

**Appendix C to Subpart B of Part 532—
Appropriated Fund Wage and Survey
Areas**

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NEW YORK

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Buffalo*Survey Area*

New York:

Erie

Niagara

Area of Application. Survey area plus:

New York:

Cattaraugus

Chautauqua

Pennsylvania:

Elk (Only includes the Allegheny National
Forest portion)Forest (Only includes the Allegheny
National Forest portion)

McKean

Warren

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PENNSYLVANIA

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Pittsburgh*Survey Area*

Pennsylvania:

Allegheny

Beaver

Butler

Washington

Westmoreland

Area of Application. Survey area plus:

Pennsylvania:

Armstrong

Bedford

Blair

Cambria

Cameron

Centre

Clarion

Clearfield

Clinton

Crawford

Elk (Does not include the Allegheny
National Forest portion)

Erie

Fayette

Forest (Does not include the Allegheny
National Forest portion)

Greene

Huntingdon

Indiana

Jefferson

Lawrence

Mercer

Potter

Somerset

Venango

Ohio:

Belmont

Carroll

Harrison

Jefferson

Tuscarawas

West Virginia:

Brooke

Hancock

Marshall
Ohio

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[FR Doc. E8-23725 Filed 10-6-08; 8:45 am]

BILLING CODE 6325-39-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39****[Docket No. FAA-2008-1005; Directorate
Identifier 2008-NM-119-AD]****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 (FAA), DOT.**ACTION:** Notice of proposed rulemaking
(NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. 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 MCAI describes the unsafe condition as:

It was found one occurrence of a fuel booster pump circuit br[e]aker opening during an engine maintenance servicing. An inspection inside the fuel tank revealed the fuel booster pump[']s electrical harness chafing against its body, causing the loss of the electrical wiring protection and resulting in a short circuit. Further in-tank inspections have showed other fuel booster pump electrical harnesses chafing either with the pump body and/or with adjacent fuel lines, causing damage to the harness protective layers and resulting * * * [in a] possible ignition source inside the fuel tank.

* * * * *

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by November 6, 2008.

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

- *Federal eRulemaking Portal:* Go to <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:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, 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 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.

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:**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-2008-1005; Directorate Identifier 2008-NM-119-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 personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2008-05-01, effective June 13, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

It was found one occurrence of a fuel booster pump circuit br[e]aker opening during an engine maintenance servicing. An inspection inside the fuel tank revealed the fuel booster pump[']s electrical harness

chafing against its body, causing the loss of the electrical wiring protection and resulting in a short circuit. Further in-tank inspections have showed other fuel booster pump electrical harnesses chafing either with the pump body and/or with adjacent fuel lines, causing damage to the harness protective layers and resulting * * * [in a] possible ignition source inside the fuel tank.

* * * * *

The corrective actions include revising the Limitations section of the airplane flight manual to include a minimum fuel quantity, adding a minimum fuel quantity limitation for operation of the fuel booster pump, inspecting the fuel booster pump electrical harness of the left- and right-hand fuel tanks for damage, replacing any fuel booster pump having a damaged electrical harness, installing clamps on the tank structure, and installing tie down straps for the fuel booster pump electrical harness. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

EMBRAER has issued Service Bulletin 120-28-0016, dated January 9, 2008. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

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 proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are

highlighted in a NOTE within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 110 products of U.S. registry. We also estimate that it would take about 8 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$269 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$99,990, or \$909 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

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 proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket No. FAA-2008-1005; Directorate Identifier 2008-NM-119-AD.

Comments Due Date

(a) We must receive comments by November 6, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to EMBRAER Model EMB-120, -120ER, -120FC, -120QC, and -120RT airplanes, certificated in any category, serial numbers 120001 to 120359.

Subject

(d) Air Transport Association (ATA) of America Code 28: Fuel.

