

Issued in Renton, Washington, on March 4, 2011.

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Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2011-0216; Directorate Identifier 2010-NM-197-AD]

RIN 2120-AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed 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:

* * * The pylon internal shear pin was found cracked during a regular check. Further investigation revealed that the failure occurred due to hydrogen embrittlement. The ANAC [Agência Nacional de Aviação Civil] is issuing this AD to prevent insufficient strength of the pylon to wing attachment, which in combination with an engine imbalance caused by a fan blade out could cause pylon to wing attachment failure and consequent engine separation.

* * * * *

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by April 28, 2011.

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 comments.

- *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 W12-40, 1200 New Jersey Avenue, SE.,

Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed 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; Internet <http://www.flyembraer.com>. You may review copies of the referenced 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.

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 this proposed AD, 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.

FOR FURTHER INFORMATION CONTACT:

Cindy Ashforth, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; *phone:* 425-227-2768; *fax:* 425-227-1149; *e-mail:* cindy.ashforth@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2011-0216; Directorate Identifier 2010-NM-197-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 we receive about this proposed AD.

Discussion

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2010-08-02, dated September 20, 2010 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

* * * The pylon internal shear pin was found cracked during a regular check. Further investigation revealed that the failure occurred due to hydrogen embrittlement. The ANAC [Agência Nacional de Aviação Civil] is issuing this AD to prevent insufficient strength of the pylon to wing attachment, which in combination with an engine imbalance caused by a fan blade out could cause pylon to wing attachment failure and consequent engine separation.

* * * * *

Required actions include replacing pylon shear pins in the rear outboard and inboard shear pin assembly in the right- and left-hand pylons with new parts. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

EMBRAER has issued Service Bulletins 190-54-0010, dated May 19, 2010; and 190LIN-54-0001, dated June 21, 2010. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA’s Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 73 products of U.S. registry. We also estimate that it would take about 10 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$2,360 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 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 proposed AD on U.S. operators to be \$234,330, or \$3,210 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed 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 a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket No. FAA-2011-0216; Directorate Identifier 2010-NM-197-AD.

Comments Due Date

(a) We must receive comments by April 28, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190-100 STD, -100 LR, -100 ECJ, and -100 IGW airplanes; and Model ERJ 190-200 STD, -200 LR, and -200 IGW airplanes; certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 54: Nacelles/Pylons.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:
* * * The pylon internal shear pin was found cracked during a regular check. Further investigation revealed that the failure occurred due to hydrogen embrittlement. The ANAC [Agência Nacional de Aviação Civil] is issuing this AD to prevent insufficient strength of the pylon to wing attachment, which in combination with an engine imbalance caused by a fan blade out could cause pylon to wing attachment failure and consequent engine separation.

* * * * *

Compliance

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Replace Shear Pins

(g) For Model ERJ 190-100 STD, -100 LR, -100 IGW; and ERJ 190-200 STD, -200 LR, and -200 IGW airplanes: Within 3,000 flight hours after the effective date of this AD, replace the shear pins having part number (P/N) 190-15178-003 and P/N 190-15181-003 in the rear outboard and inboard shear pin assembly in the right- and left-hand pylons, with new shear pins having P/N 190-15178-005 and P/N 190-15181-005, respectively, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 190-54-0010, dated May 19, 2010.

(h) For Model ERJ 190-100 ECJ airplanes: Within 3,000 flight hours or within 12 months after the effective date of this AD, whichever occurs first, replace the shear pins having P/N 190-15178-003 and P/N 190-15181-003, in the rear outboard and inboard shear pin assembly in the right- and left-hand pylons, with new shear pins having P/N 190-15178-005 and P/N 190-15181-005, respectively, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 190LIN-54-0001, dated June 21, 2010.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: The MCAI allows credit for previous installation of internal shear pins in accordance with EMBRAER 190 Aircraft Maintenance Manual Task 54-50-00-400, Revision 19, dated July 15, 2010. This AD does not allow credit for this task; however, under the provisions of paragraph (i) of this AD, we will consider requests for an alternative method of compliance.

Other FAA AD Provisions

(i) 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. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to *Attn:* Cindy Ashforth, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone (425) 227-2768; fax (425) 227-1149. Information may be e-mailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding 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.

Related Information

(j) Refer to MCAI Agência Nacional de Aviação Civil (ANAC) Airworthiness Directive 2010-08-02, dated September 20, 2010; and EMBRAER Service Bulletins 190-54-0010, dated May 19, 2010, and 190LIN-54-001, dated June 21, 2010; for related information.

Issued in Renton, Washington, on March 4, 2011.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2011-0219; Directorate Identifier 2010-NM-228-AD]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Model 757-200, -200CB, and -300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD would require modifying the door latch fittings and witness mark placards of the off-wing escape slide systems; and for certain airplanes, replacing the bearings and lockbase retainer in the door latch assembly, relocating and adjusting of the sensor target and the sensor proximity switch, and testing to ensure positive door locking and corrective action if necessary. For certain airplanes, this proposed AD would also require installing a bumper assembly and placards. This proposed AD was prompted by reports of in-flight loss of the off-wing escape slide. We are proposing this AD to prevent in-flight loss of the off-wing escape slide, which could result in the unavailability of the escape slide during a time-critical evacuation. Additionally, the departed slide could cause damage to the

fuselage, wing, flaps, or stabilizer, which could degrade flight control.

DATES: We must receive comments on this proposed AD by April 28, 2011.

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 comments.
- *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*: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; phone: 206-544-5000, extension 1; fax: 206-766-5680; e-mail: me.boecom@boeing.com; Internet: tts://www.myboeingfleet.com. You may review copies of the referenced 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.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Examining the AD Docket

FOR FURTHER INFORMATION CONTACT: Kimberly DeVoe, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM-150S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; phone: 425-917-6495; fax: 425-917-6590; e-mail: Kimberly.Devoe@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-

SUPPLEMENTARY INFORMATION:

Comments Invited

2011-0219; Directorate Identifier 2010-NM-228-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because 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 we receive about this proposed AD.

Discussion

Since May 2005, four operators have reported seven events of in-flight loss of the off-wing escape slides. The off-wing escape slides did not inflate in flight. Due to latching failures of the compartment doors for the off-wing escape slides, in-flight maneuvering resulted in the departure of the slides from the airplane. The loss of the off-wing escape slide could result in the unavailability of the escape slide during a time-critical evacuation. Additionally, the departed slide could cause damage to the fuselage, wing, flaps, or stabilizer, which could degrade flight control.

Discussion

Related Rulemaking

To address the in-flight loss of the off-wing escape slide we issued AD 99-17-20, Amendment 39-11266 (64 FR 45436, August 20, 1999), which was based on Boeing Service Bulletin 757-25-0182, Revision 1, dated June 12, 1997; and Boeing Service Bulletin 757-25-0200, dated January 21, 1999. AD 99-17-20 requires modification of the door latch system on the off-wing escape slide compartment and installation of a bumper assembly on the bottom of the off-wing escape slide carriers on certain Model 757-200 and -300 series airplanes. However, it has been shown through service history that more corrective actions, in addition to AD 99-17-20, are needed to correct the unsafe condition.

Related Rulemaking

Relevant Service Information

We reviewed Boeing Special Attention Service Bulletin 757-25-0298, dated October 16, 2008. This service bulletin describes procedures for modifying the forward and aft door latch fittings for the left and right off-wing escape slide systems and modifying the witness mark placards on the maintenance access door frames for the left and right off-wing escape slide systems. Additionally, this service bulletin specifies that the following

Relevant Service Information