

## 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:

**2008–14–05 Agusta. S.p.A.:** Amendment 39–15600. Docket No. FAA–2008–0327; Directorate Identifier 2007–SW–21–AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective on August 21, 2008.

#### Other Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Agusta S.p.A. Model A109E and A119 helicopters, with hydraulic lines, part number (P/N) 109–0761–64–103 or P/N 109–0761–65–103, installed, certificated in any category.

#### Reason

(d) The mandatory continuing airworthiness information (MCAI) states: “Some cases of interference between the hydraulic pipe, P/N 109–0761–65–103, and the tail rotor control rod assembly have been detected on Model A109E helicopters \* \* \*. The interference, if not corrected, could damage the hydraulic pipes and lead to the loss of the hydraulic system No. 1 in flight. This AD \* \* \* is issued to extend the same mandatory corrective actions to A119 model due to its design similarity with A109E.”

This AD requires actions that are intended to address this unsafe condition.

#### Actions and Compliance

(e) Within the next 50 hours time-in-service (TIS), unless accomplished previously, and thereafter at intervals not to exceed 100 hours TIS:

(1) Inspect for interference between the hydraulic lines, P/N 109–0761–64–103 and P/N 109–0761–65–103, and the tail rotor control rod assembly, P/N 109–0032–01–41, in accordance with the Compliance Instructions, Part I, paragraph 3, of Agusta Bollettino Tecnico (BT) No. 109EP–73, dated December 4, 2006 (BT A109E), which is applicable to Model A109E helicopters, or BT 119–22, dated July 11, 2007 (BT 119–22), which is applicable to Model A119 helicopters.

(2) If you find interference between the hydraulic lines and the tail rotor control rod assembly, replace the hydraulic lines, P/N 109–0761–64–103 and P/N 109–0761–65–103, with hydraulic lines, P/N 109–0763–96–101 and P/N 109–0763–97–101, respectively, in accordance with the Compliance Instructions, Part II of BT A109E or BT 119–22, whichever is applicable to your model helicopter.

(f) Within 180 days, replace hydraulic lines, P/N 109–0761–64–103 and P/N 109–0761–65–103, with hydraulic lines, P/N 109–0763–96–101 and P/N 109–0763–97–101,

respectively, in accordance with the Compliance Instructions, Part II, of BT A109E or BT 119–22, whichever is applicable to your model helicopter.

#### Differences Between This AD and the MCAI

(g) This AD requires replacement of hydraulic lines, P/N 109–0761–64–103 and P/N 109–0761–65–103, within 180 days, unless previously accomplished, instead of replacing the hydraulic lines on the dates specified in the MCAI.

#### Other Information

(h) Alternative Methods of Compliance (AMOCs): The Manager, Safety Management Group, 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: Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, Fort Worth, Texas 76193–0110, telephone (817) 222–5123, fax (817) 222–5961.

#### Related Information

(i) MCAI EASA AD No 2007–0231, dated August 23, 2007, contains related information.

#### Air Transport Association of America (ATA) Tracking Code

(j) ATA Code 2910—Main Hydraulic System.

#### Material Incorporated by Reference

(k) You must use the specified portions of Agusta Bollettino Tecnico No. 109EP–73, dated December 4, 2006, or No. 119–22, dated July 11, 2007, as applicable, to do the actions required.

(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 Agusta, 21017 Cascina Costa di Samarate (VA) Italy, Via Giovanni Agusta 520, telephone 39 (0331) 229111, fax 39 (0331) 229605–222595.

(3) You may review copies at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Fort Worth, Texas 76193; 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 Fort Worth, Texas, on June 19, 2008.

**Judy I. Carl,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. E8–14727 Filed 7–16–08; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003–NM–33–AD; Amendment 39–15613; AD 2008–15–01]

#### RIN 2120–AA64

### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120, –120ER, –120FC, –120QC, and –120RT Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all EMBRAER Model EMB–120 series airplanes, that requires revising the airplane flight manual to include operational limitations for use of the autopilot, installing two placards that advise the flight crew to check the pitch trim before descent, and modifying the elevator trim system, which would terminate the requirements of the AD. The actions specified by this AD are intended to prevent pitch trim upsets if the pitch trim actuators jam or freeze, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective August 21, 2008.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 21, 2008.

**ADDRESSES:** 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all EMBRAER

Model EMB-120 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on February 8, 2008 (73 FR 7494). That action proposed to require revising the airplane flight manual to include operational limitations for use of the autopilot, installing two placards (with revised language) that advise the flight crew to check the pitch trim before descent, and modifying the elevator trim system, which would terminate the requirements of the AD.

**New Relevant Service Information**

The supplemental NPRM referred to EMBRAER Service Bulletins 120-27-0095 and 120-27-0096, both dated February 16, 2007, as the appropriate sources of service information for the elevator trim system modification. EMBRAER has since revised these service bulletins. Service Bulletins 120-27-0095, Revision 01, dated October 30, 2007; and 120-27-0096, Revision 01, dated October 1, 2007; include minor changes but provide no additional work. In this final rule, we have changed paragraph (d) to refer to Revision 01 of the service bulletins, added new paragraph (e) to provide credit for the prior accomplishment of the original service bulletins, and re-identified subsequent paragraphs accordingly.

**Comments**

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

**Request to Conditionally Allow Autopilot Re-Engagement**

SkyWest Airlines, Inc., requests that we revise the NPRM to allow autopilot re-engagement once pitch trim is recovered. According to the commenter, the inability to re-engage the autopilot for the remainder of the flight can place an unreasonable workload on a flightcrew during some of the most critical and demanding phases of flight.

We do not agree. We recognize that the inability to re-engage the autopilot could add to the flightcrew's workload during certain phases of flight, but we do not agree that continued flight would be safe with the autopilot re-engaged. When free pitch trim is restored after jamming, the appropriate approach is to continue the flight manually without the autopilot and report the issue to maintenance, rather than re-engaging the autopilot, so the cause of the jam can be evaluated and corrected before further use of the autopilot. We have not changed the AD regarding this issue.

**Request to Limit Conditions That Require Pitch Trim Check**

SkyWest requests that we require a pitch trim check only when a pitch trim jam is suspected. The commenter states that the existing criteria are too broad, as they would include extremes of descents in conditions of no ice, no moisture, and outside air temperature in excess of 25 degrees Celsius.

We disagree. Jamming of the trim system is not dependent on the environmental conditions. Internal friction of the trim actuators may gradually increase in normal use regardless whether the actuator is internally contaminated. We have not changed the AD regarding this issue.

**Conclusion**

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require adopting the AD with the changes described previously. We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

**Cost Impact**

The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per product	Number of U.S.-registered airplanes	Fleet cost
AFM revisions .....	1	\$80	\$0	\$80	103	\$8,240
Placard installation .....	2	80	182	342	103	35,226
Actuator replacement .....	7	80	16,670	17,230	103	1,774,690
Cable replacement .....	14	80	1,050	2,170	103	223,510

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

**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 Impact**

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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:

**2008-15-01 Empresa Brasileira De Aeronautica S.A. (EMBRAER):**

Amendment 39-15613. Docket 2003-NM-33-AD.

**Applicability:** All Model EMB-120, -120ER, -120FC, -120QC, and -120RT airplanes, certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent pitch trim upsets if the pitch trim actuators jam or freeze, which could result in reduced controllability of the airplane, accomplish the following:

**Revision of Airplane Flight Manual (AFM): AFM-120/794**

(a) Within 100 flight hours after the effective date of this AD, revise the FAA-approved AFM, EMBRAER AFM-120/794, as specified in paragraphs (a)(1) and (a)(2) of this AD. These actions may be accomplished by inserting a copy of this AD into the AFM.

(1) Revise the FLIGHT CONTROLS FAILURES paragraph of the Abnormal Procedures section by replacing the existing ELEVATOR TRIM JAMMING procedure with the following:

**“ELEVATOR TRIM JAMMING**

Control Wheel ..... Hold Firmly  
Autopilot ..... Disengage  
Airspeed ..... Reduce

**Note:** Minimum airspeed with flap 0°—160 KIAS

Pitch trim command    Check all switches and elevator trim wheel

If pitch trim is recovered:  
Re-trim the airplane and continue the flight with the autopilot disengaged, not exceeding the airspeed when the trim was recovered.

If pitch trim is not recovered:  
Land at the nearest suitable airport.  
Approach and landing configuration:

Landing gear ..... Down  
Flaps ..... 25  
Airspeed ..... Vref25

**CAUTION: DO NOT TRY TO RE-ENGAGE THE AUTOPILOT.”**

(2) Revise the Normal Procedures section of the AFM, after the current checklist item for activating the FASTEN BELTS switch, by inserting the following:

**“PITCH TRIM SYSTEM CHECK**

Control Wheel ..... Hold firmly  
Autopilot ..... Disengage  
Power Levers ..... As required  
Elevator Trim        As required  
Wheels.

**CAUTION: MANUALLY SET THE ELEVATOR TRIM WHEELS TO THE REQUIRED DESCENT ATTITUDE.**

If any trim system binding (if trim wheel rotates more than one trim wheel index mark after being released), or abnormal trim operation is observed:

Elevator Trim Jamming Procedure.        Perform

**CAUTION: DO NOT TRY TO RE-ENGAGE THE AUTOPILOT.**

If no abnormal trim operation is observed:

Flight Director        As required  
Vertical Mode.  
Autopilot ..... Reengage”

AFM Revision: Collins APS-65B Autopilot AFM Supplement

(b) Concurrently with the AFM revisions required by paragraph (a) of this AD, revise the Limitations section of the Collins APS-65B Autopilot System Supplement to include the following (this may be accomplished by inserting a copy of this AD into the AFM Supplement):

“1) The autopilot must not be used during descent unless a trim check has been performed successfully prior to descent, as follows:

**PITCH TRIM SYSTEM CHECK**

Control Wheel ..... Hold firmly  
Autopilot ..... Disengage  
Power Levers ..... As required  
Elevator Trim        As required  
Wheels.

**CAUTION: MANUALLY SET THE ELEVATOR TRIM WHEELS TO THE REQUIRED DESCENT ATTITUDE.**

If any trim system binding (if trim wheel rotates more than one trim wheel index mark after being released), or abnormal trim operation is observed:

Elevator Trim Jamming Procedure.        Perform

**CAUTION: DO NOT TRY TO RE-ENGAGE THE AUTOPILOT.**

If no abnormal trim operation is observed:

Flight Director        As required  
Vertical Mode.  
Autopilot ..... Reengage

2) If an elevator trim jamming is detected during flight and the pitch trim system resumes normal operation on ground, only a

ferry flight using a special permit may be performed to return the aircraft to a maintenance base for replacement of the actuators. In this case, the use of autopilot is prohibited.”

**Placard Installation**

(c) Within 300 flight hours after the effective date of this AD, install two placards on the glareshield, advising the flight crew to check the pitch trim before initial descent, in accordance with Part II of the Accomplishment Instructions of EMBRAER Service Bulletin 120-25-0262, Change 02, dated October 30, 2003.

**Elevator Trim System Modification**

(d) Within 36 months after the effective date of this AD, modify the elevator trim system, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 120-27-0095, Revision 01, dated October 30, 2007; and EMBRAER Service Bulletin 120-27-0096, Revision 01, dated October 1, 2007. Accomplishment of the modification terminates the requirements of paragraphs (a), (b), and (c) of this AD, and the corresponding AFM revisions and placards may be removed.

**Credit for Prior Accomplishment**

(e) A modification done before the effective date of this AD in accordance with EMBRAER Service Bulletins 120-27-0095 and 120-27-0096, both dated February 16, 2007, is acceptable for compliance with the requirements of paragraph (d) of this AD.

**Parts Installation**

(f) As of 36 months after the effective date of this AD, no person may install, on any airplane, an elevator trim tab actuator or control cable having a part number identified in Table 1 of this AD.

**TABLE 1.—PROHIBITED PARTS**

Part	Part No.
Elevator trim tab actuator.	120-19685-001; 120-19685-003; 120-19685-007; 120-38650-001; 120-39205-001; 5299; 5299-1.
Control cable ....	120-27729-095; 120-27729-097; 120-31370-095; 120-31370-097.

**Alternative Methods of Compliance**

(g)(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.

**Incorporation by Reference**

(h) You must use the service information contained in Table 2 of this AD 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 of the service information that is incorporated by reference 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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

TABLE 2.—MATERIAL INCORPORATED BY REFERENCE

Service Bulletin	Revision level	Date
EMBRAER Service Bulletin 120-25-0262 .....	Change 02 .....	October 30, 2003.
EMBRAER Service Bulletin 120-27-0095 .....	Revision 01 .....	October 30, 2007.
EMBRAER Service Bulletin 120-27-0096 .....	Revision 01 .....	October 1, 2007.

**Note 1:** The subject of this AD is addressed in Brazilian airworthiness directive 2001-06-01R4, effective August 23, 2007.

**Effective Date**

(i) This amendment becomes effective on August 21, 2008.

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

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8-15969 Filed 7-16-08; 8:45 am]

BILLING CODE 4910-13-P

**SOCIAL SECURITY ADMINISTRATION**

**20 CFR Part 404**

[Docket No. SSA-2006-0086]

RIN 0960-AG43

**Technical Changes to the Title II Regulations**

**AGENCY:** Social Security Administration.

**ACTION:** Direct Final Rule with request for comments.

**SUMMARY:** We are issuing this direct final rule to make technical corrections to our title II regulations affecting the Federal Old-Age, Survivors and Disability Insurance programs. This rule amends our regulations by correcting a cross-reference affecting entitlement to mother's and father's benefits, to include alternatives to the 9-month duration of marriage requirement. We are deleting an out-of-date cross-reference to the definition of "substantially all." In its place, we are restoring the regulatory definition for "substantially all" that had been inadvertently deleted to show if a grandchild or stepgrandchild is dependent based on our support requirements. Also, we are revising headings in six of our regulations to conform to plain language provisions of Executive Order (E.O.) 12866, as amended.

We are also amending one of our regulations for clarity and to correct a typographical error.

**DATES: Effective Date:** This direct final rule is effective September 15, 2008 unless adverse or critical comments are received by August 18, 2008. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**COMMENT DATE:** To be sure your comments are considered, we must receive them by August 18, 2008.

**ADDRESSES:** You may submit comments by one of four methods—Internet, facsimile, regular mail, or hand-delivery. Commenters should not submit the same comments multiple times or by more than one method. Regardless of which of the following methods you choose, please state that your comments refer to Docket No. SSA-2006-0086 to ensure that we can associate your comments with the correct regulation:

1. Federal eRulemaking portal at <http://www.regulations.gov>. (This is the most expedient method for submitting your comments, and we strongly urge you to use it.) In the "Comment or Submission" section of the webpage, type "SSA-2006-0086", select "Go", and then click "Send a Comment or Submission." The Federal eRulemaking portal issues you a tracking number when you submit a comment.

2. Telefax to (410) 966-2830.

3. Letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, Maryland 21235-7703.

4. Deliver your comments to the Office of Regulations, Social Security Administration, 922 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, between 8 a.m. and 4:30 p.m. on regular business days.

All comments are posted on the Federal eRulemaking portal, although they may not appear for several days after receipt of the comment. You may also inspect the comments on regular business days by making arrangements

with the contact person named in this preamble.

**Caution:** All comments we receive from members of the public are available for public viewing on the Federal eRulemaking portal at <http://www.regulations.gov>. Therefore, you should be careful to include in your comments only information that you wish to make publicly available on the Internet. We strongly urge you not to include any personal information, such as your Social Security number or medical information, in your comments.

**FOR FURTHER INFORMATION CONTACT:** Mary Jayne Neubauer, Social Insurance Specialist, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-7303. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:**

**Electronic Version**

The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>.

**Explanation of Changes**

Correction of cross-reference in section 404.339(a)—Who is entitled to mother's or father's benefits.

Section 404.339 describes how a person becomes entitled to mother's or father's benefits. Section 404.339(a) currently requires that the person be the widow or widower of the insured "and meet the conditions described in § 404.335(a)(1)", which refers to a 9-month duration of marriage requirement for a widow or widower. This cross-reference is incorrect because it does not include the alternatives to the 9-month duration of marriage requirement, which are contained in § 404.335(a)(2), (a)(3) and (a)(4). Therefore, we are