

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. 98-NM-317-AD; Amendment 39-10904; AD 98-24-19]**

**RIN 2120-AA64**

### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes**

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

**ACTION:** Final rule; correcting amendment.

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**SUMMARY:** This document corrects information in an existing airworthiness directive (AD) that applies to certain Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 series airplanes. That AD currently requires revising the Performance Section of the Airplane Flight Manual (AFM) to provide the flightcrew with procedures to adjust landing distances for landings performed with the anti-icing system active. That AD also requires revising the Limitations Section of the AFM to prohibit certain types of approaches with the anti-icing system active. This document corrects a typographical error that resulted in reference to a supplement of the AFM that does not exist. This correction is necessary to ensure that the appropriate supplement of the AFM is revised.

**DATES:** Effective December 10, 1998.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of December 10, 1998 (63 FR 65050, November 25, 1998).

**FOR FURTHER INFORMATION CONTACT:** Thomas Peters, Aerospace Engineer, ACE-118A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6063; fax (770) 703-6097.

**SUPPLEMENTARY INFORMATION:** On November 16, 1998, the Federal Aviation Administration (FAA) issued AD 98-24-19, amendment 39-10904 (63 FR 65050, November 25, 1998), which applies to certain Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 series airplanes. That AD requires revising the Performance Section of the Airplane Flight Manual (AFM) to provide the flightcrew with procedures to adjust landing distances for landings performed with the anti-icing system active. That AD also requires revising the Limitations Sections

of the AFM to prohibit certain types of approaches with the anti-icing system active. That AD was prompted by a report that increased (i.e., higher than normal) flight idle thrust may occur when the anti-icing system is active. The actions required by that AD are intended to ensure that the flightcrew is advised of appropriate landing field lengths when operating with the anti-icing system active, and that instrument approaches at certain flap settings are prohibited with the anti-icing system active. Increased flight idle thrust when the anti-icing system is active, if not corrected, could result in landing overrun.

### **Need for the Correction**

As published, AD 98-24-19 contains a typographical error in paragraph (a)(2) of the AD. That paragraph specified a revision to the Limitations Section of Supplement 12 of the FAA-approved AFM; however, the correct supplement is Supplement 6. Supplement 12 of the AFM does not exist.

The FAA has determined that a correction to AD 98-24-19 is necessary. The correction will ensure that the appropriate supplement of the AFM is revised.

### **Correction of Publication**

This document corrects the error and revises the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains December 10, 1998.

Since this action only corrects a typographical error, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

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

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### **Adoption of the Correction**

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) by making the following correcting amendment:

### **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 [Corrected]**

2. Section 39.13 is amended by revising the following airworthiness directive (AD):

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. 98-NM-317-AD; Amendment 39-10904; AD 98-24-19]**

**RIN 2120-AA64**

### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes**

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

**ACTION:** Final rule; request for comments.

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**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 series airplanes. This action requires revising the Performance Section of the Airplane Flight Manual (AFM) to provide the flightcrew with procedures to adjust landing distances for landings performed with the anti-icing system active. This action also requires revising the Limitations Sections of the AFM to prohibit certain types of approaches with the anti-icing system active. This amendment is prompted by a report that increased (i.e., higher than normal) flight idle thrust may occur when the anti-icing system is active. The actions specified in this AD are intended to ensure that the flightcrew is advised of appropriate landing field lengths when operating with the anti-icing system active, and that instrument approaches at certain flap settings are prohibited with the anti-icing system active. Increased flight idle thrust when the anti-icing system is active, if not corrected, could result in landing overrun.

**DATES:** Effective December 10, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 10, 1998.

Comments for inclusion in the Rules Docket must be received on or before December 28, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-317-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

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 FAA, Small Airplane Directorate, Atlanta Aircraft Certification

Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Thomas Peters, Aerospace Engineer, ACE-118A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6063; fax (770) 703-6097.

**SUPPLEMENTARY INFORMATION:** The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB-145 series airplanes. The DAC advises that a fault was discovered during a review of Version II.2 of the Full Authority Digital Engine Control, which is installed on Model EMB-145 series airplanes equipped with Allison Model AE3007A1/2 engines. That fault affects operations when the anti-icing system is active, and causes increased (i.e., higher than normal) flight idle thrust during landing. Such increased flight idle thrust increases landing distances over those shown in the existing Performance Section of the FAA-approved Airplane Flight Manual (AFM), which could result in landing overrun if the landing distance is greater than the available runway. Also, such increased flight idle thrust during instrument approaches using the Flaps 22 setting could result in reduced controllability of the airplane due to inadequate drag to slow the airplane or to descend. This condition, if not corrected, also could result in landing overrun.

