

however, we invite you to submit any written data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2010-0066; Directorate Identifier 2009-SW-52-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light 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 with FAA personnel concerning this AD. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

### Regulatory Findings

We have 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 the regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this AD. See the AD docket to examine the economic evaluation.

### 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.

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

**2009-23-51 Sikorsky Aircraft Corporation:**  
Amendment 39-16190. Docket No. FAA-2010-0066; Directorate Identifier 2009-SW-52-AD.

**Applicability:** Model S-92A helicopters, with main gearbox (MGB) assembly, part number (P/N) 92351-15000-042 or -043, with MGB housing, P/N 92351-15110-042, -043, -044, or -045, installed, certificated in any category.

**Compliance:** Required as indicated.

To prevent loss of an MGB and subsequent loss of control of the helicopter, do the following:

(a) Within 10 hours time-in-service (TIS), unless accomplished previously, and thereafter at intervals not to exceed 10 hours TIS, clean and inspect each MGB assembly mounting foot pad and rib for a crack and corrosion in the area depicted in Figure 1; as shown in the examples in Figures 2, 3, and 4; of Sikorsky Alert Service Bulletin No. 92-63-020, dated September 11, 2009 (ASB). If no crack is found, apply the corrosion preventive compound to each foot pad and rib area.

**Note 1:** When conducting a visual inspection, use a bright, non-LED light.

(1) If you find a crack, replace the MGB before further flight.

(2) If you find corrosion, bubbled paint, or paint discoloration, before further flight, repair the affected area.

**Note 2:** Following the ASB Accomplishment Instructions accomplishes the intent of this AD.

(b) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Boston Aircraft Certification Office, ATTN: Michael Schwetz, Aviation Safety Engineer, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238-7761, fax (781) 238-7170, for information about previously approved alternative methods of compliance.

(c) The Joint Aircraft System/Component (JASC) Code is 6320: Main Rotor Gearbox.

(d) Do the inspections by following the specified portions of Sikorsky Alert Service Bulletin No. 92-63-020, dated September 11, 2009. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Sikorsky Aircraft Corporation, Attn: Manager, Commercial Technical Support, mailstop s581a, 6900 Main Street, Stratford, CT, telephone (203) 383-4866, e-mail address [tsslibrary@sikorsky.com](mailto:tsslibrary@sikorsky.com), or at <http://www.sikorsky.com>. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas, or 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).

(e) This amendment becomes effective on February 19, 2010, to all persons except those persons to whom it was made immediately effective by Emergency AD 2009-23-51, issued October 29, 2009, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on December 18, 2009.

**Mark R. Schilling,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2010-1723 Filed 2-3-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0659; Directorate Identifier 2009-NM-060-AD; Amendment 39-16191; AD 2010-03-07]

RIN 2120-AA64

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, and -135LR Airplanes; and 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 occurrences of main landing gear (MLG) trailing arm pins broken due to a fatigue mechanism induced by an excessive torque applied during the assemblage of auxiliary door support attachment and consequent deformation of the MLG trailing arm axle. A broken pin can lead to loss of the MLG trailing arm axle, disconnecting the trailing arm from the main strut, which affects the airplane controllability on ground.

\* \* \* \* \*

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

**DATES:** This AD becomes effective March 11, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 11, 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 July 30, 2009 (74 FR 37965). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been found occurrences of main landing gear (MLG) trailing arm pins broken due to a fatigue mechanism induced by an excessive torque applied during the assemblage of auxiliary door support attachment and consequent deformation of the MLG trailing arm axle. A broken pin can lead to loss of the MLG trailing arm axle, disconnecting the trailing arm from the main

strut, which affects the airplane controllability on ground.

\* \* \* \* \*

Required actions include inspecting for cracks, and, if necessary, replacing the MLG trailing arm pin with a serviceable pin; and modifying the MLG auxiliary door mounting support. You may obtain further information by examining the MCAI in the AD docket.

