

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:

**APEX Aircraft:** Docket No. FAA-2010-1296; Directorate Identifier 2010-CE-063-AD.

#### Comments Due Date

(a) We must receive comments by February 14, 2011.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to APEX Aircraft Model CAP 10 airplanes, all serial numbers, certified in any category.

#### Subject

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

#### Reason

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

A fatal accident occurred to a CAP 10C, in which the pilot lost control of the aeroplane.

The following investigation has revealed that the probable cause of the accident was the improper locking of a turnbuckle (locking

clip missing) of the flight control cables, and the subsequent inadvertent release of the pitchup control cable from the turnbuckle.

For the above described reasons, this AD requires repetitive inspections to verify the correct installation of the turnbuckles of the flight control cables and, if foreseen by the applicable design configuration of the turnbuckles and found to be missing, to restore the locking clip and the safety wire.

#### Actions and Compliance

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

(1) Within the next 2 months after the effective date of this AD:

(i) If the turnbuckles are designed to be locked with locking clips and safety wire, verify that the locking clips are properly installed in the corresponding groove, that the safety wire of a minimum diameter of 0.8 millimeter (mm) is correctly installed, and that there is no damage to the whole turnbuckle installation.

(ii) For all other designs of turnbuckles, verify the correct installation of the safety locking devices.

(iii) If any discrepancy is found during the inspection required by paragraph (f)(1)(i) or (f)(1)(ii) of this AD, before further flight, restore the correct turnbuckle installation in accordance with standard maintenance practice.

(2) Repeat the inspection required by paragraph (f)(1)(i) or (f)(1)(ii) of this AD, as applicable to the turnbuckles design, and the associated corrective actions required by paragraph (f)(1)(iii) of this AD at intervals not to exceed 110 hours time-in-service or 13 months since the last inspection, whichever occurs first.

#### 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: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; 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, 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

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2010-0233, dated November 26, 2010, for related information. For service information related to this AD, contact Apex Aircraft, Bureau de Navigabilité, 1 route de Troyes, 21121 DAROIS-France, telephone: (33) 380 35 65 10; fax: (33) 380 35 65 15; email: apex-aircraft.com. 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 December 22, 2010.

#### Earl Lawrence,

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2010-32966 Filed 12-29-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-1271; Directorate Identifier 2010-NM-187-AD]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Model 777-200, -300, and -300ER 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 installing an auto shutoff feature for the center override/jettison fuel pumps, and installing power control circuitry for the center

override/jettison and main jettison fuel pumps. This proposed AD would also require installing new software in the electrical load management system (ELMS) electronics units in certain power management panels; installing airplane information management system 2 (AIMS-2) software in the AIMS-2 hardware; and making certain wiring changes. This proposed AD was prompted by results from fuel system reviews conducted by the manufacturer. We are proposing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

**DATES:** We must receive comments on this proposed AD by February 14, 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 Boeing 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; telephone 206-544-5000, extension 1; fax 206-766-5680; e-mail [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.com>. For GE Aviation service information identified in this proposed AD, contact GE Aviation, Customer Services—Clearwater, P.O. Box 9013, Clearwater, Florida 33758; telephone 727-539-1631; fax 727-539-0680; e-mail [cs.support@ge.com](mailto:cs.support@ge.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.

#### FOR FURTHER INFORMATION CONTACT:

Georgios Roussos, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6482; fax (425) 917-6590; e-mail: [Georgios.Roussos@faa.gov](mailto:Georgios.Roussos@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-2010-1271; Directorate Identifier 2010-NM-187-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 FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled "Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements" (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 ("SFAR 88," Amendment 21-78, and subsequent Amendments 21-82 and 21-83).

Among other actions, SFAR 88 requires certain type design (*i.e.*, type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This

requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: Single failures, single failures in combination with a latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

We have determined that the actions identified in this AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Results of a safety assessment revealed that there is a small risk of an ignition source in a fuel tank if a center override/jettison fuel pump or a main jettison fuel pump continues to run when there is no fuel at the pump inlet, or when the pumps are commanded to stop running (commanded off) and they remain on. When a pump runs after the fuel level goes below the pump inlet, there is a small risk that the pump can cause an ignition source in the fuel tank from an overheat condition, electrical arcs, or frictional sparks. This condition, if not corrected, could result in a fuel tank explosion and consequent loss of the airplane.

