

## 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:

**2010–15–06 GROB–WERKE GMBH & CO KG:** Amendment 39–16372; Docket No. FAA–2010–0458; Directorate Identifier 2010–CE–023–AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective September 9, 2010.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to GROB–WERKE GMBH & CO KG Models G102 ASTIR CS and G102 STANDARD ASTIR III gliders, all serial numbers, that are:

- (1) certificated in any category; and
- (2) have water ballast equipment installed (the water ballast equipment could have been included as part of an option).

#### Subject

(d) Air Transport Association of America (ATA) Code 41: Water Ballast.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states: During an annual inspection, a water ballast hose connector was found disconnected from the fuselage wall of an Astir CS.

The investigation has shown that the hose-fuselage connection bonding has been degraded over years of service.

This condition, if not corrected, could lead to the following consequences:

- The water contained in the wing tanks could run down into the fuselage and fuselage tail which could cause a displacement of the sailplane centre of gravity and consequently may lead to the loss of the sailplane controllability, or/and
- The loosened hose may jam the flight controls (push rods) and consequently may lead to the loss of the sailplane controllability.

For the reason stated above, the original issue of this AD required the inspection of the waterballast system hose-fuselage connections and the accomplishment of the relevant corrective actions (repair) as necessary.

This AD is revised to clarify the purpose of the insertion of the repetitive inspection in the Aircraft Maintenance Programme and to refer to a more appropriate scheduled maintenance review for the insertion of the repetitive inspection in the Aircraft Maintenance Programme.

#### Actions and Compliance

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

(1) Within 30 days after September 9, 2010 (the effective date of this AD) and repetitively thereafter at intervals not to exceed 12 months, inspect the bonding between the water ballast system hose connectors and the fuselage wall connectors for correct and tight connection following paragraph 1.8 of Grob Aircraft Service Bulletin No. MSB–GROB–003, dated October 21, 2009.

(2) If, during any inspection required by paragraph (f)(1) of this AD, any weak bonding is found, before further flight, repair the connection between the water ballast system hose connectors and the fuselage wall connectors following the instructions of paragraph 1.8 of Grob Aircraft Service Bulletin No. MSB–GROB–003, dated October 21, 2009.

(3) After September 9, 2010 (the effective date of this AD), when installing a water ballast system on any affected sailplane, ensure that the water ballast system hose connectors and the fuselage wall connector are properly and tightly bonded.

(4) Within 30 days after September 9, 2010 (the effective date of this AD), insert the following scheduled maintenance task into the FAA-approved aircraft maintenance program: “During each annual inspection and without exceeding a 12-month interval, inspect the bonding between the water ballast system hose connectors and the fuselage wall connectors for correct and tight connection. Repair any incorrect or loose connection.”

#### 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, Standards Office, 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: Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4130; *fax:* (816) 329–4090. 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 (44 U.S.C. 3501 *et seq.*), 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 European Aviation Safety Agency AD No.: 2010–0053R1, dated April 14, 2010; and Grob Aircraft Service Bulletin No. MSB–GROB–003, dated October 21, 2009, for related information.

#### Material Incorporated by Reference

(i) You must use Grob Aircraft Service Bulletin No. MSB–GROB–003, dated October 21, 2009, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Grob Aircraft, Head of Customer Service & Support, Lettenbachstr. 9, Tussenhausen-Matties, Germany; *telephone:* +49 (0) 8268 998 139; *fax:* +49 (0) 8268 998 200; *E-mail:* [productsupport@grob-aircraft.com](mailto:productsupport@grob-aircraft.com); *Internet:* [www.grob-aircraft.com](http://www.grob-aircraft.com) and/or <http://www.firecmm.com>.

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329–3768.

(4) You may also review copies of the service information incorporated by reference for this AD at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Kansas City, Missouri, on July 15, 2010.