**Relevant Service Information**

EMBRAER has issued the following revisions to the service information that was referenced in the NPRM:

- Service Bulletin 145LEG-52-0014, Revision 01, dated June 17, 2009, which adds airplane serial number 145363.
- Service Bulletin 145LEG-32-0033, Revision 01, dated June 18, 2009, which changes the visual inspection to a detailed inspection and includes the option of using the same part number of the landing gear trailing arm pin.
- Service Bulletin 145-32-0122, Revision 01, dated April 29, 2009, which changes the visual inspection to a detailed inspection and includes the option of using the same part number of the landing gear trailing arm pin.

We have revised this final rule to cite the revised service bulletins and to give credit for accomplishment of the actions done in accordance with the earlier service information referred to in the NPRM. We have also revised paragraph (f)(1)(i) and Note 1 of this AD to clarify that the inspection type is a detailed inspection.

**Comments**

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

**Request for Clarification for a Terminating Action**

American Eagle Airlines (AEA) requests that we add a statement to paragraph (f) of this AD that clarifies that the accomplishment of paragraph (f) of this AD is a terminating action for the requirements of this AD. AEA suggests that it is not clear that no further action is required after inspection.

We agree to clarify the requirements. We have added the phrase "one-time" before "detailed inspection" in paragraph (f)(1)(i) of this AD to clarify that no repeat inspections are required after the initial inspection.

**Request for Changing Compliance Time**

AEA requests that we change the compliance in paragraph (f)(1) of this AD from "whichever occurs first" to "whichever occurs later." AEA explains that the actions specified in the NPRM

require jacking the airplane and compressing the landing gear, and that specific tools required to complete these tasks may not be stocked at every maintenance base. AEA explains that increasing the compliance time would allow operators to arrange for having the proper tools in their Main Base Visit program.

While we agree that some of the tools required to perform the tasks may not be stocked at every maintenance base, we do not agree with the commenter's request to extend the compliance time. In developing an appropriate compliance time for this action, we considered the urgency associated with the subject unsafe condition, and the practical aspect of accomplishing the required tasks within a period of time that corresponds to the normal scheduled maintenance for most affected operators. However, according to the provisions of paragraph (g) of the final rule, we may approve requests to adjust the compliance time if the request includes data that prove that the new compliance time would provide an acceptable level of safety. We have not changed the final rule in this regard.

**Addition of an Airplane**

Based on our original review of the service information, we determined that airplane serial number (S/N) 145363 was not affected. Therefore, the NPRM proposed to exclude airplane S/N 145363 from the applicability. We have now determined that airplane S/N 145363 should be included in the applicability of this final rule, and we have revised this final rule accordingly. This airplane is not on the U.S. Register and is known to be in compliance with the requirements of this AD.

**Explanation of Additional Changes Made to This AD**

We have revised this AD to identify the legal name of the manufacturer as published in the most recent type certificate data sheet for the affected airplane models.

**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 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 711 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. Required parts will cost about \$240 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. 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 this AD to the U.S. operators to be \$284,400, or \$400 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 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:

**2010-03-07 Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Amendment 39-16191. Docket No. FAA-2009-0659; Directorate Identifier 2009-NM-060-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective March 11, 2010.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, as identified in EMBRAER

Service Bulletin 145LEG-32-0033, dated November 27, 2008; and Model EMB-135ER, -135KE, -135KL, and -135LR airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes, as identified in EMBRAER Service Bulletin 145-32-0122, dated November 27, 2008; certificated in any category.

### Subject

(d) Air Transport Association (ATA) of America Code 32: Landing Gear.

### Reason

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

It has been found occurrences of main landing gear (MLG) trailing arm pins broken due to a fatigue mechanism induced by an excessive torque applied during the assemblage of auxiliary door support attachment and consequent deformation of the MLG trailing arm axle. A broken pin can lead to loss of the MLG trailing arm axle, disconnecting the trailing arm from the main strut, which affects the airplane controllability on ground.

