

in the event of wire damage, could lead to a short circuit and a possible ignition source, which could result in a fire in the airplane.

#### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Restatement of Requirements of AD 2004–15–16

#### Modification

(f) Within 4,000 flight hours after September 3, 2004 (the effective date of AD 2004–15–16): Modify the routing of wires in the RH wing by installing cable sleeves, per the Accomplishment Instructions of Airbus Service Bulletin A310–28–2148, Revision 01, dated October 29, 2002; or Revision 02, dated March 9, 2007. As of the effective date of this AD, Revision 02 must be used.

#### Actions Accomplished Previously

(g) Modification of the routing of wires accomplished before September 3, 2004, per Airbus Service Bulletin A310–28–2148, dated January 23, 2002, is acceptable for compliance with the corresponding requirements of paragraph (f) of this AD.

#### New Requirements of This AD

#### Modification (Additional Work)

(h) For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, dated January 23, 2002; or Airbus Service Bulletin A310–28–2148, Revision 01, dated October 29, 2002; have been done before the effective date of this AD: Within 6,000 flight hours or 30 months after the effective date of this AD, whichever occurs first, perform further modification by installing additional protection sleeves in the outer wing area near the cadensicon sensor and segregating wire route 2S in the RH pylon area, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007.

#### Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with 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.

#### Related Information

(j) European Aviation Safety Agency airworthiness directive 2007–0230, dated August 15, 2007, also addresses the subject of this AD.

#### Material Incorporated by Reference

(k) You must use Airbus Service Bulletin A310–28–2148, Revision 01, dated October

29, 2002; or Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007; as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On September 3, 2004 (69 FR 45578, July 30, 2004), the Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A310–28–2148, Revision 01, dated October 29, 2002.

(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 January 3, 2008.

Ali Bahrami,

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. E8–370 Filed 1–15–08; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2007–0129; Directorate Identifier 2007–NM–099–AD; Amendment 39–15331; AD 2008–02–01]

RIN 2120–AA64

#### Airworthiness Directives; EMBRAER Model EMB–135BJ 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 adhesive tapes used in the interior furnishings do not comply with the applicable flammability requirements. In case of some nearby ignition source, fire may propagate to the aircraft.

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective February 20, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 20, 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 notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on November 1, 2007 (72 FR 61822). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been found that some adhesive tapes used in the interior furnishings do not comply with the applicable flammability requirements. In case of some nearby ignition source, fire may propagate to the aircraft.

The corrective actions include an inspection to determine the presence of cotton adhesive tape, and replacement of the tape with new tape 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 received no comments on the NPRM or on the determination of the cost to the public.

#### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

#### 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 about 41 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 \$6,560, 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:

**2008-02-01 Empresa Brasileira De Aeronautica S.A. (EMBRAER):**  
Amendment 39-15331. Docket No. FAA-2007-0129; Directorate Identifier 2007-NM-099-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective February 20, 2008.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to EMBRAER Model EMB-135BJ airplanes, certificated in any category, as identified in EMBRAER Service Bulletin 145LEG-25-0080, dated October 10, 2006.

#### Subject

(d) Air Transport Association (ATA) of America Code 25: Equipment/Furnishings.

#### Reason

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

It has been found that some adhesive tapes used in the interior furnishings do not comply with the applicable flammability

requirements. In case of some nearby ignition source, fire may propagate to the aircraft.

The corrective actions include an inspection to determine the presence of cotton adhesive tape, and replacement of the tape with new tape if necessary.

### Actions and Compliance

(f) Within 48 months or 5,000 flight hours after the effective date of this AD, whichever occurs first, unless already done: Carry out a general visual inspection (GVI) for presence of cotton adhesive tape, part number (P/N) FMM 1121-5, in the interior of center-passenger cabin furnishings, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145LEG-25-0080, dated October 10, 2006. If any cotton tape, P/N FMM 1121-5, is found, before further flight, replace it with new PVF adhesive tape bearing P/N KB42/75, as specified in paragraphs (f)(1) and (f)(2) of this AD.

(1) Replace cotton adhesive tapes, P/N FMM 1121-5, located under the center-passenger cabin carpet, with new PVF adhesive tapes bearing P/N KB42/75, in accordance with the Accomplishment Instructions of the service bulletin.

(2) Replace cotton adhesive tapes, P/N FMM 1121-5, applied to electrical cables in the bottom of the forward galley assembly, to electrical cables and inside the left-hand (LH) and right-hand (RH) forward and LH aft side ledges, and to electrical cables, flexible hose of the video monitor, soundproofing blanket, and in the LH and RH forward and RH aft pocket door covers and partitions, with new PVF adhesive tapes bearing P/N KB42/75 with heat-shrinkable sleeve, P/N RNF-100-1-0, in accordance with the Accomplishment Instructions of the service bulletin.

**Note 1:** For the purpose of this AD, a general visual inspection (GVI) is: "A visual examination of the interior or exterior area of an installation or assembly to detect obvious damage, failure or irregularity. This level of inspection is made from within touching distance, unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight or drop-light, and may require removal or opening of access panels or doors. Stands, ladders or platforms may be required to gain proximity to the area being checked."

### 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, FAA, Transport Airplane Directorate, 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 Directive 2007-03-04, effective April 10, 2007, and EMBRAER Service Bulletin 145LEG-25-0080, dated October 10, 2006, for related information.

#### Material Incorporated by Reference

(i) You must use EMBRAER Service Bulletin 145LEG-25-0080, dated October 10, 2006, 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>.

Issued in Renton, Washington, on January 4, 2008.

**Ali Bahrami,**

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

[FR Doc. E8-470 Filed 1-15-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-0082; Directorate Identifier 2007-NM-219-AD; Amendment 39-15332; AD 2008-02-02]

RIN 2120-AA64

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and 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 the implementation of the Inertial Reference Units (IRU) on the ERJ-170 [and ERJ-190] may lead, in certain degraded modes, to an erroneous Flight Path Angle (FPA) indication on both Primary Flight Displays, with no alert to the flight crew. On the ERJ-170 [and ERJ-190], FPA is considered as important as pitch and bank angle for piloting purposes.

The unsafe condition is reduced ability of the flightcrew to control the flight path of the airplane. We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective February 20, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 20, 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:** 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.

**SUPPLEMENTARY INFORMATION:**

#### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on October 25, 2007 (72 FR 60599). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been found that the implementation of the Inertial Reference Units (IRU) on the ERJ-170 [and ERJ-190] may lead, in certain degraded modes, to an erroneous Flight Path Angle (FPA) indication on both Primary Flight Displays, with no alert to the flight crew. On the ERJ-170 [and ERJ-190], FPA is considered as important as pitch and bank angle for piloting purposes.

The unsafe condition is reduced ability of the flightcrew to control the flight path of the airplane. The corrective action is removal of certain wiring connections in the electrical connectors of both IRUs. 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 received no comments on the NPRM or on the determination of the cost to the public.

#### Revision to Final Rule for New Service Information

EMBRAER has issued a revision to a service bulletin identified in the NPRM as an appropriate source of service information for the AD. EMBRAER Service Bulletin 190-34-0009, Revision 01, dated October 9, 2007, incorporates an existing information notice that revises the wiring manual reference, and adds a serial number to the effectivity of the in-production airplanes that have an equivalent modification. We have changed paragraphs (c) and (f) of this AD accordingly, and added a statement in paragraph (f) giving credit for work performed in accordance with the original version of the service bulletin.

#### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD with the changes 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