

means for indicating occurrence of reasonably probable malfunctions, including power failure, to the flightcrew.

Issued in Kansas City, Missouri, on January 15, 2008.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

[Docket No. CE283; Notice No. 23-08-01-SC]

#### Special Conditions: Embraer S.A.; Model EMB-500; Brakes—Designation of Applicable Regulations

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

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This notice proposes special conditions for the Embraer S.A.; Model EMB-500 airplane. This airplane has a novel or unusual design feature associated with the braking system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to harmonize with Brazil's Agencia Nacional de Aviacao Civil (ANAC) and to maintain the same level of safety between the ANAC Type Certificate and the U.S. Type Certificate.

**DATES:** Comments must be received on or before February 22, 2008.

**ADDRESSES:** Mail comments on this proposal in duplicate to: Federal Aviation Administration, Regional Counsel, ACE-7, Attention: Rules Docket, Docket No. CE283, 901 Locust, Room 506, Kansas City, Missouri 64106, or delivered in duplicate to the Regional Counsel at the above address.

Comments must be marked: CE283. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Leslie B. Taylor, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE-111, 901 Locust, Room 301, Kansas City, Missouri, 816-329-4134, fax 816-329-4090, e-mail at [leslie.b.taylor@faa.gov](mailto:leslie.b.taylor@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Identify the regulatory docket or notice number and submit them in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The proposals described in this notice may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. If you wish the FAA to acknowledge receipt of the comments submitted in response to this notice, include with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. CE283." The postcard will be date stamped and returned to the commenter.

##### Background

On October 5, 2005, Embraer S.A. applied for a type certificate for their new Model EMB-500. The EMB-500 is a twin engine jet of a type popularly referred to as a very light jet. The airplane is proposed to be type certificated in the normal category of 14 CFR part 23 (and comparable Brazilian requirements RBHA 23). The EMB-500 is predominantly of metallic construction and is a conventionally configured low-wing monoplane with a T-tail and tricycle landing gear. The two Pratt and Whitney of Canada 1,600 pound thrust P&WC 617F/1 turboprop engines are aft fuselage mounted in typical business jet fashion. The engines are full authority digital engine control (FADEC) equipped.

The airplane's maximum takeoff weight is 9,965 pounds. The VMO/MMO is 275 KIAS/M .70, with a maximum operating altitude of 41,000 feet. Requested operations are day/night VFR/IFR, and icing operations approval is requested.

The FAA considers it necessary to add an additional airworthiness standard to adopt the commuter category requirement in 14 CFR 23.735(e), which the Administrator considers necessary to harmonize with ANAC and to maintain the same level of safety between the ANAC Type Certificate and the U.S. Type Certificate.

#### Type Certification Basis

Under the provisions of 14 CFR part 21, § 21.17, Embraer S.A. must show that the EMB-500 meets the applicable provisions of 14 CFR part 23, as amended by Amendment 23-1 through Amendment 23-55 thereto.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 23) do not contain adequate or appropriate safety standards for the EMB-500 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the EMB-500 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36; and the FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92-574, the "Noise Control Act of 1972."

Special conditions, as appropriate, as defined in § 11.19, are issued under § 11.38 and become part of the type certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

#### Novel or Unusual Design Features

The EMB-500 will incorporate the following novel or unusual design features: The takeoff speed and takeoff distance for this jet airplane make it necessary to adopt rejected takeoff requirements.

#### Applicability

As discussed above, these special conditions are applicable to the EMB-500. If Embraer S.A. applies at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well under § 21.101(a)(1).

#### Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

**List of Subjects in 14 CFR Part 23**

Aircraft, Aviation safety, Signs and symbols.

**Citation**

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.17; and 14 CFR 11.38 and 11.19.

**The Proposed Special Conditions**

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Embraer S.A. Model EMB-500 airplanes. Brakes-Designation of Applicable Regulations.

SC 23.735(e): Delete "In addition, for commuter category airplanes."

The rejected takeoff brake kinetic energy capacity rating of each main wheel brake assembly must not be less than the kinetic energy absorption requirements determined under either of the following methods.

(e)(1) The brake kinetic energy absorption requirements must be based on a conservative rational analysis of the sequence of events expected during a rejected takeoff at the design takeoff weight.

(e)(2) Instead of rational analysis, the kinetic energy absorption requirements for each main wheel brake assembly may be derived from the following formula—

$$KE = 0.0443WV^2N$$

Where:

KE = Kinetic energy per wheel (ft.-lbs.);

W = Design takeoff weight (lbs.);

V = Ground speed, in knots, associated with the maximum value of  $V_1$  selected in accordance with § 23.51(c)(1);

N = Number of main wheels with brakes.

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2008-0042; Directorate Identifier 2007-SW-26-AD]

RIN 2120-AA64

**Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB-BK 117C-2 Helicopters**

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for Eurocopter Deutschland GmbH (Eurocopter) Model MBB-BK 117C-2 helicopters. 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 European Aviation Safety Agency for the Republic of Germany, with which we have a bilateral agreement, states in the MCAI:

During inadvertent operation of the fire extinguishing system, in one case it occurred that one of the two injection tubes became disconnected. This condition, if not corrected, could affect the ability of the fire extinguishing system to perform its intended function in the case of activation.

The inability of the fire extinguishing system to suppress an engine fire creates an unsafe condition. The proposed actions are intended to address this unsafe condition by further securing the injection tubes with improved clamps, allowing suppression of a contained engine fire, and preventing an uncontained engine fire and subsequent loss of the helicopter.

**DATES:** We must receive comments on this proposed AD by February 22, 2008.

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

- *Federal eRulemaking Portal:* <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:* Deliver to U.S. Department of Transportation, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590 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 economic 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:** John Strasburger, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, Fort Worth, Texas 76193-0111, telephone (817) 222-5167, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:****Streamlined Issuance of AD**

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. This streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

This proposed AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The proposed AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

**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-2008-0042; Directorate Identifier 2007-SW-26-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