\* \* \* \* \*

Required actions include inspecting for cracks, and, if necessary, replacing the MLG trailing arm pin with a serviceable pin; and modifying the MLG auxiliary door mounting support.

### Actions and Compliance

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

(1) Within 2,500 flight hours or 24 months after the effective date of this AD, whichever occurs first, do the actions specified in paragraphs (f)(1)(i) and (f)(1)(ii) of this AD.

(i) Perform a one-time detailed inspection for cracks on the MLG trailing arm pins, in accordance with EMBRAER Service Bulletin 145-32-0122, Revision 01, dated April 29, 2009; or 145LEG-32-0033, Revision 01, dated June 18, 2009; as applicable. If any crack is found, before further flight, replace the MLG trailing arm pin with a serviceable pin, in accordance with EMBRAER Service Bulletin 145-32-0122, Revision 01, dated April 29, 2009; or 145LEG-32-0033, Revision 01, dated June 18, 2009; as applicable.

(ii) Prior to or concurrently with accomplishing the inspection required by paragraph (f)(1)(i) of this AD, modify the MLG auxiliary door mounting support, in accordance with EMBRAER Service Bulletin 145-52-0047, Revision 01, dated March 31, 2008; or 145LEG-52-0014, Revision 01, dated June 17, 2009; as applicable.

**Note 1:** 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 mirrors, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate access procedures may be required."

**Note 2:** For the purposes of this AD, a "serviceable" pin is a pin that has no cracking.

(2) Modifications and inspections accomplished before the effective date of this AD, according to a service bulletin listed in Table 1 of this AD, are considered acceptable for compliance with the corresponding action specified in this AD.

TABLE 1—CREDIT SERVICE BULLETINS

Affected airplanes	Service Bulletin	Date
Model EMB-135BJ airplanes .....	EMBRAER Service Bulletin 145LEG-32-0033 .....	November 27, 2008.
Model EMB-135BJ airplanes .....	EMBRAER Service Bulletin 145LEG-52-0014 .....	October 28, 2008.
Model EMB-135ER, -135KE, -135KL, and -135LR airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes.	EMBRAER Service Bulletin 145-32-0122 .....	November 27, 2008.
Model EMB-135ER, -135KE, -135KL, and -135LR airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes.	EMBRAER Service Bulletin 145-52-0047 .....	July 18, 2005.

**FAA AD Differences**

**Note 3:** This AD differs from the MCAI and/or service information as follows: Agência Nacional de Aviação Civil (ANAC) Brazilian Airworthiness Directive 2009-02-

01, dated February 12, 2009, is applicable to “all EMB-145 and EMB-135 aircraft models in operation.” However, this does not agree with the service information specified in Table 2 of this AD, which specifies that only certain Model EMB-145 and EMB-135

airplanes are affected and identifies them by serial number. This AD is applicable only to the airplanes listed in the applicable service bulletins. This difference has been coordinated with the ANAC.

TABLE 2—SERVICE INFORMATION

Document	Revision	Date
EMBRAER Service Bulletin 145LEG-32-0033 .....	01	June 18, 2009.
EMBRAER Service Bulletin 145LEG-52-0014 .....	01	June 17, 2009.
EMBRAER Service Bulletin 145-32-0122 .....	01	April 29, 2009.
EMBRAER Service Bulletin 145-52-0047 .....	01	March 31, 2008.

**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: 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**

(h) Refer to MCAI Agência Nacional de Aviação Civil Airworthiness Directive 2009-02-01, dated February 12, 2009; and the service information contained in Table 3 of this AD; for related information.

TABLE 3—RELATED SERVICE INFORMATION

Document	Revision	Date
EMBRAER Service Bulletin 145LEG-32-0033 .....	01	June 18, 2009.
EMBRAER Service Bulletin 145LEG-52-0014 .....	01	June 17, 2009.
EMBRAER Service Bulletin 145-32-0122 .....	01	April 29, 2009.
EMBRAER Service Bulletin 145-52-0047 .....	01	March 31, 2008.

