1. Searching the Federal eRulemaking Portal (http://www.regulations.gov);
2. Visiting the FAA’s Regulations and Policies Web page at http://www.faa.gov/regulations_policies or

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

Issued in Washington, DC, on January 26, 2011.

Pamela Hamilton-Powell, Director, Office of Rulemaking.

14 CFR Part 39

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39


RIN: 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–500 Airplanes

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

It has been found that moisture may accumulate and freeze, under certain conditions, in the gap between the AOA vane base assembly and the stationary ring of the sensor’s body. If freezing occurs both AOA sensors may get stuck and the Stall Warning Protection System (SWPS) will be no longer effective without alerting. This may result in inadvertent aerodynamic stall and loss of controllability of the airplane.

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 March 17, 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 W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact EMBRAER Empresa Brasileira de Aeronautica S.A., Phenom Maintenance Support, Av. Brig. Farina Lima, 2170, Sao Jose dos Campos—SP, CEP: 12227–901—PO Box: 36/2, BRASIL; telephone: ++55 12 3927–5383; fax: ++55 12 3927–2619; E-mail: phenom.reliability@embraer.com.br; Internet: http://www.embraer.com.br. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

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 (telephone (800) 647–5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090.

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–2011–0088; Directorate Identifier 2010–CE–072–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

The AGÊNCIA NACIONAL DE AVIÂÇÃO CIVIL—BRAZIL (ANAC), which is the aviation authority for Brazil, has issued AD No.: 2010–11–01, dated December 20, 2010 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

It has been found that moisture may accumulate and freeze, under certain conditions, in the gap between the AOA vane base assembly and the stationary ring of the sensor’s body. If freezing occurs both AOA sensors may get stuck and the Stall Warning Protection System (SWPS) will be no longer effective without alerting. This may result in inadvertent aerodynamic stall and loss of controllability of the airplane.

Since this condition may occur in other airplanes of the same type and affects flight safety, a corrective action is required. Thus, sufficient reason exists to request compliance with this AD in the indicated time limit.

The MCAI requires replacement of both Angle of Attack (AOA) sensors and cover plates. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

EMBRAER has issued PHENOM Service Bulletin SB No.: 500–27–0006, dated September 2, 2010, and PHENOM Service Bulletin SB No.: 500–27–0006, Revision No.: 01, dated November 29, 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 the 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 this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

**Differences Between This Proposed 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**

We estimate that this proposed AD will affect 89 products of U.S. registry. We also estimate that it would take about 7.5 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 $1,550 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $194,687.50, or $2,187.50 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, or 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:


**Comments Due Date**

(a) We must receive comments by March 17, 2011.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Empresa Brasileira de Aeronautica S.A. (EMBRAER) EMB–500 airplanes, serial numbers 50000005 through 50000119, 50000121 through 50000130, 50000132 through 50000134, 50000136, 50000137, 500000139, 50000141 through 50000158, 50000160 through 50000162, 50000164, 50000165, 50000167 through 50000175, 50000177, and 50000178, that are:

   (1) Certified in any category; and
   (2) Equipped with Angle of Attack (AOA) sensors, part number (P/N) C–100117–2 and cover plates P/N 500–01702–401 and/or P/N 500–01702–402.

**Subject**

(d) Air Transport Association of America (ATA) Code 27: Flight Controls.

**Reason**

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

   It has been found that moisture may accumulate and freeze, under certain conditions, in the gap between the AOA vane base assembly and the stationary ring of the sensor’s body. If freezing occurs both AOA sensors may get stuck and the Stall Warning Protection System (SWPS) will be no longer effective without alerting. This may result in inadvertent aerodynamic stall and loss of controllability of the airplane.

   Since this condition may occur in other airplanes of the same type and affects flight safety, a corrective action is required. Thus, sufficient reason exists to request compliance with this AD in the indicated time limit. The MCAI requires replacement of both AOA sensors and cover plates.

**Actions and Compliance**

(f) Unless already done, within 300 hours time-in-service (TIS) after the effective date of this AD or within 12 months after the effective date of this AD, whichever comes first, do the following actions following PHENOM Service Bulletin SB No.: 500–27–0006, Revision No.: 01, dated November 29, 2010:

   (1) Replace the left hand (LH) and the right hand (RH) AOA sensors P/N C–100117–2 with LH and RH AOA sensors P/N C–100117–3.
   (3) We will allow “unless already done” credit for corrective actions already done, before the effective date of this AD, following PHENOM Service Bulletin SB No.: 500–27–0006, dated September 2, 2010, for compliance with the requirements of this AD.

**FAA AD Differences**

Note: 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, Standards Office, 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: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106;
Aeronaútica S.A., Phenom Maintenance

information related to this AD, contact

2010, for related information. For service

PHENOM Service Bulletin SB No.: 500–27–


phenom.reliability@embraer.com.br;

3927–5383; fax: ++55 12 3927–2619; E-mail:

Jose dos Campos–SP, CEP: 12227–901—PO

Support, Av. Brig. Farina Lima, 2170, Sao

information on the availability of this

office (FSDO), or lacking a PI, your local

(PI) in the FAA Flight Standards District

notify your appropriate principal inspector

any airplane to which the AMOC applies,

4090. Before using any approved AMOC on

5300 Federal Register

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–1169; Airspace

Docket No. 10–AGL–24]

Proposed Amendment of Class E

Airspace; Cable Union, WI

AGENCY: Federal Aviation

Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking

(NPRM).

SUMMARY: This action proposes to

amend Class E airspace at Cable Union, WI.

