

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.

**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-2008-1065; Directorate Identifier 2008-NM-126-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 because of 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 FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled "Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements" (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 ("SFAR 88," Amendment 21-78, and subsequent Amendments 21-82 and 21-83).

Among other actions, SFAR 88 requires certain type design (i.e., type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: Single failures, single failures in combination with a latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

We have determined that the actions identified in this AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

We have determined that the fuel pump control system on certain Model 727 airplanes must be changed by installing ground fault interrupter (GFI) relays that will interrupt the electrical power to the fuel pumps when a ground fault is detected. The GFI relays will remove the 115VAC power from the fuel pumps before electrical arcing can occur. An electrical fault in the fuel pump system, if not corrected, might cause a connector or end cap to burn through and a subsequent fire or explosion inside the fuel pump or wing spar area.

In addition, we have determined that electrical faults within the fuel tank pump system on certain Model 727-100 and -200 series airplanes can cause a pump to operate when the pump switch is in the "OFF" position (referred to as "uncommanded on" (UCO) pump operation). Uncommanded operation of the auxiliary fuel tank pumps can cause them to run dry, which will increase pump temperature and could supply an ignition source to fumes in the fuel tank, and result in a consequent fire or explosion.

**Relevant Service Information**

We have reviewed Boeing Alert Service Bulletin 727-28A0128, dated April 4, 2008. The service bulletin describes procedures for installing new GFI relays for the main fuel tanks and the auxiliary fuel tank pumps and doing other specified actions. The other specified actions include installing new wires and modifying some existing wires to support the installation of the new GFI relays.

We also have reviewed Boeing Alert Service Bulletin 727-28A0130, dated

April 30, 2008. The service bulletin describes procedures for:

- Installing new ground blocks, track, switch mounting bracket, relay mounting bracket, toggle switches, and relays, and making changes to the wire bundles in the GFI relay panel in the electronic equipment bay; and
- Installing new circuit breakers and lights and making changes to wire bundles on the third crewman's P6 and P4 panels in the flight compartment.

For certain airplanes identified in Boeing Alert Service Bulletin 727-28A0128, the procedures specified in Boeing Alert Service Bulletin 727-28A0130 must be done concurrently with the procedures specified in Boeing Alert Service Bulletin 727-28A0128.

In addition, we have reviewed "Boeing 727-100/200 Airworthiness Limitations (AWLs)," D6-8766-AWL, Revision August 2007 (hereafter referred to as "Document D6-8766-AWL"). Document D6-8766-AWL describes, among other actions, new AWLs for the GFI of the boost pumps (i.e., 28-AWL-16) and for the Auxiliary Tanks Boost Pump Uncommanded On System (i.e., 28-AWL-17).

**FAA's Determination and Requirements of This Proposed AD**

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the(se) same type design(s). This proposed AD would require the following actions:

- Installing new GFI relays for the main fuel tanks and the auxiliary fuel tank pumps.
- For certain airplanes, installing new ground blocks, track, switch mounting bracket, relay mounting bracket, toggle switches, and relays, and changing the wire bundles in the GFI relay panel in the electronic equipment bay.
- For certain airplanes, installing new circuit breakers and lights and changing wire bundles on the third crewman's P6 and P4 panels in the flight compartment.
- Revising the FAA-approved maintenance program to incorporate AWL numbers 28-AWL-16 and 28-AWL-17, which would require repetitive inspections of the GFI of the boost pumps and of the uncommanded on system for the auxiliary fuel tank pumps, respectively.

**Costs of Compliance**

We estimate that this proposed AD would affect 199 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

TABLE—ESTIMATED COSTS

| Action  | Work hours                         | Average labor rate per hour (dollars) | Parts  | Cost per product                             | Number of U.S.-registered airplanes | Fleet cost  |
|---|------------------------------------|---------------------------------------|--|--|-------------------------------------|---|
| Installation of new GFI relays.               | Between 202 and 416 <sup>1</sup> . | \$80                                  | Between \$30,619 and \$59,785 <sup>1</sup> . | Between \$46,779 and \$93,065 <sup>1</sup> . | 199                                 | Between \$9,309,021 and \$18,519,935 <sup>1</sup> . |
| Concurrent Requirements.                      | Between 68 and 209 <sup>1</sup> .  | 80                                    | Between \$1,292 and \$10,470 <sup>1</sup> .  | Between \$6,732 and \$27,190 <sup>1</sup> .  | 35                                  | Between \$235,620 and \$951,650 <sup>1</sup> .      |
| Revision of FAA-approved maintenance program. | 1 .....                            | 80                                    | None .....                                   | \$80 .....                                   | 199                                 | \$15,920.   |

<sup>1</sup> Depending on the airplane configuration.

