

(c) *Amount of penalty.* The Director may propose imposition of a civil penalty for violation of a requirement of a regulation under paragraph (a) of this section or a compliance order issued under paragraph (b) of this section, not to exceed \$150,000 for each violation.

\* \* \* \* \*

## PART 1050—FOREIGN GIFTS AND DECORATIONS

■ 27. The authority citation for part 1050 continues to read as follows:

**Authority:** The Constitution of the United States, Article I, Section 9; 5 U.S.C. 7342; 22 U.S.C. 2694; 42 U.S.C. 7254 and 7262; 28 U.S.C. 2461 note.

■ 28. Section 1050.303 is amended by revising the last sentence in paragraph (d) to read as follows:

### § 1050.303 Enforcement.

\* \* \* \* \*

(d) \* \* \* The court in which such action is brought may assess a civil penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus \$8,000.

[FR Doc. E9-29667 Filed 12-11-09; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-0083; Directorate Identifier 2006-NM-266-AD; Amendment 39-16137; AD 2009-26-02]

RIN 2120-AA64

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -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 engine anti-ice system valve failure, where the valve spring seat has broken and obstructed the anti-ice system venturi tube. \* \* \* Therefore, should the aircraft encounter icing conditions, ice may accrete in the engine inlet lip and be ingested through the air inlet, resulting in possible engine damage and flame-out.

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

**DATES:** This AD becomes effective January 19, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 19, 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:** 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:

#### Discussion

We issued a second supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That second supplemental NPRM was published in the **Federal Register** on September 25, 2009 (74 FR 48877). That second supplemental NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been found the occurrence of engine anti-ice system valve failure, where the valve spring seat has broken and obstructed the anti-ice system venturi tube. Aircraft dispatch with that failure may be allowed by the operator Minimum Equipment List (MEL), [if] the engine anti-ice system valve [is] locked in the OPEN position. However, there is no readily available means to make sure the anti-ice system tubing is free of debris, allowing unrestricted hot airflow to the piccolo tube on the engine inlet lip. Therefore, should the aircraft encounter icing conditions, ice may accrete in the engine inlet lip and be ingested through the air inlet, resulting in possible engine damage and flame-out.

The required actions include an inspection to determine the part number of the engine anti-icing system valves; repetitive inspections of certain engine anti-icing system valves and tubes to

detect damage, and replacement of the valves if damage is found; and eventual replacement of certain anti-icing system valves. 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 received no comments on the second supplemental NPRM or on the determination of the cost to the public.

### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

### 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 required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a Note within the AD.

### Costs of Compliance

We estimate that this AD will affect 697 products of U.S. registry. We also estimate that it will take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$111,520, or \$160 per product.

We also estimate that the replacement specified in this AD will affect up to 306 parts. We estimate that it will take about 5 work-hours per part to comply with the replacement requirements of this AD. (Some airplanes have no affected parts and other airplanes have either one or two affected parts.) The cost of each required part is \$27,507. 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 replacement specified in the AD on U.S. operators to be \$8,539,542, or \$27,907 per part.

## 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 this AD:

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 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 adding the following new AD:

**2009-26-02 Empresa Brasileira de Aeronautica S.A. (EMBRAER):**  
Amendment 39-16137. Docket No. FAA-2007-0083; Directorate Identifier 2006-NM-266-AD.

### Effective Date

(a) This airworthiness directive (AD) becomes effective January 19, 2010.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to EMBRAER Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes, certificated in any category, except airplanes having serial numbers 14500921, 14500928, 14500932, 14500949, 14500958, 14500971, 14500973 and up, which will have in-factory modification incorporated.

### Subject

(d) Air Transport Association of America Code 30: Ice and Rain Protection.

### Reason

(e) The mandatory continuing airworthiness information (MCAI) states: It has been found the occurrence of engine anti-ice system valve failure, where the valve spring seat has broken and obstructed the anti-ice system venturi tube. Aircraft dispatch with that failure may be allowed by the operator Minimum Equipment List (MEL), [if] the engine anti-ice system valve [is] locked in the OPEN position. However, there is no readily available means to make sure the anti-ice system tubing is free of debris, allowing unrestricted hot airflow to the piccolo tube on the engine inlet lip. Therefore, should the aircraft encounter icing conditions, ice may accrete in the engine inlet lip and be ingested through the air inlet, resulting in possible engine damage and flame-out.

The required actions include an inspection to determine the part number of the engine anti-icing system valves; repetitive inspections of certain engine anti-icing system valves and

tubes to detect damage, and replacement of the valves if damage is found; and eventual replacement of certain anti-icing system valves.

## Actions and Compliance

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

(1) PART I—Within 500 flight hours or 3 months after the effective date of this AD, whichever occurs first, carry out a general visual inspection of both LH (left-hand) and RH (right-hand) engine anti-ice system valves to determine their P/N (part number).

