



EASA Safety Information Notice

No.: 2008-09

Issued: 06 February 2008

Subject: Non-compliance with Airworthiness Directive (AD) Requirements

Ref. Publications: FAA AD 2008-03-03; ANAC (Brazil) AD 2002-01-01 R3; and Embraer Alert Service Bulletin (ASB) 145-27-A106.

Introduction: On 24 December 2007, EASA was informed by the Agência Nacional de Aviação Civil (ANAC) of Brazil of a rejected take-off incident that had occurred with an EMB-145 aircraft. The investigation showed that this aircraft had not yet been modified as required by ANAC AD 2002-01-01 R3 dated 08 November 2002. The established compliance time for the final modification required by this AD is 10 000 flight hours or 60 calendar months [after 08 November 2002], whichever occurs first. For aircraft registered in European Union (EU) Member States (and countries that follow EU regulation), the modification should therefore have been accomplished by November 2007. EASA has been informed that all affected aircraft have been modified within the required time period.

Nevertheless, as the incident findings indicated that some US-registered aircraft might be non-compliant, Embraer found it prudent to draw (US) operators' attention to this possibility and issued ASB 145-27-A106 to address this safety issue. This ASB subsequently became the basis for FAA AD 2008-03-03 which, unfortunately, has created some considerable confusion, both among EMB135/-145 operators and airworthiness authorities in the EU.

FAA AD 2008-03-03 applies to "EMBRAER Model EMB-135BJ, -135ER, -135KE, -135KL, and -135LR airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes; certificated in any category; as identified in EMBRAER Alert Service Bulletin 145-27-A106, Revision 02, dated December 28, 2007."

However, ASB 145-27-A106, Revision 02, dated December 28, 2007 states that the affected aircraft are those equipped with mechanical Gust Lock System PRE-MOD SB145-27-0075 and SB145-27-0086.

Embraer has provided more detailed information that indicates that only 38 aircraft are affected by this ASB, being Models EMB-145EP, EMB-145ER, EMB-145LR, EMB-145LU and EMB-145MP. Consequently, no EMB-135() aircraft are affected. More specifically, all EMB-135BJ "Legacy" aircraft have been fitted with the

electromechanical gust lock system prior to delivery. Although FAA AD 2008-03-03 appears to be applicable to EMB-135BJ aircraft, the AD is not technically applicable because there is no EMB-135BJ equipped with the mechanical system.

Within the current EU regulatory framework, ANAC AD 2002-01-01 R3 is the applicable 'State of Design' AD for the subject unsafe condition. Given the information described above and available to the Agency at this time, no EASA AD action is warranted.

Applicability: Embraer EMB-135() and EMB-145() aircraft.

Recommendation: This SIN is for information only.

Contact: For further information contact the Airworthiness Directives, Safety and Research Section, Certification Directorate, EASA.
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