

(2) have had the rudder and/or elevator replaced or repaired at Fairchild Dornier or RUAG between the year 2000 and 2005. The concerned rudder and elevator part numbers and serial numbers are listed on page 7 of RUAG Aerospace Defence Technology Dornier 228 Service Bulletin No. SB-228-270 (includes undated attachments 1 and 2 to SB-228-270 Rev. 1), Rev. No. 1, dated November 28, 2008.

#### Subject

(d) Air Transport Association of America (ATA) Code 51: Standard Practices/Structures.

#### Reason

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

The manufacturer reported findings of missing primer on the internal of the elevator and rudder of aircraft S/N 8200. The aircraft S/N 8200 was with RUAG for maintenance purposes. Investigation performed by RUAG showed that the paint removal procedure for the rudder and elevator was changed from a paint stripping with brush and scraper to a procedure where the parts were submerged in a tank filled with hot liquid stripper. The stripper is called TURCO 5669 from Henkel Surface Technologies. The stripping process is described in the Technical Process Bulletin No. 238799 dated 09/01/1999. This paint stripping process change was not communicated to and not approved by the TC-Holder.

Corrosion damage can occur through insufficient surface protection. Consequently, the MCAI requires a detailed visual inspection of the inner structure of the rudder and elevator for signs of corrosion, de-bonded primer (yellow-green), and any deviation of surface protection. If the inspection results show corrosion beyond the acceptable level or areas with de-bonded primer, the inspection results have to be reported to RUAG Aerospace Services GmbH for further decisions. If necessary, repair the affected parts in accordance with the applicable repair instruction obtained from RUAG Aerospace Services GmbH.

#### Actions and Compliance

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

(1) Within 2 months after July 17, 2009 (the effective date of this AD), do a detailed visual inspection on the inner structure of the rudder and elevator for signs of corrosion, de-bonded primer (yellow-green), and any other deviation of surface protection following RUAG Aerospace Defence Technology Dornier 228 Service Bulletin No. SB-228-270 (includes undated attachments 1 and 2 to SB-228-270 Rev. 1), Rev. No. 1, dated November 28, 2008.

(2) If you find corrosion or areas with de-bonded primer as a result of the inspection required by paragraph (f)(1) of this AD, before further flight, do the following:

(i) Report the inspection results to RUAG Aerospace Services GmbH, Dornier 228 Customer Support, P.O. Box 1253, 82231 Wessling, Federal Republic of Germany, telephone: +49 (0) 8153-30-2280; fax: +49 (0) 8153-30-3030 and request FAA-approved

repair instructions following RUAG Aerospace Defence Technology Dornier 228 Service Bulletin No. SB-228-270 (includes undated attachments 1 and 2 to SB-228-270 Rev. 1), Rev. No. 1, dated November 28, 2008.

(ii) Repair corrosion following FAA-approved repair instructions obtained from RUAG Aerospace Services GmbH.

#### 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: Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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 German AD D-2007-350R1, dated January 30, 2009; and RUAG Aerospace Defence Technology Dornier 228 Service Bulletin No. SB-228-270 (includes undated attachments 1 and 2 to SB-228-270 Rev. 1), Rev. No. 1, dated November 28, 2008, for related information.

#### Material Incorporated by Reference

(i) You must use RUAG Aerospace Defence Technology Dornier 228 Service Bulletin No. SB-228-270 (includes undated attachments 1 and 2 to SB-228-270 Rev. 1), Rev. No. 1, dated November 28, 2008, 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 RUAG Aerospace Services GmbH, Dornier 228 Customer Support, P.O. Box 1253, 82231 Wessling, Federal Republic of Germany, telephone: +49 (0) 8153-30-

2280; fax: +49 (0) 8153-30-3030; E-mail: [custsupport.dornier228@ruag.com](mailto:custsupport.dornier228@ruag.com); Internet: <http://www.ruag.com/>.

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329-3768.

(4) You may also review copies of the service information incorporated by reference for this AD 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 Kansas City, Missouri, on June 4, 2009.

**Kim Smith,**

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-13693 Filed 6-11-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0523; Directorate Identifier 2009-NM-018-AD; Amendment 39-15934; AD 2009-12-11]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A340-541 and -642 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:

Following a refined Finite Element Model (FEM) analysis of the Nose Landing Gear (NLG) actuator fitting installed on the roof panel of the NLG box of all A340-500/-600 aircraft, it has been demonstrated that potential fatigue cracks can be initiated on the NLG actuator fitting flanges.