(i) For engine anti-ice system valves with P/N C146009-2: No further action is required by paragraph (f)(1) of this AD.

(ii) For engine anti-ice system valves with P/N C146009-3: Before further flight, remove the valve and carry out a detailed inspection regarding its integrity; and carry out a special detailed inspection for an obstruction in the corresponding engine anti-ice system tubes; according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(A) If the valve is damaged or the tube is obstructed, before further flight: Replace the valve with a serviceable or new valve bearing P/N C146009-2, C146009-3, or C146009-4; or remove all obstructions; as applicable; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(B) If the valve is not damaged or the tube is not obstructed, re-install the valve or install a serviceable or new valve bearing P/N C146009-2, C146009-3, or C146009-4; or re-install the tube; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(iii) For engine anti-ice system valves with P/N C146009-4: No further action is required by paragraph (f)(1) of this AD. In this case, paragraphs (f)(2), (f)(3), (f)(4), (f)(7), and (f)(8) of this AD are not applicable. However, paragraphs (f)(5) and (f)(6) of this AD must be accomplished.

(2) PART II—Within 1,500 flight hours or 9 months after the effective date of this AD, whichever occurs first, and thereafter at intervals that do not exceed 1,000 flight hours or 6 months, whichever occurs first, carry out a detailed inspection for damage of both LH and RH engine anti-ice system valves bearing P/N C146009-2 or C146009-3; and a special detailed inspection for obstruction of the corresponding engine anti-ice system tubes; according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or

Revision 01, dated February 5, 2007; as applicable; and accomplish paragraphs (f)(2)(i) and (f)(2)(ii) of this AD, as applicable.

(i) If the valve is damaged or the tube is obstructed, before further flight: Replace the valve with a serviceable or new valve bearing P/N C146009-2, C146009-3, or C146009-4; or remove all obstructions; as applicable; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(ii) If the valve is not damaged, or the tube is not obstructed, before further flight: Re-install the valve or install a serviceable or new valve bearing P/N C146009-2, C146009-3, or C146009-4; or re-install the tube; as applicable; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(3) PART III—Any engine anti-ice system valve with P/N C146009-2 or C146009-3 that will be installed as a replacement, as provided for in paragraphs (f)(1) and (f)(2) of this AD, must undergo a detailed inspection for its integrity before installation, according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable; and additionally adhere to paragraphs (f)(3)(i) and (f)(3)(ii) of this AD, as applicable.

(i) If the valve is damaged, replace it with a serviceable or new valve bearing P/N C146009-2, C146009-3, or C146009-4; in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(ii) If the valve is not damaged, installation is permitted.

(4) PART IV—Any engine anti-ice system tubes that will be installed on the airplane as a replacement, as provided for in paragraphs (f)(1) and (f)(2) of this AD, must undergo a special detailed inspection before installation, and all obstructions removed, according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable.

(5) PART V—If any engine anti-ice system valve with P/N C146009-4 has been found during the inspection required by paragraph (f)(1) of this AD, do paragraphs (f)(5)(i) or (f)(5)(ii) of this AD, as applicable, within 500 flight hours or 6 months after the effective date of this AD, whichever occurs first.

(i) If the valve was installed according to the detailed instructions and procedures

described in Embraer Service Bulletin 145-30-0044, Revision 01, dated June 26, 2006, Revision 02, dated September 25, 2006, Revision 03, dated December 12, 2006, or Revision 04, dated May 14, 2008; or Embraer Service Bulletin 145LEG-30-0018, Revision 02, dated December 12, 2006, or Revision 03, dated May 14, 2008; as applicable: No further action is required by this AD.

(ii) If the valve was installed according to detailed instructions and procedures other than those specified in paragraph (f)(5)(i) of this AD: Carry out a special detailed inspection in the corresponding engine anti-ice system tubes, and repair all damage and remove all obstructions; according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable. After doing the actions specified in paragraph (f)(5)(ii) of this AD, no further action is required by this AD.

(6) PART VI—Before aircraft dispatch with one or two engine anti-ice system valves inoperative (Master Minimum Equipment List (M MEL) 30-21-01), carry out a detailed inspection for damage of the affected engine anti-ice system valves; and a special detailed inspection for obstruction of the corresponding engine anti-ice system tubes; and replace all damaged valves and remove all obstructions before further flight. Do all actions according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0049, dated June 28, 2006, or Revision 01, dated October 19, 2006; or Embraer Service Bulletin 145LEG-30-0016, dated June 28, 2006, or Revision 01, dated February 5, 2007; as applicable; by accomplishing paragraph (f)(2) of this AD, unless the condition specified in paragraph (f)(6)(i) or (f)(6)(ii) of this AD has been met.