### 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.

You can find our regulatory evaluation and the estimated costs of compliance 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:

**Boeing:** Docket No. FAA-2008-1065; Directorate Identifier 2008-NM-126-AD.

#### Comments Due Date

- (a) We must receive comments by November 21, 2008.

#### Affected ADs

- (b) None.

#### Applicability

(c) This AD applies to Boeing Model 727, 727C, 727-100, 727-100C, 727-200, and 727-200F series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 727-28A0128, dated April 4, 2008.

**Note 1:** This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (j) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

### Unsafe Condition

(d) This AD results from fuel system reviews conducted by the manufacturer. We are issuing 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 issuing 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.

### Compliance

(e) Comply with this AD within the compliance times specified, unless already done.

### Installation

(f) Within 60 months after the effective date of this AD, install new ground fault interrupter (GFI) relays for the main fuel tanks and the auxiliary fuel tank pumps and do all the other specified actions by accomplishing all the applicable actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 727-28A0128, dated April 4, 2008.

### Concurrent Requirements

(g) For airplanes identified as Groups 5 through 18 inclusive, in Boeing Alert Service Bulletin 727-28A0128, dated April 4, 2008: Concurrently with the installation required by paragraph (f) of this AD, do the actions specified in paragraphs (g)(1) and (g)(2) of this AD in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 727-28A0130, dated April 30, 2008.

(1) Install new ground blocks, track, switch mounting bracket, relay mounting bracket, toggle switches, and relays, and make changes to the wire bundles in the GFI relay panel in the electronic equipment bay.

(2) Install new circuit breakers and lights and make changes to wire bundles on the third crewman's P6 and P4 panels in the flight compartment.

### Maintenance Program Revision

(h) Concurrently with accomplishing the installation required by paragraph (f) of this AD, revise the FAA-approved maintenance program by incorporating AWLs numbers 28-AWL-16 and 28-AWL-17 of Section D of

the "Boeing 727-100/200 Airworthiness Limitations (AWLs)," D6-8766-AWL, Revision August 2007 (hereafter referred to as "Document D6-8766-AWL.")

#### No Alternative Inspection or Inspection Intervals

(i) After accomplishing the action required by paragraph (h) of this AD, no alternative inspections or inspection intervals may be used, unless the inspections or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (j) of this AD.

#### Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, ATTN: Binh Tran, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6485; fax (425) 917-6590; has the authority to approve AMOCs for this AD, if requested using 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.

Issued in Renton, Washington, on September 18, 2008.

**Michael Kaszycki,**

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

[FR Doc. E8-23668 Filed 10-6-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2008-0960; Airspace Docket No. 08-ASW-17]

#### Proposed Establishment of Class D and Class E Airspace; Conroe, TX

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish Class D airspace and Class E Surface Area airspace at Lone Star Executive Airport, Conroe, TX. The establishment of an air traffic control tower has made these actions necessary for the safety of Instrument Flight Rule (IFR) operations at Lone Star Executive Airport. Class D airspace will revert to a Class E2 Surface Area during periods when the control tower is not operating.

**DATES:** Comments must be received on or before November 21, 2008.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. You must identify the docket number FAA-2008-0960/Airspace Docket No. 08-ASW-17, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the ground floor of the building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Area, System Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76193-0530; telephone: (817) 222-5582.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2008-0960/Airspace Docket No. 08-ASW-17." The postcard will be date/time stamped and returned to the commenter.

##### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the Superintendent of Document's Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a

request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

##### The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing a Class D airspace area and Class E Surface Area for IFR operations at Lone Star Executive Airport, Conroe, TX. The Class D airspace will revert to a Class E Surface Area during those periods when the control tower is not operating. These areas would be depicted on appropriate aeronautical charts.

Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

Class E Surface Areas are published in Paragraph 6002 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class E Surface Area designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code.