**Kim Smith,**

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

[FR Doc. 2010–18289 Filed 8–4–10; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2008–1079; Directorate Identifier 2008–NM–116–AD; Amendment 39–16377; AD 2010–16–01]

RIN 2120–AA64

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135ER, –135KE, –135KL, and –135LR Airplanes, and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding an existing airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an airworthiness authority of another country to identify and correct an unsafe condition on an aviation product. The earlier MCAI, Brazilian Airworthiness Directive 2007–08–02, effective September 27, 2007, describes the unsafe condition as:

Fuel system reassessment, performed according to RBHA–E88/SFAR–88 (Regulamento Brasileiro de Homologacao Aeronautica 88/Special Federal Aviation Regulation No. 88), requires the inclusion of new maintenance tasks in the Critical Design Configuration Control Limitations (CDCCL) and in the Fuel System Limitations (FSL), necessary to preclude ignition sources in the fuel system. \* \* \*

The new MCAI, Brazilian Airworthiness Directive 2009–08–03, effective August 20, 2009, describes the unsafe condition as:

An airplane fuel tank systems review required by Special Federal Aviation Regulation Number 88 (SFAR 88) and “RBHA Especial Número 88” (RBHA E 88) has shown that additional maintenance and inspection instructions are necessary to maintain the design features required to preclude the existence or development of an ignition source within the fuel tanks of the airplane.

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective September 9, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 9, 2010.

On July 30, 2008 (73 FR 35904, June 25, 2008), the Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a supplemental notice of proposed rulemaking (NPRM) to amend

14 CFR part 39 to include an AD that would apply to the specified products. That supplemental NPRM was published in the **Federal Register** on March 23, 2010 (75 FR 13689), and proposed to supersede AD 2008–13–14, Amendment 39–15577 (73 FR 35904, June 25, 2008). That NPRM proposed to require revision of the airworthiness limitations section of the Instructions for Continued Airworthiness to incorporate new limitations for fuel tank systems. The earlier MCAI, Brazilian Airworthiness Directive 2007–08–02, effective September 27, 2007, describes the unsafe condition as:

Fuel system reassessment, performed according to RBHA–E88/SFAR–88 (Regulamento Brasileiro de Homologacao Aeronautica 88/Special Federal Aviation Regulation No. 88), requires the inclusion of new maintenance tasks in the Critical Design Configuration Control Limitations (CDCCL) and in the Fuel System Limitations (FSL), necessary to preclude ignition sources in the fuel system. \* \* \*

The new MCAI, Brazilian Airworthiness Directive 2009–08–03, effective August 20, 2009, describes the unsafe condition as:

An airplane fuel tank systems review required by Special Federal Aviation Regulation Number 88 (SFAR 88) and “RBHA Especial Número 88” (RBHA E 88) has shown that additional maintenance and inspection instructions are necessary to maintain the design features required to preclude the existence or development of an ignition source within the fuel tanks of the airplane.

The corrective action is revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA) to incorporate new limitations for fuel tank systems. You may obtain further information by examining the MCAI in the AD docket.

**Comments**

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

**Request To Allow Service Bulletin for Compliance**

ExpressJet Airlines and EMBRAER request that we revise the supplemental NPRM to consider Parker Service Bulletin 367–934–28–110, Revision A, dated December 19, 2006, as documentation for past compliance with the inspections and functional checks of the safe-life features.

ExpressJet reports that, since early 2007, Parker has been referencing this service bulletin (by marking the inspected units with the service bulletin number and date of accomplishment) to show compliance with these inspections.

EMBRAER notes that the fuel conditioning unit (FCU) and the ventral fuel conditioning unit (VFCU) are manufactured by Parker. To clarify which checks and inspections are to be performed on the FCU and VFCU, and ensure that the safe-life features are maintained, Parker has published Component Maintenance Manuals (CMMs) 28–41–36, Revision 4, dated March 13, 2009; 28–41–69, Revision 2, dated March 13, 2009; and 28–41–80, dated April 3, 2009. Parker also issued Test Manual (TM) 4213–025, “Identicality of Testing Performed—EMB–145 FCU CMM 28–41–XX/Service Bulletin 367–934–28–110 for EMB–145 FAMILY—Fuel Conditioning Units,” Revision A, dated October 13, 2009. EMBRAER states that the purpose of the TM is to describe the identicality of the testing performed on EMB–145 FCUs returned under the current service bulletin to the CMMs. The TM substantiates that all CUs already in compliance with the 10,000-flight-hour inspection in accordance with Parker Service Bulletin 367–934–28–110 have had the equivalent inspection to the safe-life testing required in the CMMs. EMBRAER reports that, when an FCU is returned to the field after having the service bulletin incorporated, the unit is returned to the customer with an FAA 8130–3 tag indicating that Parker Service Bulletin 367–934–28–110 was accomplished, and the FCU is also marked accordingly.

We agree with the request and the commenters’ rationale. We have added a provision to this AD to consider FCUs inspected by Parker and marked with the service bulletin number and the date of accomplishment to be in compliance with the requirements of paragraph (g)(1) of this AD.

