

determined that this final rule does not have federalism implications under Executive Order 13132.

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:

**2002–16–03 Boeing:** Amendment 39–12842. Docket 2002–NM–148–AD.

**Applicability:** All Model 737–600, –700, –700C, –800, and –900 series airplanes, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent corrosion of the electrical connectors and contacts in the wheel well of the main landing gear (MLG), which could result in incorrect functioning of critical airplane systems essential to safe flight and landing of the airplane, accomplish the following:

#### Determination of Exposure/Inspections/ Follow-On Actions

(a) Within 90 days after the effective date of this AD, do the requirements specified in either paragraph (a)(1) or (a)(2) of this AD.

(1) Determine airplane exposure to runway deicing fluids containing potassium formate by reviewing airport data on the type of components in the deicing fluid used at airports that support airplane operations.

(i) For airplanes that have not been exposed: Repeat the requirements in paragraph (a)(1) of this AD at least every 12 months.

(ii) For airplanes that have been exposed: Before further flight, do a detailed inspection of the line replaceable unit (LRU) electrical connectors (including the contacts and backshells) in the wheel well of the MLG for corrosion (the presence of moisture, corrosion pits, or white-colored material buildup), per Boeing Alert Service Bulletin 737–24A1148, dated December 6, 2001. Repeat the detailed inspection at least every 12 months.

**Note 2:** For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(2) Do a detailed inspection of the LRU electrical connectors (including the contacts and backshells) in the wheel well of the MLG for corrosion (the presence of moisture, corrosion pits, or white-colored material buildup), per the service bulletin. Repeat the detailed inspection at least every 12 months.

(b) Before further flight after doing any inspection specified in paragraph (a)(1)(ii) or (a)(2) of this AD, as applicable; do the requirements specified in paragraphs (b)(1), (b)(2), and (b)(3) of this AD, as applicable, per Boeing Alert Service Bulletin 737–24A1148, dated December 6, 2001.

(1) If no corrosion is found, clean the LRU connector.

(2) If any corrosion is found, replace the LRU connector with a new connector.

(3) Apply D5026NS corrosion inhibiting compound, or equivalent, to the affected areas.

#### Alternative Methods of Compliance

(c) 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, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through

an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

#### Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 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.

#### Incorporation by Reference

(e) Except as provided by paragraph (a)(1) of this AD: The actions shall be done in accordance with Boeing Alert Service Bulletin 737–24A1148, dated December 6, 2001. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(f) This amendment becomes effective on August 27, 2002.

Issued in Renton, Washington, on July 29, 2002.

**Vi L. Lipski,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–19878 Filed 8–9–02; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002–NM–166–AD; Amendment 39–12845; AD 2002–16–06]

**RIN 2120–AA64**

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and –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 EMBRAER Model EMB–135 and –145 series airplanes. This action requires determining whether a defective auxiliary power unit (APU) exhaust silencer is installed

on the airplane; and corrective actions, if necessary. This action is necessary to prevent separation of the aft baffle assembly from the APU exhaust silencer and consequent separation of the assembly from the airplane, which could cause damage to other airplanes during takeoff and landing operations, or injury to people on the ground. This action is intended to address the identified unsafe condition.

**DATES:** Effective August 27, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 27, 2002.

Comments for inclusion in the Rules Docket must be received on or before September 11, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-166-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: [9-anm-iarcomment@faa.gov](mailto:9-anm-iarcomment@faa.gov). Comments sent via the Internet must contain "Docket No. 2002-NM-166-AD" in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Tom Groves, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1503; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB-135 and -145 series airplanes. The DAC advises that

one report indicated that the aft baffle assembly separated from the shell assembly of auxiliary power unit (APU) exhaust silencer, part number 4503801B. This separation was caused by the poor quality of some spot welds used in the aft joint of the APU exhaust silencer. This condition, if not corrected, could result in consequent separation of the aft baffle assembly from the airplane, which could cause damage to other airplanes during takeoff and landing operations, or injury to people on the ground.

#### Explanation of Relevant Service Information

EMBRAER has issued Alert Service Bulletin 145-49-A021, Change 01, dated May 13, 2002, which describes procedures for determining whether a defective APU exhaust silencer is installed on the airplane; and corrective actions, if necessary. If a defective APU exhaust silencer is found installed, corrective actions include reinforcing the spot welds on the exhaust silencer assembly with fasteners to ensure that the components are secure. Accomplishment of the action specified in the service bulletin is intended to adequately address the identified unsafe condition.

The EMBRAER service bulletin references Hamilton Sundstrand ASB-4503801-49-2, Revision 01, dated May 13, 2002, as a secondary source of information for the corrective actions required by this AD.

The DAC classified the EMBRAER service bulletin as mandatory and issued Brazilian airworthiness directive 2002-05-01, dated May 17, 2002, in order to assure the continued airworthiness of these airplanes in Brazil.

#### FAA's Conclusions

These airplane models are manufactured in Brazil and are type certificated for operation in the United States under the provisions of § 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. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### 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 prevent separation of the aft baffle assembly from the APU exhaust silencer and consequent separation of the assembly from the airplane, which could cause damage to other airplanes during takeoff and landing operations, or injury to people on the ground. This AD requires determining whether a defective exhaust silencer for the auxiliary power unit is installed on the airplane; and corrective actions, if necessary. The actions are required to be accomplished in accordance with the EMBRAER service bulletin described previously, except as discussed below.

#### Difference Between the Service Bulletin/Brazilian Airworthiness Directive and This AD

Operators should note that the EMBRAER service bulletin and Brazilian airworthiness directive specify certain serial numbers and airplanes on which the APU cowlings were replaced during maintenance between January and April 2002. Regarding the specified dates, we contacted the Brazilian airworthiness authorities about why the applicability was limited to certain dates, and whether there was a change in maintenance practices after April 2002 that would prevent the installation of a defective APU exhaust silencer. In response, we were informed that no change was made to the maintenance practices after April 2002. For that reason, we cannot be sure that a defective assembly was not installed after that date. Therefore, the applicability of this AD also includes those airplanes on which the APU cowlings have been replaced between January 1, 2002, and the effective date of this AD.

#### 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.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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 2002-NM-166-AD." The postcard will be date stamped and returned to the commenter.

### 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.

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:

**2002-16-06 Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Amendment 39-12845. Docket 2002-NM-166-AD.

**Applicability:** Model EMB-135 and -145 series airplanes, certificated in any category; having the serial numbers listed in the table below; and those airplanes on which the auxiliary power unit (APU) cowlings have been replaced between January 1, 2002, and the effective date of this AD:

TABLE.—AIRPLANE SERIAL NUMBERS

145003	145149	145292	145311
145005	145151	145295	145318
145009	145159	145296	145323
145011	145238	145298	145562
			through
			145572
			inclusive.
145110	145267	145302	145574
			through
			145585
			inclusive.
145123	145269	145303	145587
145125	145274	145307	145588
145131	145281	145309	

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an

alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent separation of the aft baffle assembly from the APU exhaust silencer and consequent separation of the assembly from the airplane, which could cause damage to other airplanes during takeoff and landing operations, or injury to people on the ground, accomplish the following:

### Inspection and Corrective Actions

(a) Within 50 flight hours after the effective date of this AD, inspect the APU exhaust silencer to determine whether part number (P/N) 4503801B, serial number L01-0314 through L01-0326 inclusive, and serial number M01-0327 through N01-0336 inclusive, is installed on the airplane; per the Accomplishment Instructions of **EMBRAER** Alert Service Bulletin 145-49-A021, Change 01, dated May 13, 2002.

(1) If the APU exhaust silencer identified in paragraph (a) of this AD is not found installed, no further action is required by this paragraph.

(2) If the APU exhaust silencer identified in paragraph (a) of this AD is found installed, before further flight, do the corrective actions (including reinforcing the spot welds on the exhaust silencer assembly with fasteners to ensure that the components are secure) per the **EMBRAER** service bulletin.

**Note 2:** **EMBRAER** Alert Service Bulletin No. 145-49-A021, Change 01, dated May 13, 2002, references Hamilton Sundstrand ASB-4503801-49-2, Revision 01, dated May 13, 2002, as an additional source of information for the inspection and corrective actions required by this AD.

