We are issuing this AD to require airworthiness modifications on the aircraft Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness to incorporate new structural inspection requirements. You may obtain further information by examining the MCAI in the AD docket.

**Explanation of Revised Service Information**


We have revised paragraph Table 1 of this AD to refer to Appendix 2, “Airworthiness Limitation Requirements,” of EMBRAER EMB135/EMB145 MRBR MRB–145/1150, Revision 12, dated September 19, 2008. We have also added a new paragraph (f)(3) to this AD to specify that actions done before the effective date of this AD in accordance with EMBRAER EMB135/EMB145 MRBR MRB–145/1150, Revision 11, dated September 19, 2007, are acceptable for compliance with the corresponding requirements of this AD.

**Comments**

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

**Request To Extend Grace Period**

EMBRAER requests that we consider extending the grace period for doing the tasks required by paragraph (f) of the NPRM from 200 flight cycles after revising the ALS to 500 flight cycles after revising the ALS. EMBRAER explains that the extension of the grace period would allow operators to better program their maintenance schedules, thereby avoiding grounding airplanes without affecting flight safety.

We disagree with the request to extend the grace period to 500 flight cycles after revising the ALS. The commenter did not provide any technical information to substantiate the assertion that the extension would not adversely affect flight safety. However, under the provisions of paragraph (g)(1) of this AD, we will consider requests for adjustments to the grace period if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety. We have not changed the AD in this regard.

**Request To Allow Later Revisions of Service Information**


We disagree with adding a general statement to the AD that accepts any later revision of EMBRAER MRBR MRB–145/1150. Revision 11, dated September 19, 2007, that we have not reviewed and approved. We note that we approved use of later revisions of the MRBR referenced in AD 2008–13–14 only if approved by the Manager, ANM–116, FAA, or Agência Nacional de Aviação Civil (or its delegated agent). We cannot use the phrase, “or later FAA-approved revisions,” in an AD when referring to the service document because doing so violates Office of the Federal Register (OFR) regulations for approval of materials “incorporated by reference” in rules. To allow operators to use later revisions of the referenced document (issued after publication of the AD), either we must revise the AD to reference specific later revisions, or...
operators must request approval to use later revisions as an alternative method of compliance with this AD under the provisions of paragraph (g)(1) of this AD.

However, as stated previously, we have reviewed and approved Appendix 2, “Airworthiness Limitation Requirements,” of EMBRAER EMB135/EMB145 MRBR MRBR–145/1150, Revision 12, dated September 19, 2008, which is now referenced as the appropriate source of service information for this AD. We have made no further change to this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We also 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.

Explanation of Change to Costs of Compliance

Since issuance of the NPRM, we have increased the labor rate used in the Costs of Compliance from $80 per work-hour to $85 per work-hour. The Costs of Compliance information below, reflects this increase in the specified hourly labor rate.

Costs of Compliance

We estimate that this AD will affect 709 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $60,265, 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 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.
During aircraft full scale fatigue test, it has been found the occurrence of cracks in the cockpit windshield post lower eyelet fitting at the attachment of the center post on the forward fuselage (SSI 53–10–19). Further analysis of this cracking resulted in modifications on the aircraft Airworthiness Limitation Items (ALI), to include new inspection tasks and its respective intervals. Undetected fatigue cracking in this area could adversely affect the structural integrity of these airplanes.

The corrective action is revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness to incorporate new structural inspection requirements.

**Actions and Compliance**

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

(1) Within 90 days after the effective date of this AD revise the ALS of the Instructions for Continued Airworthiness to incorporate the structural inspection item (SSI) 53–10–19’s applicable tasks identified in Appendix 2, “Airworthiness Limitation Requirements,” of the applicable document listed in Table 1 of this AD. The initial compliance times for the task start from the applicable time specified in SSI 53–10–19 or within 200 flight cycles after revising the ALS, whichever occurs later. Repeat the applicable inspection thereafter at the interval specified in Appendix 2 of the applicable document listed in Table 1 of this AD, except as provided by paragraphs (f)(2) and (g) of this AD.

**TABLE 1—SERVICE INFORMATION**

<table>
<thead>
<tr>
<th>Model—</th>
<th>Appendix 2, “Airworthiness Limitation Requirements,” of EMBRAER—</th>
</tr>
</thead>
</table>

**Note 2:** Appendix 2, “Airworthiness Limitation Requirements,” of EMBRAER EMB135/EMB145 MRBR MRB–145/1150, Revision 12, dated September 19, 2008, includes EMBRAER Temporary Revision 10–6, dated May 23, 2007, which is referred to in the MCAI as an applicable document to incorporate into the maintenance program.

(2) After accomplishing the actions specified in paragraph (f)(1) of this AD, no alternative inspections or inspection intervals may be used unless the inspection or inspection interval is approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, or the Agência Nacional de Aviação Civil (ANAC) (or its delegated agent); or unless the inspection or interval is approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (g)(3) of this AD.

(3) Actions done before the effective date of this AD in accordance with EMBRAER EMB135/EMB145 MRBR MRB–145/1150, Revision 11, dated September 19, 2007, are acceptable for compliance with the corresponding requirements of this AD.