**Conclusion**

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

**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 a U.S. court of law. 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 required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are described in a separate paragraph of the AD. These requirements, if any, take precedence over the actions copied from the MCAI.

#### Costs of Compliance

Based on the service information, we estimate that this AD affects about 41 products of U.S. registry.

The actions that are required by AD 2008-13-14 and retained in this AD take about 1 work-hour per product, at an average labor rate of \$85 per work hour. Based on these figures, the estimated cost of the currently required actions is \$85 per product.

We estimate that it takes about 1 work-hour per product to comply with the new basic requirements of this AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of the AD on U.S. operators to be \$3,485, or \$85 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 AD will not have federalism implications under Executive Order 13132. This AD 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.

For the reasons discussed above, I certify that this AD:

(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) 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 AD and placed it in the AD Docket.

#### 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 the NPRM, 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.

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

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

#### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 removing Amendment 39-15577 (73 FR 35904, June 25, 2008) and adding the following new AD:

**2010-16-01 Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Amendment 39-16377. Docket No. FAA-2008-1079; Directorate Identifier 2008-NM-116-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective September 9, 2010.

#### Affected ADs

(b) This AD supersedes AD 2008-13-14, Amendment 39-15577.

#### Applicability

(c) This AD applies to Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR airplanes, and Model EMB-145, -145ER,

-145MR, -145LR, -145XR, -145MP, and -145EP airplanes; certificated in any category; except for Model EMB-145LR airplanes modified according to Brazilian Supplemental Type Certificate 2002S06-09, 2002S06-10, or 2003S08-01.

**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 according to paragraph (h) 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.

#### Subject

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

#### Reason

(e) The mandatory continuing airworthiness information (MCAI), Brazilian Airworthiness Directive 2007-08-02, effective September 27, 2007, states:

Fuel system reassessment, performed according to RBHA-E88/SFAR-88 (Regulamento Brasileiro de Homologacao Aeronautica 88/Special Federal Aviation Regulation No. 88), requires the inclusion of new maintenance tasks in the Critical Design Configuration Control Limitations (CDCCL) and in the Fuel System Limitations (FSL), necessary to preclude ignition sources in the fuel system. \* \* \*

The MCAI, Brazilian Airworthiness Directive 2009-08-03, effective August 20, 2009, states:

An airplane fuel tank systems review required by Special Federal Aviation Regulation Number 88 (SFAR 88) and "RBHA Especial Número 88" (RBHA E 88) has shown that additional maintenance and inspection instructions are necessary to maintain the design features required to preclude the existence or development of an ignition source within the fuel tanks of the airplane.

The corrective action is revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA) to incorporate new limitations for fuel tank systems.

#### Restatement of Requirements of AD 2008-13-14

#### Actions and Compliance

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

(1) Before December 16, 2008, revise the ALS of the ICA to incorporate Section A2.5.2, Fuel System Limitation Items, of Appendix 2 of EMBRAER EMB135/ERJ140/EMB145 Maintenance Review Board Report MRB-145/1150, Revision 11, dated September 19, 2007, except as provided by paragraph (g) of this AD. Except as required by paragraph (g) of this AD, for all tasks identified in Section A2.5.2 of Appendix 2 of EMBRAER EMB135/ERJ140/EMB145 Maintenance Review Board

Report MRB-145/1150, Revision 11, dated September 19, 2007, the initial compliance times start from the applicable times specified in Table 1 of this AD; and the

repetitive inspections must be accomplished thereafter at the interval specified in Section A2.5.2 of Appendix 2 of EMBRAER EMB135/ERJ140/EMB145 Maintenance Review Board

Report MRB-145/1150, Revision 11, dated September 19, 2007, except as provided by paragraphs (f)(3) and (h) of this AD.