**Material Incorporated by Reference**

(i) You must use the service information contained in Table 4 of this AD to do the

actions required by this AD, unless the AD specifies otherwise.

TABLE 4—MATERIAL INCORPORATED BY REFERENCE

Document	Revision	Date
EMBRAER Service Bulletin 145LEG-32-0033 .....	01	June 18, 2009.
EMBRAER Service Bulletin 145LEG-52-0014 .....	01	June 17, 2009.
EMBRAER Service Bulletin 145-32-0122 .....	01	April 29, 2009.
EMBRAER Service Bulletin 145-52-0047 .....	01	March 31, 2008.

(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).

Issued in Renton, Washington, on January 22, 2010.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-1930 Filed 2-3-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0889; Directorate Identifier 2009-NE-35-AD; Amendment 39-16189; AD 2010-03-06]

RIN 2120-AA64

#### Airworthiness Directives; Turbomeca Arriel 2B and 2B1 Turboshaft Engines

**AGENCY:** Federal Aviation Administration (FAA), 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) issued 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:

Several events of uncoupling of the low-pressure (LP) fuel pump impeller and the high-pressure (HP) fuel pump shaft have been reported on Arriel 2 engines which do not incorporate Modification TU 147. In most cases the “low fuel pressure switch”

enlightened, the pilot activated the aircraft booster pump in accordance with the Flight Manual Instructions and landed safely with no other incident. One case, on a single-engine helicopter, led to a sudden engine power loss. The uncoupling of the LP fuel pump impeller and the HP fuel pump shaft may lead to a limitation of engine power or, at worst, an uncommanded in-flight shutdown. On a single-engine helicopter, the result may be an emergency autorotation landing.

We are issuing this AD to prevent a forced autorotation landing or an accident.

**DATES:** This AD becomes effective March 11, 2010. The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 11, 2010.

**ADDRESSES:** The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

Contact Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 74 40 00, fax (33) 05 59 74 45 15, for the service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [james.lawrence@faa.gov](mailto:james.lawrence@faa.gov); telephone (781) 238-7176; fax (781) 238-7199.

#### 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 November 5, 2009 (74 FR 57277). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

Several events of uncoupling of the LP fuel pump impeller and the HP fuel pump shaft have been reported on Arriel 2 engines which do not incorporate Modification TU 147. In most cases the “low fuel pressure switch” enlightened, the pilot activated the aircraft booster pump in accordance with the Flight Manual Instructions and landed safely with no other incident. One case, on a single-engine helicopter, led to a sudden engine power loss. The uncoupling of the LP fuel pump impeller and the HP fuel pump shaft may lead to a limitation of engine power or, at worst, an uncommanded in-flight shutdown. On a single-engine helicopter, the result may be an emergency autorotation landing.

#### Comments

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

One commenter, a private citizen, states that the labor rate of \$80 per work-hour referenced in the proposed AD is underestimated. He states that it should be at least \$95 per work-hour.

We partially agree. The work-hour labor rate estimate is established by the FAA’s Regulatory Analysis Division which recently published a new rate; \$85 per work-hour. We changed the AD to reflect this increase.

#### Conclusion

We reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting the AD with the change described previously.

#### Differences Between This AD and the MCAI or Service Information

The MCAI requires checking the transmissible torque between the LP pump impeller and the HP pump shaft within 550 engine flight hours from the effective date of the AD, but no later than June 30, 2010.

This AD requires checking the transmissible torque between the LP pump impeller and the HP pump shaft within 550 engine flight hours from the effective date of the AD.

#### Costs of Compliance

Based on the service information, we estimate that this AD will affect about 414 engines installed on helicopters of U.S. registry. We also estimate that it will take about 2.5 work-hours per engine to comply with this AD. The average labor rate is \$85 per work-hour. Replacement HP/LP pump metering units (HMUs) will cost about \$12,000 per engine. Based on these figures, if all of the HMUs were to fail the check, we estimate the cost of the AD to U.S. operators to be \$5,055,975.

#### 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