**FAA AD Differences**

**Note 3:** This AD differs from the MCAI and/or service information as follows:

(1) We have removed the requirement to mandate the SSI tasks in Section 4—“Structural Inspection Requirements,” of the applicable document listed in Table 1 of this AD which are referred to in the MCAI. Those SSI tasks are included in Appendix 2, “Airworthiness Limitation Requirements,” of the applicable document listed in Table 1 of this AD.

(2) We have not included the 21,336-flight-cycle threshold specified in the MCAI because the airplanes in the U.S.-registered fleet have surpassed that threshold. Instead, we included a 200-flight-cycle grace period for accomplishing the SSI 53–10–19 tasks.

**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, 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.

(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 Brazilian Airworthiness Directive 2007–07–02, effective August 21, 2007, and the service information listed in Table 1 of this AD, for related information.

**Material Incorporated by Reference**

(i) You must use the service information contained in Table 2 of this AD, as applicable, to do the actions required by this AD, unless the AD specifies otherwise.

**TABLE 2—MATERIAL INCORPORATED BY REFERENCE**

<table>
<thead>
<tr>
<th>Document Description</th>
<th>Revision</th>
<th>Date</th>
</tr>
</thead>
</table>

EMBRAER EMB135/EMB145 Maintenance Review Board Report (MRBR) MRB–145/1150, Revision 12, dated September 19, 2008, contains the following effective pages:
### LIST OF EFFECTIVE PAGES

<table>
<thead>
<tr>
<th>Page title/description</th>
<th>Page(s)</th>
<th>Revision No.</th>
<th>Date shown on page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MRBR Title Page</td>
<td>None shown*</td>
<td>12</td>
<td>September 19, 2008.</td>
</tr>
<tr>
<td>MRBR Record of Temporary Revisions</td>
<td>None shown*</td>
<td>12</td>
<td>September 19, 2008.</td>
</tr>
<tr>
<td>MRBR List of Effective Pages</td>
<td>None shown*</td>
<td>12</td>
<td>September 19, 2008.</td>
</tr>
</tbody>
</table>

Appendix 2—Airworthiness Limitation Requirements

| A2–1 through A2–22 | None shown* | September 19, 2007. |
| A2–23 through A2–90 | None shown* | September 19, 2008. |

(*Only the Record of Temporary Revisions of EMBRAER EMB135/EMB145 Maintenance Review Board Report MRB–145/1150, Revision 12, dated September 19, 2008, contains the revision levels that correspond to the revision dates; no other page of the document contains this information.)

### LIST OF EFFECTIVE PAGES

<table>
<thead>
<tr>
<th>Page title/description</th>
<th>Page(s)</th>
<th>Revision No.</th>
<th>Date shown on page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPG Title Page</td>
<td>None shown*</td>
<td>5</td>
<td>March 22, 2007.</td>
</tr>
<tr>
<td>MPG Record of Temporary Revisions</td>
<td>None shown*</td>
<td>5</td>
<td>March 22, 2007.</td>
</tr>
<tr>
<td>MPG List of Effective Pages</td>
<td>None shown*</td>
<td>5</td>
<td>March 22, 2007.</td>
</tr>
</tbody>
</table>

Appendix 2—Airworthiness Limitation Requirements

| A2–9, A2–10, A2–13 | None shown* | July 31, 2003. |
| A2–11 | None shown* | April 1, 2004. |

(*Only the Record of Temporary Revisions of EMBRAER Legacy BJ—Maintenance Planning Guide MPG–1483, Revision 5, dated March 22, 2007, contains the following effective pages:

List of Effective Pages

<table>
<thead>
<tr>
<th>Page title/description</th>
<th>Page(s)</th>
<th>Revision No.</th>
<th>Date shown on page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2–1 through A2–22</td>
<td>None shown*</td>
<td>5</td>
<td>March 22, 2007.</td>
</tr>
<tr>
<td>A2–23 through A2–90</td>
<td>None shown*</td>
<td>5</td>
<td>March 22, 2007.</td>
</tr>
<tr>
<td>A2–1 through A2–22</td>
<td>None shown*</td>
<td>5</td>
<td>March 22, 2007.</td>
</tr>
</tbody>
</table>

Issued in Renton, Washington, on May 10, 2010.

Ali Bahrami,
Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 2010–11762 Filed 5–28–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; Teledyne Continental Motors (TCM) 240, 346, 360, 470, 520, and 550 Series and Rolls-Royce Motors, Ltd. (R–RM) IO–240–A Reciprocating Engines

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding an existing emergency airworthiness directive (AD) 2009–24–52 that was sent previously to all known U.S. owners and operators of TCM 240, 360, 470, 520, and 550 series reciprocating engines. That AD requires before further flight, replacing certain part number (P/N) hydraulic lifters. This AD results from TCM reporting another occurrence of rapid wear on the face of hydraulic lifters, P/Ns 657913, 657915, and 657916, and from the need to expand the applicability of this AD to include the TCM 346 series reciprocating engines and the R–RM IO–240–A reciprocating engines. We are issuing this AD to prevent excessive hydraulic lifter wear, which can result in loss of engine power and loss of control of the airplane.

DATES: This AD becomes effective June 16, 2010. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of June 16, 2010.

We must receive any comments on this AD by August 2, 2010.

ADDRESSES: Use one of the following addresses to comment on this AD.

- Federal eRulemaking Portal: Go to http://www.regulations.gov and follow the instructions for sending your comments electronically.