Decommissioning of the Seely non-

directional beacon (NDB) at Cable Union

Airport, Cable Union, WI, has

made this action necessary for the safety

and management of Instrument Flight

Rules (IFR) operations at the airport.

DATES: 0901 UTC. Comments must be

received on or before March 17, 2011.

ADDRESSES: Send comments on this

proposal to the U.S. Department of

Transportation, Docket Operations, 1200

New Jersey Avenue, SE., West Building

Ground Floor, Room W12–140,

Washington, DC 20590–0001. You must

identify the docket number FAA–2010–1169/Airspace Docket No. 10–AGL–24,

at the beginning of your comments. You

may also submit comments through the

Internet at http://www.regulations.gov.

You may review the public docket

containing the proposal, any comments

received, and any final disposition in

person in the Dockets Office (see

ADDRESSES section for address and

phone number) between 9 a.m. and 5

p.m., Monday through Friday, except

Federal holidays. An informal docket

may also be examined during normal

business hours at the office of the

Central Service Center, 2601 Meacham

Blvd., Fort Worth, TX 76137.

Persons interested in being placed on

a mailing list for future NPRMs should

contact the FAA’s Office of Rulemaking

(202) 267–9677, to request a copy of

Advisory Circular No. 11–2A, Notice of

Proposed Rulemaking Distribution

System, which describes the application

procedure.

The Proposal

This action proposes to amend Title

14, Code of Federal Regulations (14

CFR), part 71 by modifying Class E

airspace extending upward from 700

feet above the surface for standard

instrument approach procedures at

Cable Union Airport, Cable Union, WI.

Airspace reconfiguration is necessary

due to the decommissioning of the

Mosby NDB and the cancellation of the

NDB approach. Geographic coordinates

would also be adjusted in accordance

with the FAA's Aeronautical Products.

Controlled airspace is necessary for the

safety and management of IFR

operations at the airport.

Class E airspace areas are published

in Paragraph 6005 of FAA Order

7400.9U, dated August 18, 2010, and

effective September 15, 2010, which is

incorporated by reference in 14 CFR

71.1. The Class E airspace designation

aspects of the proposal.

Communications should identify both

docket numbers and be submitted in

triplicate to the address listed above.

Commenters wishing the FAA to

acknowledge receipt of their comments

on this notice must submit with those

comments a self-addressed, stamped

postcard on which the following

statement is made: “Comments to

Docket No. FAA–2010–1169/Airspace

Docket No. 10–AGL–24.” The postcard

will be date/time stamped and returned

to the commenter.

Availability of NPRMs

An electronic copy of this document

may be downloaded through the

Internet at http://www.regulations.gov.

Recently published rulemaking

documents can also be accessed through

the FAA’s Web page at http://

www.faa.gov/airports_airtraffic/

air_traffic/publications/

airspace_amendments/.

You may review the public docket

containing the proposal, any comments

received, and any final disposition in

person in the Dockets Office (see

ADDRESSES section for address and

phone number) between 9 a.m. and 5

p.m., Monday through Friday, except

Federal holidays. An informal docket

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The Proposal

This action proposes to amend Title

14, Code of Federal Regulations (14

CFR), part 71 by modifying Class E

airspace extending upward from 700

feet above the surface for standard

instrument approach procedures at

Cable Union Airport, Cable Union, WI.

Airspace reconfiguration is necessary

due to the decommissioning of the

Mosby NDB and the cancellation of the

NDB approach. Geographic coordinates

would also be adjusted in accordance

with the FAA’s Aeronautical Products.

Controlled airspace is necessary for the

safety and management of IFR

operations at the airport.

Class E airspace areas are published

in Paragraph 6005 of FAA Order

7400.9U, dated August 18, 2010, and

effective September 15, 2010, which is

incorporated by reference in 14 CFR

71.1. The Class E airspace designation

aspects of the proposal.

Communications should identify both
docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. FAA–2010–1169/Airspace Docket No. 10–AGL–24.” The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at http://www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA’s Web page at http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see ADDRESSES section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA’s Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title

14, Code of Federal Regulations (14 CFR), part 71 by modifying Class E airspace extending upward from 700 feet above the surface for standard instrument approach procedures at Cable Union Airport, Cable Union, WI. Airspace reconfiguration is necessary due to the decommissioning of the Mosby NDB and the cancellation of the NDB approach. Geographic coordinates would also be adjusted in accordance with the FAA’s Aeronautical Products. Controlled airspace is necessary for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation

to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, a Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591. Attn: Information Collection Clearance Officer, AES–200.

Related Information

(b) Refer to MCAI AGÊNCIA NACIONAL-DE AVIAÇÃO CIVIL—BRAZIL (ANAC), AD No.: 2010–11–01, dated December 20, 2010; and PHENOM Service Bulletin SB No.: 500–27–0006, dated September 2, 2010, and PHENOM Service Bulletin SB No.: 500–27–0006, Revision No.: 01, dated November 29, 2010, for related information. For service information related to this AD, contact EMBRAER Empresa Brasileira de Aeronáutica S.A., Phenom Maintenance Support, Av. Brig. Farina Lima, 2170, Sao Jose dos Campos–SP, CEP: 12227–901—PO Box: 36/2, BRASIL; telephone: ++55 12 3927–5383; fax: ++55 12 3927–2619; E-mail: phenom.reliability@embraer.com.br; Internet: http://www.embraer.com.br. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Issued in Kansas City, Missouri, on January 24, 2011.

John Colomy,

Acting Manager, Small Airplane Directorate,

Aircraft Certification Service.

[FR Doc. 2011–28–11; Filed 1–28–11; 8:45 am]