(i) Valves with P/N C146009-4 have been previously installed according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0044, dated October 31, 2005; Embraer Service Bulletin 145LEG-30-0018, dated June 26, 2006; or Embraer Service Bulletin 145LEG-30-0018, Revision 01, dated September 25, 2006; as applicable; and additionally, paragraph (f)(5)(ii) of this AD has been accomplished.

(ii) Valves with P/N C146009-4 have been previously installed according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0044, Revision 01, dated June 26, 2006, Revision 02, dated September 25, 2006, Revision 03, dated December 12, 2006, or Revision 04, dated May 14, 2008; or Embraer Service Bulletin 145LEG-30-0018, Revision 02, dated December 12, 2006, or Revision 03, dated May 14, 2008; as applicable.

(7) PART VII—Within 1,000 flight hours or 10 months after the effective date of this AD, whichever occurs first, install engine anti-ice system valves bearing P/N C146009-4 in the LH and RH engine positions, replacing P/N C146009-3, according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0044, Revision 01, dated June 26, 2006, Revision 02, dated September 25, 2006, Revision 03,

dated December 12, 2006, or Revision 04, dated May 14, 2008; or Embraer Service Bulletin 145LEG-30-0018, Revision 02, dated December 12, 2006, or Revision 03, dated May 14, 2008; as applicable.

(8) PART VIII—Within 1,000 flight hours or 10 months after the effective date of this AD, whichever occurs first, install engine anti-ice system valves bearing P/N C146009-4 in the LH and RH engine positions, replacing P/N C146009-2, according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0044, Revision 01, dated June 26, 2006; Revision 02, dated September 25, 2006, Revision 03, dated December 12, 2006, or Revision 04, dated May 14, 2008; or Embraer Service Bulletin 145LEG-30-0018, Revision 02, dated December 12, 2006, or Revision 03, dated May 14, 2008; as applicable.

(9) PART IX—The installation of engine anti-ice system valves bearing P/N C146009-4 according to the detailed instructions and procedures described in Embraer Service Bulletin 145-30-0044, Revision 01, dated June 26, 2006, Revision 02, dated September 25, 2006, Revision 03, dated December 12, 2006; or Revision 04, dated May 14, 2008; or Embraer Service Bulletin 145LEG-30-0018, Revision 02, dated December 12, 2006, or Revision 03, dated May 14, 2008; as applicable; constitutes terminating action for this AD.

**Note 1:** For the purposes of this AD, a general visual inspection is: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

**Note 2:** For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

**Note 3:** For the purposes of this AD, a special detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. The examination is likely to make extensive use of specialized inspection techniques and/or equipment. Intricate cleaning and substantial access or disassembly procedure may be required."

#### FAA AD Differences

**Note 4:** This AD differs from the MCAI and/or service information as follows (we have coordinated these differences with Agência Nacional de Aviação Civil (ANAC)):

(1) "Part V" of the MCAI specifies a compliance time of within "1,500 flight hours or 9 months." However, paragraph (f)(5) of this AD requires compliance "within 500 flight hours or 6 months" for the corresponding action.

(2) "Part VII" of the MCAI specifies a compliance time of "within 2,500 flight hours or 12 months." However, paragraph (f)(7) of this AD requires compliance "within 1,000 flight hours or 10 months" for the corresponding action.

(3) "Part VIII" of the MCAI specifies a compliance time of "within 6,000 flight hours or 30 months." However, paragraph (f)(8) of this AD requires compliance "within 1,000 flight hours or 10 months" for the corresponding action.

#### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, ANM-116, International Branch, 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 principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

(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 Brazilian Airworthiness Directive 2006-09-03R1, effective January 4, 2007; and the service bulletins listed in Table 1 of this AD; for related information.

TABLE 1—RELATED SERVICE BULLETINS

Embraer Service Bulletin—	Revision—	Dated—
145-30-0044 .....	01 .....	June 26, 2006.
145-30-0044 .....	02 .....	September 25, 2006.
145-30-0044 .....	03 .....	December 12, 2006.
145-30-0044 .....	04 .....	May 14, 2008.
145-30-0049 .....	Original .....	June 28, 2006.
145-30-0049 .....	01 .....	October 19, 2006.
145LEG-30-0016 .....	Original .....	June 28, 2006.
145LEG-30-0016 .....	01 .....	February 5, 2007.
145LEG-30-0018 .....	02 .....	December 12, 2006.
145LEG-30-0018 .....	03 .....	May 14, 2008

#### Material Incorporated by Reference

(i) You must use the applicable service information contained in Table 2 of this AD 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 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>.

(3) 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 or 425-227-1152.

(4) 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).