##### Relevant Service Information

We reviewed Boeing Service Bulletin 777-28A0047, Revision 5, dated September 20, 2010. That service information describes procedures for installing a new P301 panel on the left side of the airplane, installing a new P302 panel on the right side of the airplane, and changing the wiring; and performing certain bonding resistance measurements and reworking the airplane installation to verify that

certain bonding requirements are met if necessary.

Boeing Service Bulletin 777–28A0047, Revision 5, dated September 20, 2010, specifies prior or concurrent accomplishment of the following service bulletins:

- Boeing Service Bulletin 777–28A0040, Revision 1, dated March 18, 2010, which describes procedures for installing new software in the ELMS electronics units in the P110, P210, and P310 power management panels.

- Boeing Special Attention Service Bulletin 777–31–0097, Revision 3, dated February 22, 2007, which describes procedures for installing AIMS–2 software in the AIMS–2 hardware.

- GE Aviation Service Bulletin 5000ELM–28–456, Revision 1, dated January 7, 2010, which describes

procedures for changing the wiring of the ELMS P110 left power management panel.

- GE Aviation Service Bulletin 6000ELM–28–457, Revision 1, dated January 7, 2010, which describes procedures for changing the wiring of the ELMS P210 right power management panel.

**FAA’s Determination**

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

**Proposed AD Requirements**

This proposed AD would require accomplishing the actions specified in

the service information described previously, except as discussed under “Differences Between the Proposed AD and the Service Information.”

**Differences Between the Proposed AD and the Service Information**

Boeing Special Attention Service Bulletin 777–31–0097, Revision 3, dated February 22, 2007, specifies a compliance time of 60 months. This AD requires a 36-month compliance time to install the AIMS–2 software upgrade. This difference has been coordinated with the manufacturer.

**Costs of Compliance**

We estimate that this proposed AD will affect 2 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation: Groups 1 and 2, Configuration 2	149 work-hours × \$85 per hour = \$12,665 ....	\$15,719	\$28,384 .....	\$56,768.
Installation: Groups 1 and 2, Configuration 1	2 work-hours × \$85 per hour = \$170 .....	15,719	\$15,889 .....	\$31,778.
Concurrent requirement: Install ELMS software.	3 work-hours × \$85 per hour = \$255 .....	0	\$255 .....	\$510.
Concurrent requirement: Upgrade AIMS2 software.	Up to 2 work-hours × \$85 per hour = Up to \$170.	0	Up to \$170 .....	Up to \$340.
Concurrent requirement: P110 wiring changes.	3 work-hours × \$85 per hour = \$255 .....	1,164	\$1,419 .....	\$2,838.
Concurrent requirement: P210 wiring changes.	3 work-hours × \$85 per hour = \$255 .....	1,164	\$1,419 .....	\$2,838.

**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),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) 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.

**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 airworthiness directive (AD):

**The Boeing Company:** Docket No. FAA–2010–1271; Directorate Identifier 2010–NM–187–AD.

**Comments Due Date**

(a) We must receive comments by February 14, 2011.

**Affected ADs**

(b) None.

**Applicability**

(c) The Boeing Company Model 777–200, –300, and –300ER series airplanes; certificated in any category; as identified in Boeing Service Bulletin 777–28A0047, Revision 5, dated September 20, 2010.

**Subject**

(d) Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 28, Fuel.

**Unsafe Condition**

(e) This AD was prompted by results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

**Compliance**

(f) Comply with this AD within the compliance times specified, unless already done.

**Installation**

(g) For airplanes in Groups 1 and 2, Configuration 2, as identified in Boeing Service Bulletin 777-28A0047, Revision 5, dated September 20, 2010: Within 36 months after the effective date of this AD, install a new P301 panel on the left side of the airplane, install a new P302 panel on the right side of the airplane, and change the wiring, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777-28A0047, Revision 5, dated September 20, 2010.