This situation, if not corrected, could lead to inadvertent extension of the NLG which could adversely affect the aircraft's continued safe flight or [could result in] failure to retract the NLG which, in combination with an engine failure, could adversely affect the aircraft's safe take off.

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

**DATES:** This AD becomes effective June 29, 2009.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of June 29, 2009.

We must receive comments on this AD by July 13, 2009.

**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:** Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1138; 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 2008-0201, dated November 13, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Following a refined Finite Element Model (FEM) analysis of the Nose Landing Gear (NLG) actuator fitting installed on the roof panel of the NLG box of all A340-500/-600 aircraft, it has been demonstrated that

potential fatigue cracks can be initiated on the NLG actuator fitting flanges.

This situation, if not corrected, could lead to inadvertent extension of the NLG which could adversely affect the aircraft's continued safe flight or [could result in] failure to retract the NLG which, in combination with an engine failure, could adversely affect the aircraft's safe take off.

To prevent such event, this Airworthiness Directive requires High Frequency Eddy Current (HFEC) inspections and detailed visual inspections on the NLG Actuator fitting to detect any crack and, in case of finding, mandates the relevant corrective actions.

Corrective actions include contacting Airbus for repair instructions and doing the repair. You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Airbus has issued Mandatory Service Bulletin A340-53-5045, including Appendix 01, dated October 6, 2008. 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-2009-0523; Directorate Identifier 2009-NM-018-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:

**2009-12-11 Airbus:** Amendment 39-15934. Docket No. FAA-2009-0523; Directorate Identifier 2009-NM-018-AD.

##### Effective Date

(a) This airworthiness directive (AD) becomes effective June 29, 2009.

##### Affected ADs

(b) None.

##### Applicability

(c) This AD applies to all Airbus Model A340-541 and -642 airplanes, certificated in any category.

##### Subject

(d) Air Transport Association (ATA) of America Code 53: Fuselage.

##### Reason

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

Following a refined Finite Element Model (FEM) analysis of the Nose Landing Gear (NLG) actuator fitting installed on the roof panel of the NLG box of all A340-500/-600 aircraft, it has been demonstrated that potential fatigue cracks can be initiated on the NLG actuator fitting flanges.

This situation, if not corrected, could lead to inadvertent extension of the NLG which

could adversely affect the aircraft's continued safe flight or [could result in] failure to retract the NLG which, in combination with an engine failure, could adversely affect the aircraft's safe take off.

To prevent such event, this Airworthiness Directive requires High Frequency Eddy Current (HFEC) inspections and detailed visual inspections on the NLG Actuator fitting to detect any crack and, in case of finding, mandates the relevant corrective actions.

The corrective action includes contacting Airbus for repair instructions and doing the repair.

#### Actions and Compliance

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

(1) At the applicable time defined in paragraph (f)(1)(i) or (f)(1)(ii) of this AD: Perform an HFEC inspection on fitting flanges and a detailed visual inspection of the NLG actuator overall fitting, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A340-53-5045, dated October 6, 2008.

(i) For weight variant 00x series: Before accumulating 3,920 total flight cycles or within 90 days of the effective date of this AD, whichever occurs later.

(ii) For weight variant 10x series: Before accumulating 3,020 total flight cycles or within 90 days of the effective date of this AD, whichever occurs later.

(2) If no crack is detected during both inspections required by paragraph (f)(1) of this AD, repeat the inspections thereafter at intervals not exceeding the interval defined in paragraph (f)(2)(i) or (f)(2)(ii) of this AD, as applicable.

(i) For weight variant 00x series: 1,320 flight cycles.

(ii) For weight variant 10x series: 2,690 flight cycles.

(3) If any crack is detected during any inspection required by this AD, before further flight, contact Airbus for repair instructions and do the repair.

#### 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, 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1138; 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, 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 (EASA) Airworthiness Directive 2008-0201, dated November 13, 2008; and Airbus Mandatory Service Bulletin A340-53-5045, including Appendix 01, dated October 6, 2008; for related information.

#### Material Incorporated by Reference

(i) You must use Airbus Mandatory Service Bulletin A340-53-5045, including Appendix 01, dated October 6, 2008, 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—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80, e-mail [airworthiness.A330-A340@airbus.com](mailto:airworthiness.A330-A340@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 June 2, 2009.

**Stephen P. Boyd,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. E9-13572 Filed 6-11-09; 8:45 am]

**BILLING CODE 4910-13-P**