TABLE 2—MATERIAL INCORPORATED BY REFERENCE

Embraer Service Bulletin—	Revision—	Dated—
145LEG-30-0016 .....	Original .....	June 28, 2006.
145LEG-30-0016 .....	01 .....	February 5, 2007.
145LEG-30-0018 .....	02 .....	December 12, 2006.
145LEG-30-0018 .....	03 .....	May 14, 2008.
145-30-0044 .....	01 .....	June 26, 2006.
145-30-0044 .....	02 .....	September 25, 2006.
145-30-0044 .....	03 .....	December 12, 2006.
145-30-0044 .....	04 .....	May 14, 2008.
145-30-0049 .....	Original .....	June 28, 2006.
145-30-0049 .....	01 .....	October 19, 2006.

Issued in Renton, Washington, on December 1, 2009.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-29576 Filed 12-11-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-1008; Directorate Identifier 2009-SW-62-AD; Amendment 39-16063; AD 2009-22-10]

RIN 2120-AA64

#### Airworthiness Directives; Eurocopter France (ECF) Model AS332C, AS332L, AS332L1, AS332L2, SA330F, SA330G, and SA330J Helicopters

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

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

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the specified ECF helicopters. This AD results from a mandatory continuing airworthiness information (MCAI) AD issued by the European Aviation Safety Agency (EASA), the Technical Agent for the aviation authority of France. The MCAI AD states there have been two cases of failure of the screw that secures the main rotor blade (blade) deicing system distributor retaining clamp (clamp). Analysis revealed that these failures were the result of insufficient clearance of the screw and the clamp assembly causing the screw to bend and also by some screws having nonconforming material hardness. Also, some of the screw heads were missing a lock-wiring hole preventing the use of lock-wiring between the screw head and the nut.

These actions are intended to detect failure of the clamp attachment screw leading to damage to the main or tail rotor blades and risk to persons on the ground by impact from a departed screw or clamp.

**DATES:** This AD becomes effective on December 29, 2009.

The incorporation by reference of certain publications is approved by the Director of the Federal Register as of December 29, 2009.

We must receive comments by February 12, 2010.

**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 your comments electronically.

- **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.

You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053-4005, telephone (800) 232-0323, fax (972) 641-3710, or at <http://www.eurocopter.com>.

**Examining the 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 AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is stated in the **ADDRESSES** section of this AD. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** DOT/FAA Southwest Region, J.R. Holton, Jr., ASW-112, Aviation Safety Engineer, Rotorcraft Directorate, Safety Management Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-4964, fax (817) 222-5961.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

EASA, which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2009-0003R1, dated January 13, 2009, to correct an unsafe condition for the specified Eurocopter model helicopters. That EASA AD superseded EASA AD 2009-003-E, dated January 6, 2009, which superseded EASA AD 2008-0162-E, dated August 26, 2008, which superseded Direction générale de l'aviation civile (DGAC) AD UF-2008-029, dated August 21, 2008.

EASA reports two cases of failure of the screw that secures the blade clamp. Analyses revealed that these failures of the screw were the result of assembly stress in the screw head and nonconforming screw hardness. Also, in

some cases, the screw head was missing a lock-wiring hole making it impossible to install a safety-wire between the screw head and the nut. Failure of the clamp attachment screw can lead to damage to the main or tail rotor blades and is a risk for persons on the ground.

You may obtain further information by examining the DGAC and MCAI ADs and any related service information in the AD docket.

#### Related Service Information

Eurocopter has issued Emergency Alert Service Bulletin (ASB) No. 30.00.66 for the Model AS332C, C1, L, and L1; and No. 30.20 for the Model SA330J, F, and G, both Revision 1 and both dated August 21, 2008. The ASBs specify removing the retaining clamp from the distributor, checking the blade clamp and attachment screw for interference between the screw head and the clamp, checking for a crack in the shank of the screw, checking for a lock-wiring hole in the screw, and identifying the clamp with a "V." The actions described in the EASA MCAI AD are intended to correct the same unsafe condition as that identified in the service information.

#### FAA's Evaluation and Unsafe Condition Determination

These helicopters have been approved by the aviation authority of France, and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, the Technical Agent for France, has notified us of the unsafe condition described in the EASA MCAI AD. We are issuing this AD because we evaluated all information provided by the EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

#### Differences Between This AD and the MCAI AD

We describe the action taken in the AD as an inspection rather than a check.

#### Costs of Compliance

We estimate that this AD will affect about 16 helicopters of U.S. registry. We also estimate that it will take about 3 work-hours per helicopter to inspect the blade clamp and attachment screw and replace the screw on each helicopter. The average labor rate is \$80 per work-hour. Required parts will cost about \$200 per helicopter. Based on these figures, we estimate the cost of this AD on U.S. operators will be \$7,040, assuming the clamp and attachment screw are replaced on each helicopter.