

information on fan blades, P/N 6018T30P14 or P/N 4923T56G08, that have any fan blade S/Ns listed in Appendix A of GEAE SB No. CF34-BJ S/B72-0229, Revision 01, dated July 30, 2008.

Issued in Burlington, Massachusetts, on December 23, 2009.

**Francis A. Favara,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. E9-30978 Filed 12-30-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-1211; Directorate Identifier 2009-NM-121-AD; Amendment 39-16149; AD 2009-26-10]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes

**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 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:

As a result of the Movable Flap Track Fairing (MFTF) #6 crack findings (ref. AD 2008-0216), a detailed review has been launched for all MFTF #2 to #6. This investigation has revealed some cracking at MFTF #4 pivot support-ring.

This condition, if not corrected, could lead to in-flight loss of MFTF #4, potentially resulting in injuries to persons on the ground.

\* \* \* \* \*

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** This AD becomes effective January 15, 2010.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of January 15, 2010.

We must receive comments on this AD by February 16, 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 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.

#### 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 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:

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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2009-0113, dated May 27, 2009 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

As a result of the Movable Flap Track Fairing (MFTF) #6 crack findings (ref. AD 2008-0216), a detailed review has been launched for all MFTF #2 to #6. This investigation has revealed some cracking at MFTF #4 pivot support-ring.

This condition, if not corrected, could lead to in-flight loss of MFTF #4, potentially resulting in injuries to persons on the ground.

To prevent the risk of a MFTF #4 detachment, this AD requires an inspection programme and/or replacement of the fairings in order to ensure they are removed from service before any crack becomes critical.

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Airbus has issued Mandatory Service Bulletin A380-57-8016, dated May 11, 2009. 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 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 issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

There are no products of this type currently registered in the United States. However, this rule is necessary to ensure that the described unsafe condition is addressed if any of these products are placed on the U.S. Register in the future.

#### Differences Between the 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 FAA policies. Any such differences are highlighted in a NOTE within the AD.

#### FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, notice and opportunity for public comment before issuing this AD are unnecessary.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2009-1211; Directorate Identifier 2009-NM-121-

AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

### 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.

### 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:

**2009–26–10 AIRBUS:** Amendment 39–16149. Docket No. FAA–2009–1211; Directorate Identifier 2009–NM–121–AD.

#### Effective Date

- (a) This airworthiness directive (AD) becomes effective January 15, 2010.

#### Affected ADs

- (b) None.

#### Applicability

- (c) This AD applies to Airbus Model A380–841, –842, and –861 airplanes; certificated in any category; all serial numbers.

#### Subject

- (d) Air Transport Association (ATA) of America Code 57: Wings.

#### Reason

- (e) The mandatory continued airworthiness information (MCAI) states:

As a result of the Movable Flap Track Fairing (MFTF) #6 crack findings (ref. AD 2008–0216), a detailed review has been launched for all MFTF #2 to #6. This investigation has revealed some cracking at MFTF #4 pivot support ring.

This condition, if not corrected, could lead to in-flight loss of MFTF #4, potentially resulting in injuries to persons on the ground.

To prevent the risk of a MFTF #4 detachment, this AD requires an inspection programme and/or replacement of the fairings in order to ensure they are removed from service before any crack becomes critical.

#### Actions and Compliance

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

(1) At the applicable time specified in paragraphs (f)(1)(i) and (f)(2)(ii) of this AD: Do special detailed (ultrasonic and high frequency eddy current) inspections on the #4 left-hand and right-hand movable flap track fairing (MFTF) for cracks of the fillet radii of the pivot bracket support rings and the monolithic carbon fibre reinforced plastic (CFRP) structure in the pivot support area, in accordance with the Accomplishment

Instructions of Airbus Mandatory Service Bulletin A380–57–8016, dated May 11, 2009.

(i) For Airbus Model A380–841 and –842 airplanes, do the actions before the accumulation of 600 flight cycles on the #4 MFTF on an airplane, or within 60 flight cycles after the effective date of this AD, whichever occurs later.

(ii) For Airbus Model A380–861 airplanes, do the actions before the accumulation of 300 flight cycles on the #4 MFTF on an airplane, or within 30 flight cycles after the effective date of this AD, whichever occurs later.

(2) If no crack is found during any inspection required by paragraph (f)(1) of this AD, repeat the inspections at the applicable time specified in paragraph (f)(2)(i) or (f)(2)(ii) of this AD; except as provided by paragraph (f)(4) of this AD.

(i) For Model A380–841 and –842 airplanes: At intervals not to exceed 60 flight cycles.