TABLE 1—INITIAL INSPECTIONS

Reference No.	Description	Compliance time (whichever occurs later)	
		Threshold	Grace period
28-11-00-720-001-A00.	Functionally Check critical bonding integrity of selected conduits inside the wing tank, Fuel Pump and FQIS connectors at tank wall by conductivity measurements.	Before the accumulation of 30,000 total flight hours.	Within 90 days after December 16, 2008.
28-17-01-720-001-A00.	Functionally Check critical bonding integrity of Fuel Pump, VFQIS and Low Level SW connectors at tank wall by conductivity measurements.	Before the accumulation of 30,000 total flight hours.	Within 90 days after December 16, 2008.
28-21-01-220-001-A00.	Inspect Electric Fuel Pump Connector	Before the accumulation of 10,000 total flight hours.	Within 90 days after December 16, 2008.
28-23-03-220-001-A00.	Inspect Pilot Valve harness inside the conduit.	Before the accumulation of 20,000 total flight hours.	Within 90 days after December 16, 2008.
28-23-04-220-001-A00.	Inspect Vent Valve harness inside the conduit.	Before the accumulation of 20,000 total flight hours.	Within 90 days after December 16, 2008.
28-27-01-220-001-A00.	Inspect Electric Fuel Transfer Pump Connector.	Before the accumulation of 10,000 total flight hours.	Within 90 days after December 16, 2008.
28-41-03-220-001-A00.	Inspect FQIS harness for clamp and wire jacket integrity.	Before the accumulation of 20,000 total flight hours.	Within 90 days after December 16, 2008.
28-41-07-220-001-A00.	Inspect VFQIS and Low Level SW Harness for clamp and wire jacket integrity.	Before the accumulation of 20,000 total flight hours.	Within 90 days after December 16, 2008.

(2) Within 90 days after July 30, 2008 (the effective date of AD 2008-13-14), revise the ALS of the ICA to incorporate items 1, 2, and 3 of Section A2.4, Critical Design Configuration Control Limitation (CDCCL), of Appendix 2 of EMBRAER EMB135/ERJ140/EMB145 Maintenance Review Board Report MRB-145/1150, Revision 11, dated September 19, 2007.

(3) After accomplishing the actions specified in paragraphs (f)(1) and (f)(2) of this AD, no alternative inspections, inspection intervals, or CDCCLs may be used unless the inspections, intervals, or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (h) of this AD.

#### New Requirements of This AD

##### Actions and Compliance

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

(1) Within 30 days after the effective date of this AD, revise the ALS of the ICA to incorporate Tasks 28-41-01-720-001-A01 and 28-41-04-720-001-A01 identified in Table 2 of this AD into Section A2.5.2, Fuel System Limitation Items, of Appendix 2 of EMBRAER EMB135/ERJ140/EMB145 Maintenance Review Board Report MRB-145/1150. After incorporating Tasks 28-41-01-720-001-A01 and 28-41-04-720-001-A01 identified in Table 2 of this AD, Tasks 28-41-01-720-001-A00 and 28-41-04-720-001-A00 identified in Section A2.5.2 of

Appendix 2 of EMBRAER EMB135/ERJ140/EMB145 Maintenance Review Board Report MRB-145/1150, Revision 11, dated September 19, 2007, are no longer required. For the fuel limitation tasks identified in Table 2 of this AD, do the initial task at the later of the applicable "Threshold" and "Grace Period" times specified in Table 2 of this AD. FCUs on which Parker has performed the initial tasks required by this paragraph before the effective date of this AD, and which are marked with "Service Bulletin 367-934-28-110, Revision A" and the date of accomplishment, are in compliance with the corresponding task required by this paragraph.

TABLE 2—INSPECTIONS

Task No.	Description	Part No.	Compliance time (whichever occurs later)		Repetitive interval (not to exceed)
			Threshold	Grace period	
28-41-01-720-001-A01 ...	Perform an initial functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; an external visual inspection as shown in the Check section 2; an internal visual inspection as shown in the Repair section 1; a functional check of the safe-life features as shown in Testing and Fault Isolation section 4; and a final functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; of the fuel conditioning unit (FCU), in accordance with Parker Component Maintenance Manual (CMM) 28-41-36, Revision 4, dated March 13, 2009.	367-934-001	Before the accumulation of 10,000 total flight hours on the FCU.	Within 90 days after the effective date of this AD.	10,000 flight hours on the FCU since the most recent functional check.
28-41-01-720-001-A01 ...	Perform an initial functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; an external visual inspection as shown in Check section 2; an internal visual inspection as shown in Repair section 1; a functional check of the safe-life features as shown in Testing and Fault Isolation section 4; and a final functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; of the FCU, in accordance with Parker CMM 28-41-69, Revision 2, dated March 13, 2009.	367-934-002	Before the accumulation of 10,000 total flight hours on the FCU.	Within 90 days after the effective date of this AD.	10,000 flight hours on the FCU since the most recent functional check.
28-41-04-720-001-A01 ...	Perform an initial functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; an external visual inspection as shown in Check section 2; an internal visual inspection as shown in Repair section 1; a functional check of the safe-life features as shown in Testing and Fault Isolation section 4; and a final functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; of the ventral FCU (VFCU), in accordance with Parker CMM 28-41-80, dated April 3, 2009.	367-934-005	Before the accumulation of 10,000 total flight hours on the VFCU.	Within 90 days after the effective date of this AD.	10,000 flight hours on the VFCU since the most recent functional check.

