Ice crystal size median mass dimension (MMD) range is 50–200 microns (equivalent spherical size) based upon measurements near convective storm cores. The TWC can be treated as completely glaciated (ice crystal) except as noted in the Table 1.

<table>
<thead>
<tr>
<th>Temperature range—deg C</th>
<th>Horizontal cloud length</th>
<th>LWC—g/m³</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to −20</td>
<td>≤ 50 miles</td>
<td>≤ 1.0</td>
</tr>
<tr>
<td>0 to −20</td>
<td>Indefinite</td>
<td>≤ 0.5</td>
</tr>
<tr>
<td>&lt; −20</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

The TWC levels displayed in Figure D2 represent TWC values for a standard exposure distance (horizontal cloud length) of 17.4 nautical miles that must be adjusted with length of icing exposure. The assessment from data measurements in Reference 1 supports the reduction factor with exposure length shown in Figure D3.

FIGURE D3 Exposure Length Influence on TWC

Issued in Washington, DC, on June 23, 2010.
KC Yanamura, Acting Director, Aircraft Certification Service.

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
14 CFR Part 39
RIN 2120–AA64


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 that would supersede an existing AD. 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:

Prompted by [an] accident * * * the FAA published SFAR 88 (Special Federal Aviation Regulation 88) * * *. * * *
Fuel Airworthiness Limitations arising from the required systems safety analysis are items that have been shown to have failure mode(s) associated with an ‘unsafe condition’*. These are identified in Failure Conditions for which an unacceptable probability of ignition risk could exist if specific tasks and/or practices are not performed in accordance with the corrective action(s) developed by the TC [type certificate] holder.

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 August 13, 2010.

ADDRESSES: You may send comments by any of the following methods:
- Fax: (202) 493–2251.
- 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 EADS–CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 55 65; e-mail MTA.TechnicalService@casa.eads.net; Internet http://www.eads.net. 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.

Examinating 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:

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–2010–0640; Directorate Identifier 2009–NM–142–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 have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

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
On April 24, 2008, we issued AD 2008–09–22, Amendment 39–15503 (73 FR 23939, May 1, 2008). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2008–09–22, the fuel airworthiness limitations have been revised. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2009–0146, dated July 3, 2009 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Prompted by [an] accident * * *, the FAA published SFAR 88 (Special Federal Aviation Regulation 88). Subsequently, the Joint Aviation Authorities (JAA) recommended the application of a similar regulation to the National Aviation Authorities (NAA) of its member countries.

Under this regulation, all holders of type certificates for passenger transport aeroplanes with either a passenger capacity of 30 or more, or a payload capacity of 3 402 kg (7 500 lbs) or more, which have received their certification since 01 January 1958, are required to conduct a design review against explosion risks.

In August 2005, EASA published a policy statement on the process for developing instructions for maintenance and inspection of Fuel Tank System ignition source prevention (EASA D 2005/CPRO), that also included the EASA expectations with regard to compliance times of the corrective actions on the unsafe and the not unsafe part of the harmonised design review results.

Fuel Airworthiness Limitations arising from the required systems safety analysis are items that have been shown to have failure mode(s) associated with an ‘unsafe condition’* as defined in the FAA memo 2003–112–15 ‘SFAR 88—Mandatory Action Decision Criteria’. These are identified in Failure Conditions for which an unacceptable probability of ignition risk could exist if specific tasks and/or practices are not performed in accordance with the corrective action(s) developed by the TC [type certificate] holder.

To address these potential unsafe conditions, EASA issued AD 2007–0007, mandating the Fuel System Airworthiness Limitations, comprising maintenance and inspection tasks and Critical Design Configuration Control Limitations (CDCCCL) that were, at that moment, defined in issue C of EADS–CASA document DT–0–C00–05001. That document has now been revised and updated to issue D.

For the reasons described above, this EASA AD retains the requirements of AD 2007–0007, which is superseded [and corresponds to FAA AD 2008–09–22], and requires the implementation of the revised Fuel Airworthiness Limitations contained in issue D of EADS–CASA document DT–0–C00–05001 and accomplishment of related modifications.

The required actions are retaining the limitations for fuel tank systems, adding thermal insulation to the air conditional compression system, applying double bonding connection on fuel tubes, and modifying the separation between the center wing electrical harness and fuel tubes. The application of double bonding connections on fuel tubes includes doing general visual inspections for damage of the inside of the fuel tanks, and corrective actions if necessary. The corrective actions include contacting EADS CASA for repair instructions and doing the repair. You may obtain further information by examining the MCAI in the AD docket.

We have changed Table 1 of this AD to fix a typographical error, which is specified in EADS CASA Component Maintenance Manual with Illustrated Parts List 28–21–12. Revision 003, dated June 15, 2007. The title page of that document specifies “Revision 002.” The correct revision level is “Revision 003.”

Relevant Service Information
EADS CASA has issued the following service bulletins:
the new basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $61,200, or $7,650 per product, depending on airplane configuration.

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 removing Amendment 39–15503 (73 FR 23939, May 1, 2008) and adding the following new AD:


Comments Due Date

(a) We must receive comments by August 13, 2010.

Affected ADs

(b) This AD supersedes AD 2008–09–22, Amendment 39–15503.