### Spares

(b) As of the effective date of this AD, no person shall install on any airplane an APU exhaust silencer, part number 4503801B, serial numbers L01-0314 through L01-0326 inclusive, and M01-0327 through M01-0336 inclusive, unless it has been modified in accordance with the requirements of paragraph (a)(2) of this AD.

### Alternative Methods of Compliance

(c) 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, International Branch, ANM-116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

### Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 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.

### Incorporation by Reference

(e) The actions shall be done in accordance with **EMBRAER** Alert Service Bulletin 145-49-A021, Change 01, dated May 13, 2002. 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 4:** The subject of this AD is addressed in Brazilian airworthiness directive 2002-05-01, dated May 17, 2002.

### Effective Date

(f) This amendment becomes effective on August 27, 2002.

Issued in Renton, Washington, on August 1, 2002.

**Vi Lipski,**

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

[FR Doc. 02-20017 Filed 8-9-02; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-NM-141-AD; Amendment 39-12844; AD 2002-16-05]

**RIN 2120-AA64**

### Airworthiness Directives; Boeing Model 767 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 Boeing Model 767 series airplanes. This action requires a one-time inspection for missing bolts on the inboard and outboard support of the inboard main flap, and follow-on inspections and corrective actions, if necessary. This action is necessary to detect missing, loose, or cracked bolts on the supports of the inboard main flap and prevent loss of the inboard main flap, which could result in loss of control of the airplane. This action is

intended to address the identified unsafe condition.

**DATES:** Effective August 27, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 27, 2002.

Comments for inclusion in the Rules Docket must be received on or before October 11, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-141-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: [9-anm-iarccomment@faa.gov](mailto:9-anm-iarccomment@faa.gov). Comments sent via fax or the Internet must contain "Docket No. 2002-NM-141-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

**Technical Information:** Suzanne Masterson, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2772; fax (425) 227-1181.

**Other Information:** Judy Golder, Airworthiness Directive Technical Editor/Writer; telephone (425) 687-4241, fax (425) 227-1232. Questions or comments may also be sent via the Internet using the following address: [judy.golder@faa.gov](mailto:judy.golder@faa.gov). Questions or comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

**SUPPLEMENTARY INFORMATION:** The FAA has received a report indicating that an operator found one missing bolt and two loose bolts out of four bolts at the aft attachment locations on the outboard support of the inboard main flap on a

Boeing Model 767 series airplane. There was evidence that the bolts were not installed tightly, though when the improper installation occurred has not been determined. The outboard support for the inboard main flap cannot carry limit load with one bolt missing in the aft attachment locations. Prior to this report, an evaluation by the airplane manufacturer had revealed that the titanium bolts on the inboard main flap on Model 767 series airplanes did not have an acceptable fatigue life or damage-tolerance rating. Missing, loose, or cracked bolts in this location, if not detected, could lead to loss of the inboard main flap, which could result in loss of control of the airplane.

### Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 767-27A0176, Revision 1, dated June 6, 2002, which describes procedures for a one-time general visual inspection for missing bolts on the inboard and outboard support of the inboard main flap. If no bolt is missing, the service bulletin also describes a detailed inspection for gaps between the nut and surrounding structure or between shim and joint, which would indicate a loose bolt. (For airplanes listed in Group 1 in the service bulletin, the service bulletin recommends that this inspection for gaps be done repetitively.) If any gap is found, the service bulletin describes procedures for a torque check of the bolts. If any bolt is missing or any loose bolt is found, the service bulletin recommends removal of all bolts in the area, accomplishment of a fluorescent dye penetrant inspection for cracking of the bolts, and/or installation of new or serviceable bolts. For Group 1 airplanes, the service bulletin also provides instructions for replacement of the existing titanium bolts with new steel bolts, which eliminates the need for accomplishment of the inspections. For Group 1 airplanes, replacing the titanium bolts with new steel bolts is intended to adequately address the identified unsafe condition.

### Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to detect missing, loose, or cracked bolts on the inboard and outboard support of the inboard main flap and prevent loss of the inboard main flap, which could result in loss of control of the airplane. This AD requires accomplishment of the actions specified in the service bulletin