(h) For airplanes in Groups 1 and 2, Configuration 1, as identified in Boeing Service Bulletin 777-28A0047, Revision 5, dated September 20, 2010: Within 36 months after the effective date of this AD, perform bonding resistance measurements and rework the airplane installation if necessary, depending on airplane configuration, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777-28A0047, Revision 5, dated September 20, 2010.

**Concurrent Requirements**

(i) Prior to or concurrently with accomplishing the requirements of paragraph (g) of this AD, do the actions in paragraphs (i)(1), (i)(2), (i)(3), and (i)(4) of this AD.

(1) Install new software in the electrical load management system (ELMS) electronics units in the P110, P210, and P310 power management panels, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777-28A0040, Revision 1, dated March 18, 2010.

(2) Install airplane information management system 2 (AIMS-2) software in the AIMS-2 hardware, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777-31-0097, Revision 3, dated February 22, 2007.

(3) Modify the P110 left power management panel by incorporating wiring changes, in accordance with the Accomplishment Instructions of GE Aviation Service Bulletin 5000ELM-28-456, Revision 1, dated January 7, 2010.

(4) Modify the P210 right power management panel by incorporating wiring changes, in accordance with the Accomplishment Instructions of GE Aviation Service Bulletin 6000ELM-28-457, Revision 1, dated January 7, 2010.

**Credit for Actions Accomplished in Accordance With Previous Service Information**

(j) Installations done before the effective date of this AD in accordance with Boeing

Alert Service Bulletin 777-28A0040, dated April 13, 2007, are acceptable for compliance with the requirements of paragraph (i)(1) of this AD.

(k) Installations done before the effective date of this AD in accordance with Boeing Service Bulletin 777-28A0047, Revision 3, dated June 11, 2009; or Revision 4, dated May 20, 2010; are acceptable for compliance with the requirements of paragraphs (g) and (h) of this AD.

(l) Installations done before the effective date of this AD in accordance with Boeing Special Attention Service Bulletin 777-31-0097, dated March 30, 2006; Revision 1, dated August 10, 2006; or Revision 2, dated October 26, 2006; are acceptable for compliance with the requirements of paragraph (i)(2) of this AD.

**Paperwork Reduction Act Burden Statement**

(m) 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.

**Alternative Methods of Compliance (AMOCs)**

(n)(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be e-mailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your Principal Maintenance Inspector or Principal Avionics Inspector, as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

**Related Information**

(o) For more information about this AD, contact Georgios Roussos, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6482; fax (425) 917-6590; e-mail: [Georgios.Roussos@faa.gov](mailto:Georgios.Roussos@faa.gov).

(p) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data &

Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; e-mail [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.com>. For GE Aviation service information identified in this AD, contact GE Aviation, Customer Services—Clearwater, P.O. Box 9013, Clearwater, Florida 33758; telephone 727-539-1631; fax 727-539-0680; e-mail [cs.support@ge.com](mailto:cs.support@ge.com). You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, the FAA, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on December 17, 2010.

**Ali Bahrami,**

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

[FR Doc. 2010-33000 Filed 12-29-10; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board****15 CFR Part 400**

[Docket No. 090210156-0416-01]

RIN 0625-AA81

**Foreign-Trade Zones in the United States**

**AGENCY:** Foreign-Trade Zones Board, International Trade Administration, Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** The Foreign-Trade Zones Board (the Board) proposes to amend its regulations, and invites public comment on these proposed amendments. Through this action, the Board proposes to amend the substantive and procedural rules for the authorization of Foreign-Trade Zones (FTZs or zones) and the regulation of zone activity. The purpose of zones as stated in the Foreign-Trade Zones Act (FTZ Act or the Act) is to “expedite and encourage foreign commerce, and other purposes.” The regulations proposed here provide the legal framework for accomplishing this purpose in the context of evolving U.S. economic and trade policy, and economic factors relating to international competition. The changes are comprehensive and the proposed action constitutes a major revision. These revisions encompass changes related to manufacturing and value-added activity, as well as new rules designed to address compliance with the Act’s requirement for a grantee to