Reason

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

"It was found one occurrence of a fuel booster pump circuit breaker opening during an engine maintenance servicing. An inspection inside the fuel tank revealed the fuel booster pump's electrical harness chafing against its body, causing the loss of the electrical wiring protection and resulting in a short circuit. Further in-tank inspections have showed other fuel booster pump electrical harnesses chafing either with the pump body and/or with adjacent fuel lines, causing damage to the harness protective layers and resulting * * * [in a] possible ignition source inside the fuel tank."

* * * * *

The corrective actions include revising the Limitations section of the airplane flight manual (AFM) to include a minimum fuel

quantity, adding a minimum fuel quantity limitation for operation of the fuel booster pump, inspecting the fuel booster pump electrical harness of the left- and right-hand fuel tanks for damage, replacing any fuel booster pump having a damaged electrical harness, installing clamps on the tank structure, and installing tie down straps for the fuel booster pump electrical harness.

Actions and Compliance

(f) Unless already done, do the following actions.

(1) Within 30 days after the effective date of this AD, insert in the Limitations section of the AFM a copy of this AD or the following statement:

“The minimum fuel quantity inside each tank must be 300 kg (662 pounds) or 370 liters (97.75 gallons).”

(2) As of the effective date of this AD, any fuel tank defueling or other maintenance action which demands use of the fuel booster pumps is limited to a minimum fuel quantity of no less than 300 kilograms (662 pounds) or 370 liters (97.75 gallons) inside the respective tank.

(3) Within 4,000 flight hours, or 24 months, or at the next scheduled or unscheduled fuel tank opening after the effective date of this AD, whichever occurs first, do the following actions:

(i) Inspect the fuel booster pump electrical harness of the left- and right-hand fuel tanks for damage on its external protection, in accordance with paragraph 3.F. (Part I) of the Accomplishment Instructions of EMBRAER Service Bulletin 120-28-0016, dated January 9, 2008. If any damaged fuel booster pump electrical harness is found, before further flight, replace the affected fuel booster pump with another fuel booster pump bearing the same part number, in accordance with EMBRAER Service Bulletin 120-28-0016, dated January 9, 2008.

(ii) Install clamps and tie down straps on the tank structure and attach each fuel booster pump electrical harness to the left- and right-hand fuel tanks to avoid eventual chafing against the pump body, adjacent fuel lines, structure or any other part, and to prevent damage to the harness protective layers, in accordance with paragraph 3.G. (Part II) of the Accomplishment Instructions of EMBRAER Service Bulletin 120-28-0016, dated January 9, 2008.

(4) After complying with the actions in paragraphs (f)(3)(i) and (f)(3)(ii) of this AD, the limitations imposed by paragraphs (f)(1) and (f)(2) of this AD are no longer required, and the AFM revision required by paragraph (f)(1) of this AD may be removed from the AFM.

FAA AD Differences

Note: 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: 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. 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 2008-05-01, effective June 13, 2008; and EMBRAER Service Bulletin 120-28-0016, dated January 9, 2008; for related information.

Issued in Renton, Washington, on September 29, 2008.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8-23666 Filed 10-6-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2008-1065; Directorate Identifier 2008-NM-126-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 727 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Boeing Model 727 airplanes. This proposed AD would require, among other actions, installing new ground fault interrupter (GFI) relays for the main fuel tanks and the auxiliary fuel tank pumps. This proposed AD also would require revising the FAA-approved maintenance program to

incorporate new Airworthiness Limitations (AWLs) for the GFI of the boost pumps and for the uncommanded on system for the auxiliary fuel tank pumps. This proposed AD results from fuel system reviews conducted by the manufacturer. We are proposing this AD to prevent an electrical fault in the fuel pump system, which might cause a connector or end cap to burn through and a subsequent fire or explosion inside the fuel pump or wing spar area. We are also proposing this AD to prevent uncommanded operation of the auxiliary fuel tank pumps, which can cause them to run dry. This condition will increase pump temperature and could supply an ignition source to fumes in the fuel tank, which can result in a consequent fire or explosion.

DATES: We must receive comments on this proposed AD by November 21, 2008.

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

- *Federal eRulemaking Portal:* Go to <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:* 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.

For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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: Binh Tran, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6485; fax (425) 917-6590.