(2) After accomplishing the actions specified in paragraphs (g)(1) 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 (h)(1) of this AD.

**Explanation of CDCCL Requirements**

**Note 2:** Notwithstanding any other maintenance or operational requirements, components that have been identified as airworthy or installed on the affected airplanes before the revision of the ALS of the ICA, as required by paragraph (f)(3) of this AD, do not need to be reworked in accordance with the CDCCLs. However, once the ALS of the ICA has been revised, future maintenance actions on these components must be done in accordance with the CDCCLs.

**FAA AD Differences**

**Note 3:** This AD differs from the MCAI and/or service information as follows:  
 (1) The applicability of Brazilian AD 2009-08-03, effective August 20, 2009, includes Model EMB-135BJ airplanes. This AD does not include that model because that model is included in the applicability of FAA AD 2008-13-15, Amendment 39-15578. We are considering further rulemaking to revise AD 2008-13-15.  
 (2) Although Brazilian Airworthiness Directive 2009-08-03, effective August 20, 2009, specifies both revising the airworthiness limitations and repetitively inspecting, this AD only requires the revision. Requiring a revision of the airworthiness limitations, rather than

requiring individual repetitive inspections, requires operators to record AD compliance status only at the time they make the revision, rather than after every inspection. Repetitive inspections specified in the airworthiness limitations must be complied with in accordance with 14 CFR 91.403(c).

**Other FAA AD Provisions**

(h) The following provisions also apply to this AD:  
 (1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, 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: Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone 425-227-1175; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.  
 (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 (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

**Related Information**

(i) Refer to MCAI Brazilian Airworthiness Directives 2007-08-02, effective September 27, 2007, and 2009-08-03, effective August 20, 2009; Sections A2.5.2, Fuel System Limitation Items, and A2.4, Critical Design Configuration Control Limitation (CDCCL), of Appendix 2 of EMBRAER EMB135/ERJ140/EMB145 Maintenance Review Board Report MRB-145/1150, Revision 11, dated September 19, 2007; and the Parker CMMs listed in Table 2 of this AD; for related information.

**Material Incorporated by Reference**

(j) You must use the applicable service information contained in Table 3 of this AD to do the actions required by this AD, unless the AD specifies otherwise. (Parker Component Maintenance Manual 28-41-36, Revision 4, dated March 13, 2009, contains an incorrect date on page 105; the correct date is March 13, 2009.) (Parker Component Maintenance Manual 28-41-69, Revision 2, dated March 13, 2009, contains the following errors: Page 105 contains an incorrect date; the correct date is March 13, 2009; and there are 3 pages identified with the same page number (i.e., LEP-2); the first page identified as LEP-2 (i.e., Sheet 1 of 2) should be identified as LEP-1 and the third page identified as LEP-2 (i.e., the blank page) should be identified as LEP-3.)

**TABLE 3—ALL MATERIAL INCORPORATED BY REFERENCE**

Document	Revision	Date
Sections A2.5.2, Fuel System Limitation Items, and A2.4, Critical Design Configuration Control Limitation (CDCCL), of Appendix 2 of EMBRAER EMB135/ERJ140/EMB145 Maintenance Review Board Report MRB-145/1150.	11 .....	September 19, 2007.
Parker Component Maintenance Manual 28-41-36 .....	4 .....	March 13, 2009.
Parker Component Maintenance Manual 28-41-69 .....	2 .....	March 13, 2009.
Parker Component Maintenance Manual 28-41-80 .....	Original .....	April 3, 2009.

(1) The Director of the Federal Register approved the incorporation by reference of the service information contained in Table 4 of this AD under 5 U.S.C. 552(a) and 1 CFR part 51.

**TABLE 4—NEW MATERIAL INCORPORATED BY REFERENCE**

Document	Revision	Date
Parker Component Maintenance Manual 28-41-36 .....	4 .....	March 13, 2009.
Parker Component Maintenance Manual 28-41-69 .....	2 .....	March 13, 2009.
Parker Component Maintenance Manual 28-41-80 .....	Original .....	April 3, 2009.

(2) The Director of the Federal Register previously approved the incorporation by reference of Sections A2.5.2, Fuel System Limitation Items, and A2.4, Critical Design Configuration Control Limitation (CDCCL), of Appendix 2 of EMBRAER EMB135/ERJ140/EMB145 Maintenance Review Board Report MRB-145/1150, Revision 11, dated

September 19, 2007, on July 30, 2008 (73 FR 35904, June 25, 2008).  
 (3) For EMBRAER service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170-Putim-12227-901 São Jose dos Campos-SP-BRASIL;

telephone +55 12 3927-5852 or +55 12 3309-0732; fax +55 12 3927-7546; e-mail [distrib@embraer.com.br](mailto:distrib@embraer.com.br); Internet: <http://www.flyembraer.com>. For Parker service information identified in this AD, contact Parker Hannifin Corporation, Aerospace Group, Electronic Systems Division, 300 Marcus Boulevard, Smithtown, New York

11787; telephone 631-231-3737; e-mail csoengineering@parker.com; Internet: <http://www.parker.com>.

(4) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

(5) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington on July 16, 2010.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-18293 Filed 8-4-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0716; Directorate Identifier 2008-NM-212-AD; Amendment 39-16378; AD 2010-16-02]

RIN 2120-AA64

#### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes; and Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This 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 has been found the occurrence of corrosion on the Auxiliary Power Unit (APU) mounting rods that could cause the APU rod to break, affecting the APU support structure integrity.

APU support structure failure could result in loss of power of the APU and possible loss of control of the airplane. We are issuing this AD to require

actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective September 9, 2010. The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 9, 2010.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on August 19, 2009 (74 FR 41807). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been found the occurrence of corrosion on the Auxiliary Power Unit (APU) mounting rods that could cause the APU rod to break, affecting the APU support structure integrity.

APU support structure failure could result in loss of power of the APU and possible loss of control of the airplane. The required action is doing an external detailed inspection for corrosion of the APU auxiliary and center mounting rods and rod ends, and corrective actions if necessary. Corrective actions include removing corrosion, applying anticorrosive treatment, and replacing mounting rods. You may obtain further information by examining the MCAI in the AD docket.

##### **Comments**

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

##### **Request for Bridging Requirements for Previously Accomplished Actions**

American Eagle Airlines (AEA) requests that we revise the NPRM to include "bridging requirements." AEA states that it agrees with the repetitive inspections in the NPRM; however, AEA asserts that there are no bridging requirements to reach the repetitive

inspections for airplanes that have already accomplished EMBRAER Service Bulletin 145-49-0034, Revision 01, dated September 8, 2008. AEA states that bridging requirements are necessary for initializing a repetitive inspection with the initial compliance time of 500 flight hours or 2 months after the effective date of this AD.

We agree with AEA that bridging requirements would be necessary given the proposed compliance times. However, since the NPRM was issued, we have received sufficient technical information to support an extension of the proposed compliance time. We have determined that changing the initial compliance time from 500 flight hours or 2 months after the effective date of this AD to 1,500 flight hours or 180 days after the effective date of this AD, will provide an acceptable level of safety. The new compliance time correlates with Brazilian Airworthiness Directive 2008-10-02, effective October 21, 2008. With the extended compliance times, there should not be a need for bridging requirements. If however, AEA believes that such requirements are still necessary, it may apply for an alternative method of compliance (AMOC) in accordance with the provisions specified in paragraph (g)(1) of this AD.

##### **Request To Revise the Unsafe Condition Specified in Paragraph (e) of the NPRM**

EMBRAER states that the undetectable fire condition described in the NPRM is not verifiable since two events must happen for APU rod breakage to occur.

EMBRAER states that the first event is a fire, because the rod breakage by itself is not enough to promote sparks or overheating of any kind. EMBRAER also states that the rod breakage has not been shown to cause leakage of APU oil in the gearbox, or leakage of the fuel lines in the compartment. EMBRAER states both ignition sources and flammable fluids would be required to ignite a fire.

EMBRAER states that for the second event to occur, a fire must start due to the unforeseeable scenario described previously, at which time damage to the fire detector, located in the vicinity of the combustion chamber and accessory gearbox, could occur. EMBRAER states that in-service experience demonstrates that the fire detector must be punctured or extensively crushed for it to lose its capability to detect a fire. Even if that happens, EMBRAER states that the integrity monitoring circuitry of the fire detector is capable of warning the flightcrew if the detector becomes inoperative. EMBRAER also states that in the event of fire detection failure,