(ii) For Model A380–861 airplanes: At intervals not to exceed 30 flight cycles.

(3) If any crack is found during any inspection required by paragraph (f)(1) of this AD, before further flight, replace the #4 MFTF with a new or serviceable #4 MFTF, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A380–57–8016, dated May 11, 2009. Do the inspections required by paragraph (f)(1) of this AD at the applicable time specified in paragraph (f)(1) of this AD.

(4) Replacing any #4 MFTF extends the interval for the next inspections to the applicable time specified in paragraph (f)(1) of this AD.

(5) After the first #4 MFTF is replaced as required by this AD, submit a one-time report to Wera Dietz, Senior Retrofit Manager, AIRBUS Customer Services—SEOT2, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 561 933 333; Fax +33 561 932 745; e-mail [wera.dietz@airbus.com](mailto:wera.dietz@airbus.com); at the applicable times specified in paragraph (f)(5)(i) and (f)(5)(ii) of this AD. The report must include the serial number of the removed #4 MFTF, the associated airplane manufacturer serial number, and the number of flight cycles accumulated by the #4 MFTF at the time of replacement.

(i) If the replacement was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the replacement was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

### FAA AD Differences

**Note 1:** This AD differs from the MCAI and/or service information as follows: No differences.

### Other FAA AD Provisions

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

(1) **Alternative Methods of Compliance (AMOCs):** The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Todd Thompson, Aerospace Engineer, International Branch,

ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product*: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements*: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2009-0113, dated May 27, 2009; and Airbus Mandatory Service Bulletin A380-57-8016, dated May 11, 2009; for related information.

#### Material Incorporated by Reference

(i) You must use Airbus Mandatory Service Bulletin A380-57-8016, dated May 11, 2009, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Airbus SAS—EANA (Airworthiness Office); 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 562 110 253; Fax +33 562 110 307; e-mail [account.airworth-A380@airbus.com](mailto:account.airworth-A380@airbus.com); Internet <http://www.airbus.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 December 16, 2009.

**Stephen P. Boyd,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E9-30700 Filed 12-30-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0412; Directorate Identifier 2009-NM-022-AD; Amendment 39-16154; AD 2009-26-15]

RIN 2120-AA64

#### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes, and Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200 LR, and -200 IGW 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 possibility of some aluminum fasteners having been installed instead of titanium ones at bulkhead 1 of the LH (left-hand) and RH (right-hand) pylons of some [Embraer ERJ 170 and] Embraer ERJ 190 aircraft models. \* \* \*

The unsafe condition for Model 170 airplanes is structural damage in the case of bird impact in the region of bulkhead 1 of the pylons, which could adversely affect continued safe flight and landing. The unsafe condition for Model 190 airplanes is damage to the hydraulic lines and electrical generator power cables in the case of bird impact in the region of bulkhead 1 of the pylons, which might lead to presence of fire without indication to the flightcrew. We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective February 4, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 4, 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:

Kenny Kaulia, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2848; 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 May 5, 2009 (74 FR 20659). That NPRM proposed to correct an unsafe condition for the specified products. The mandatory continuing airworthiness information (MCAI) 2008-10-04 states:

It has been found the possibility of some aluminum fasteners having been installed instead of titanium ones at bulkhead 1 of the LH and RH pylons of some Embraer ERJ 170 aircraft models. The structural integrity of the region where these fasteners are installed may be affected in case of bird impact.

\* \* \* \* \*

MCAI 2008-09-02 states:

It has been found the possibility of some aluminum fasteners having been installed instead of titanium ones at bulkhead 1 of the LH (left-hand) and RH (right-hand) pylons of some Embraer ERJ 190 aircraft models. In the case of a bird strike in the pylon bulkhead 1 equipped with aluminum fasteners there is the possibility where the impact may affect some equipments installed in the region after the bulkhead 1. Damages to the hydraulic lines and electrical generator power cables may lead to presence of fire in the region, without indication to the flight crew.

\* \* \* \* \*

The unsafe condition for Model 170 airplanes is structural damage in the case of bird impact in the region of bulkhead 1 of the pylons, which could adversely affect continued safe flight and landing. The unsafe condition for Model 190 airplanes is damage to the hydraulic lines and electrical generator power cables in the case of bird impact in the region of bulkhead 1 of the pylons, which might lead to presence of fire without indication to the flightcrew. Corrective actions include inspecting for the presence of aluminum fasteners at pylon bulkhead 1, and replacing all aluminum fasteners with titanium fasteners. You may obtain further information by examining the MCAI in the AD docket.

##### Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received from Embraer, the manufacturer.