### **Explanation of Relevant Service Information**

The FAA has reviewed EMBRAER EMB-145 Airplane Flight Manual 145/1153, Revision 19, dated October 23, 1998, which describes procedures for revising the Performance Section of the FAA-approved AFM to provide the flightcrew with procedures to adjust landing distances for landings performed with the anti-icing system active.

### **FAA's Determination**

The FAA has determined that it is necessary to revise the Limitations Section of the FAA-approved AFM to prohibit instrument approaches using the Flaps 22 setting when the anti-icing system is active. This determination is based on the fact that, in conditions of increased flight idle thrust, such a setting may not provide adequate drag, which could reduce the ability of the flightcrew to slow the airplane or to descend, and could result in increased landing distances.

### **U.S. Type Certification of the Airplane**

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 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.

### **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 ensure that the flightcrew is advised of appropriate landing field lengths when operating with the anti-icing system active. This AD also is being issued to ensure that the flightcrew is advised that instrument approaches at certain flap settings are prohibited with the anti-icing system active. Increased flight idle thrust when the anti-icing system is active, if not corrected, could result in landing overrun. This

AD requires revising the Performance Section of the FAA-approved AFM to advise the flightcrew of adjustments to landing distances for landings performed with the anti-icing system active. This AD also requires revising the Limitations Section of the FAA-approved AFM to prohibit certain types of approaches with the anti-icing system active. Accomplishment of the AFM revisions is intended to adequately address the identified unsafe condition.

### **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.

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 98-NM-317-AD." The postcard will be date stamped and returned to the commenter.

### **Regulatory Impact**

The regulations adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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:

# AIRWORTHINESS DIRECTIVE

Aircraft Certification Service  
Washington, DC



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

*We post ADs on the internet at "www.faa.gov"*

The following Airworthiness Directive issued by the Federal Aviation Administration in accordance with the provisions of Title 14 of the Code of Federal Regulations (14 CFR) part 39, applies to an aircraft model of which our records indicate you may be the registered owner. Airworthiness Directives affect aviation safety and are regulations which require immediate attention. You are cautioned that no person may operate an aircraft to which an Airworthiness Directive applies, except in accordance with the requirements of the Airworthiness Directive (reference 14 CFR part 39, subpart 39.3).

**CORRECTION:** [*Federal Register: February 18, 1999 (Volume 64, Number 32); Page 7993-7994; www.access.gpo.gov/su\_docs/aces/aces140.html*]

**98-24-19 Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Amendment 39-10904. Docket 98-NM-317-AD.

**Applicability:** Model EMB-145 series airplanes, equipped with Allison Model AE3007A1/2 engines; certificated in any category.

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

To ensure that the flightcrew is advised of appropriate landing field lengths when operating with the anti-icing system active, and that instrument approaches at certain flap settings are prohibited with the anti-icing system active, accomplish the following:

(a) Within 10 days after the effective date of this AD, accomplish the actions specified by paragraphs (a)(1) and (a)(2) of this AD.

(1) Revise the Performance Section of the FAA-approved Airplane Flight Manual (AFM) by inserting a copy of EMBRAER EMB-145 AFM 145/1153, Revision 19, dated October 23, 1998, into the AFM.

**Note 1:** When landing in abnormal configurations per the emergency and abnormal procedures of Section 3 of the AFM and operating with the anti-icing system active, the landing field length multiples specified in Section 3 should be applied to the landing field lengths specified in Supplement 6 of Revision 19 of the AFM.

(2) Revise the Limitations Section of Supplement 6 of the FAA-approved AFM to include the following statement. This action may be accomplished by inserting a copy of this AD into the AFM.

**"Flaps 22 instrument approaches with anti-ice on are not approved."**

(b) 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, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(c) Special flight permits may be issued in accordance with sections 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.

(d) The AFM revision specified in paragraph (a)(1) of this AD shall be done in accordance with EMBRAER EMB-145 Airplane Flight Manual 145/1153, Revision 19, dated October 23, 1998, which contains the following list of effective pages:

<b>Page No.</b>	<b>Revision level shown on page</b>	<b>Date shown on page</b>
List of Effective Pages, Pages A, S6-i, S6-ii	19	October 23, 1998.
List of Effective Pages, Page B	18	August 6, 1998.

This incorporation by reference was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of December 10, 1998 (63 FR 65050, November 25, 1998). 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 FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) The effective date of this amendment remains December 10, 1998.

Issued in Renton, Washington, on February 9, 1999.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-3733 Filed 2-17-99; 8:45 am]

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