bulletin 747-28A2294, dated September 21, 2007: Within 60 months after the effective date of this AD, measure the electrical bond resistance between the MOV actuators and airplane structure for the horizontal stabilizer fuel tanks, and do all the applicable corrective actions, by accomplishing all of the applicable actions specified in the Accomplishment Instructions of the service bulletin. The corrective actions must be accomplished before further flight.

#### Maintenance Program Revision

(h) For Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP series airplanes: Concurrently with accomplishing the actions required by paragraph (f) of this AD, revise the FAA-approved maintenance program by incorporating AWL No. 28-AWL-21 of Section D of the Boeing 747-100/200/300/SP Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D6-13747-CMR, Revision January 2007. Accomplishing the revision in accordance with a later revision of Document D6-13747-CMR is an acceptable method of compliance if the revision is approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA.

(i) For Model 747-400, 747-400D, and 747-400F series airplanes: Concurrently with accomplishing the applicable actions required by paragraph (f) and (g) of this AD, revise the FAA-approved maintenance program by incorporating

AWL No. 28-AWL-27 of Subsection D of the Boeing 747-400 Maintenance Planning Data (MPD) Document, D621U400-9, Section 9, Revision December 2006 R1. Accomplishing the revision in accordance with a later revision of the MPD is an acceptable method of compliance if the revision is approved by the Manager, Seattle ACO, FAA.

#### Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle ACO, FAA, ATTN: Sulmo Mariano, Aerospace Engineer, Propulsion Branch, ANM-140S, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6501; fax (425) 917-6590; has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

Issued in Renton, Washington, on January 14, 2008.

**Stephen P. Boyd,**

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

[FR Doc. E8-1705 Filed 1-30-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Directorate Identifier 2000-NM-120-AD]

**RIN 2120-AA64**

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB-120 series airplanes. That action would have required repetitive calibration testing of potentiometers to detect noisy signals, replacement of only those with noisy signals, and reporting results of the

calibration tests of the potentiometers and the readouts of the flight data recorder (FDR) to the airplane manufacturer. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has determined that while a noisy or defective potentiometer may hamper the ability to access certain aircraft data in support of either an accident or incident investigation or just general maintenance activities, there is no direct effect on the aircraft's ability to be operated safely. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** 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.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB-120 series airplanes, was published in the **Federal Register** as a second supplemental Notice of Proposed Rulemaking (NPRM) on February 1, 2005 (70 FR 5070). The proposed rule would have required repetitive calibration testing of potentiometers to detect noisy signals, replacement of only those with noisy signals, and reporting results of the calibration tests of the potentiometers and the readouts of the flight data recorder (FDR) to the airplane manufacturer. The proposed actions were intended to prevent the potentiometers that provide information on the positions of the primary flight controls to the FDR from transmitting noisy signals or becoming improperly calibrated, resulting in the transmission of incomplete or inaccurate data to the FDR.

#### Actions That Occurred Since the Second Supplemental NPRM Was Issued

Since the issuance of the second supplemental NPRM, the FAA has determined that while a noisy or defective potentiometer may hamper the ability to access certain aircraft data in support of either an accident or incident investigation or just general maintenance activities, there is no direct effect on the aircraft's ability to be operated safely.

On December 7, 2007, we issued Special Airworthiness Information Bulletin (SAIB) NM-08/10 to recommend calibrating, testing, and replacing certain potentiometers to the

ailerons, elevators, and rudder of the subject airplanes, which is part of the manufacturer's recommended maintenance program.

#### FAA's Conclusions

Upon further consideration, the FAA has determined that no unsafe condition exists. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this second supplemental NPRM constitutes only such action, and does not preclude the agency from issuing another action in the future, nor does it commit the agency to any course of action in the future.

#### Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

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

Air transportation, Aircraft, Aviation safety, Safety.

#### The Withdrawal

Accordingly, the second supplemental notice of proposed rulemaking, Directorate Identifier 2000-NM-120-AD, published in the **Federal Register** on February 1, 2005 (70 FR 5070), is withdrawn.

Issued in Renton, Washington, on January 15, 2008.

**Ali Bahrami,**

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

[FR Doc. E8-1706 Filed 1-30-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2007-29260; Airspace Docket 07-ASO-24]

#### Proposed Establishment of Class E Airspace; Winona, MS

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish Class E airspace at Winona, MS. An Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAP) Runways (RWY) 03-21 has been

developed for Winona-Montgomery County Airport. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP and for Instrument Flight Rule (IFR) operations at Winona-Montgomery County Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP. This action enhances the safety and airspace management of Winona-Montgomery County Airport.

**DATES:** Comments must be received on or before March 17, 2008.

**ADDRESSES:** Send comments on this proposal to the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, 1200 New Jersey Ave., SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590; telephone: 1-800-647-5527. You must identify the docket number FAA-2007-29260; Airspace Docket 07-ASO-24, at the beginning of your comments. You may also submit comments on the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

**FOR FURTHER INFORMATION CONTACT:** Melinda Giddens, System Support, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5610.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, view or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Those wishing the FAA to acknowledge