Applicability

(c) This AD applies to EADS CASA (Type Certificate Previously held by Construcciones Aeronauticas, S.A.) Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes, and Model C–295 airplanes, all serial numbers; certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 28: Fuel.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states: “Prompted by [an] accident * * *, the FAA published SFAR 88 (Special Federal Aviation Regulation 88). Subsequently, the Joint Aviation Authorities (JAA) recommended the application of a similar regulation to the National Aviation Authorities (NAA) of its member countries. “Under this regulation, all holders of type certificates for passenger transport aeroplanes with either a passenger capacity of 30 or more, or a payload capacity of 402 kg (7 500 lbs) or more, which have received their certification since 01 January 1958, are required to conduct a design review against explosion risks. “In August 2005, EASA [European Aviation Safety Agency] published a policy statement on the process for developing instructions for maintenance and inspection of Fuel Tank System ignition source prevention (EASA D 2005/CPRFD), that also included the EASA expectations with regard to compliance times of the corrective actions on the unsafe and the not unsafe part of the harmonised design review results.

“Fuel Airworthiness Limitations arising from the required systems safety analysis are items that have been shown to have failure mode(s) associated with an ‘unsafe condition’ as defined in the FAA memo 2003–112–15 ‘SFAR 88—Mandatory Action Decision Criteria’. These are identified in Failure Conditions for which an unacceptable probability of ignition risk could exist if specific tasks and/or practices are not
performed in accordance with the corrective action(s) developed by the TC [type certificate] holder.

"To address these potential unsafe conditions, EASA issued AD 2007–0007, mandating the Fuel System Airworthiness Limitations, comprising maintenance and inspection tasks and Critical Design Configuration Control Limitations (CDCCL) that were, at that moment, defined in issue C of EADS–CASA document DT–0–C00–05001, Issue D. That document has now been revised and updated to issue D.

"For the reasons described above, this EASA AD retains the requirements of AD 2007–0007, which is superseded [and corresponds to FAA AD 2008–09–22], and requires the implementation of the revised Fuel Airworthiness Limitations contained in issue D of EADS–CASA document DT–0–C00–05001 and accomplishment of related modifications.”

The required actions are retaining the limitations for fuel tank systems, adding thermal insulation to the air conditional compression system, applying double bonding connection on fuel tubes, and modifying the separation between the center wing electrical harness and fuel tubes. The application of double bonding connections on fuel tubes includes doing general visual inspections for damage of the inside of the fuel tanks, and corrective actions if necessary. The corrective actions include contacting EADS CASA for repair instructions and doing the repair. You may obtain further information by examining the MCAI in the AD docket.

**Compliance**

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

### Table 1—Applicable CMMs

<table>
<thead>
<tr>
<th>CDCCL No.</th>
<th>CDCCL description</th>
<th>CMM</th>
<th>Revision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>2” motorized spherical plug pressure relief valve.</td>
<td>Eaton CMM with Illustrated Parts List 28–0–63</td>
<td>3</td>
<td>June 20, 2006.</td>
</tr>
</tbody>
</table>

**Note 1:** Table 1 of this AD does not include CMM 28–22–15, CE400150–E01, and C 17MQ0020–005SE, which are listed in EADS CASA CN–235/C–295 Technical Document DT–0–C00–02501, Issue C, dated October 2006. These CMM document numbers no longer apply. In addition, CMM document number 28–21–81 in EADS CASA CN–235/C–295 Technical Document DT–0–C00–05001, Issue C, dated October 2006, should be CMM document number 26–20–81.

(2) After accomplishing the actions specified in paragraph (g)(1) of this AD, no alternative CDCCLs may be used unless the CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

**New Requirements of This AD**

(h) Do the following actions.

(1) Within 3 months after the effective date of this AD, revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness by incorporating the information in EADS CASA CN–235/C–295 Technical Document DT–0–C00–05001, Issue D, dated October 2008. Where this EADS CASA technical document refers to an EADS–CASA CMM, use the applicable CMM specified in Table 1 of this AD. Doing this revision terminates the requirements specified in paragraph (g) of this AD.

**Note 2:** Notwithstanding any other maintenance or operational requirements, components that have been identified as airworthy or installed on the affected airplanes before the revision of the fuel airworthiness limitations, as required by paragraphs (g) and (h) of this AD, do not need to be reworked in accordance with the CDCCLs. However, once the fuel airworthiness limitations have been revised, future maintenance actions on these components must be done in accordance with the CDCCLs.

(2) After accomplishing the actions specified in paragraph (h)(1) of this AD, no alternative CDCCLs may be used unless the CDCCLs are approved as an AMOC in accordance with the procedures specified in paragraph (i)(1) of this AD.

(3) Within 6 months after the effective date of this AD, accomplish the modifications specified in paragraphs (h)(2)(i), (h)(2)(ii), and (h)(3)(ii) of this AD, as applicable.


**FAA AD Differences**

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

(1) The European Aviation Safety Agency (EASA) AD 2009–0146, dated July 3, 2009,
inadvertently refers to the incorrect service bulletins. For applying double bonding connections on fuel tubes and doing general visual inspections for damage inside the tank, we refer to EADS CASA Service Bulletin SB–235–28–18, dated August 2, 2007. For modifying the separation between the center wing electrical harnesses and fuel tubes, we refer to EADS CASA Service Bulletin SB–235–24–20, dated August 2, 2007.

Other FAA AD Provisions
(i) The following provisions also apply to this AD:


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.

(ii) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these as our knowledge of the different types of rear seat belt reminder systems. In general, we are encouraged by new methods to increase seat belt use. NHTSA requests comments and information to assist the agency in determining whether to grant or deny the petition.

DATES: Comments must be received on or before August 30, 2010.

ADDRESSES: You may submit comments (identified by the DOT Docket ID Number above) by any of the following methods:

• Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the online instructions for submitting comments.


• Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.

• Fax: 202–493–2251.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the SUPPLEMENTARY INFORMATION section of this document. It is requested, but not required, that two copies of the comment be provided. Note that all comments received will be posted without change to http://www.regulations.gov, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our docket by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: