SUMMARY: We are superseding an existing 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 earlier MCAI, Brazilian Airworthiness Directive 2007–08–01, effective September 27, 2007, describes the unsafe condition as:

Fuel system reassessment, performed according to RBHA–E88/SFAR–88 (Regulamento Brasileiro de Homologacao Aeronautica 88/Special Federal Aviation Regulation No. 88), requires the inclusion of new maintenance tasks in the Critical Design Configuration Control Limitations (CDCL) and in the Fuel System Limitations (FSL), necessary to preclude ignition sources in the fuel system. * * *

The new MCAI, Brazilian Airworthiness Directive 2009–08–03, effective August 20, 2009, describes the unsafe condition as:

An airplane fuel tank systems review required by Special Federal Aviation Regulation Number 88 (SFAR 88) and “RBHA Especial Número 88” (RBHA E 88) has shown that additional maintenance and inspection instructions are necessary to maintain the design features required to preclude the existence or development of an ignition source within the fuel tanks of the airplane.

* * * * *

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective February 9, 2011.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 9, 2011.

On July 30, 2008 (73 FR 35908, June 25, 2008), the Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD.

ADDRESSES: You may examine the AD docket on the Internet at http://www.regulations.gov or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.


SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That supplemental NPRM was published in the Federal Register on March 23, 2010 (75 FR 13684), and proposed to supersede AD 2008–13–15, Amendment 39–15578 (73 FR 35908, June 25, 2008). That supplemental NPRM proposed to correct an unsafe condition for the specified products. Brazilian Airworthiness Directive 2007–08–01, effective September 27, 2007, describes the unsafe condition as:

Fuel system reassessment, performed according to RBHA–E88/SFAR–88 (Regulamento Brasileiro de Homologacao Aeronautica 88/Special Federal Aviation Regulation No. 88), requires the inclusion of new maintenance tasks in the Critical Design Configuration Control Limitations (CDCL) and in the Fuel System Limitations (FSL), necessary to preclude ignition sources in the fuel system. * * *

Brazilian Airworthiness Directive 2009–08–03, effective August 20, 2009, describes the unsafe condition as:

An airplane fuel tank systems review required by Special Federal Aviation Regulation Number 88 (SFAR 88) and “RBHA Especial Número 88” (RBHA E 88) has shown that additional maintenance and inspection instructions are necessary to maintain the design features required to preclude the existence or development of an ignition source within the fuel tanks of the airplane.

* * * * *

The corrective action is revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA) to incorporate new limitations for fuel tank systems. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received.

Request To Consider Additional Service Information

The commenter, EMBRAER, requested that we revise the supplemental NPRM to include Parker Service Bulletin 367–934–28–110, Revision A, dated December 19, 2006, as acceptable for compliance with the proposed requirements. Parker makes the fuel conditioning unit (FCU) and ventral fuel conditioning unit (VFVCU). Parker revised certain references within that service bulletin, clarifying all checks and inspections to be performed on the FCU and/or VFVCU to ensure that the “safe life” features are maintained. Parker also published certain data substantiating that CUs in compliance with the 10,000-flight-hour inspection in accordance with Parker Service Bulletin 367–934–28–110, Revision A, dated December 19, 2006, have had the equivalent inspection to the safe-life features
testing required in the recently updated references. When an FCU is returned to the field after having that service bulletin incorporated, the unit is returned to the customer with an FAA 8130–3 tag indicating that the service bulletin was done, and the FCU is also marked to indicate that service bulletin.

We agree with the request and the commenter’s rationale. We have added a provision to paragraph (g)(1) of this AD to consider FCUs inspected by Parker and marked with Parker Service Bulletin 367–934–28–110 and the date of accomplishment to be in compliance with the requirements of paragraph (g)(1) of this AD. We have also revised the previous NPRM by removing paragraph (1) of Note 3, which implied that the Parker service bulletin was not acceptable for compliance.

Additional Change to Supplemental NPRM

We have revised paragraph (g)(1) and added new Note 2 in this final rule to clarify the requirements to incorporate new limitations for fuel tank systems.

Conclusion

We reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

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

Costs of Compliance

Based on the service information, we estimate that this AD affects about 43 products of U.S. registry.

The actions that are required by AD 2008–13–15 and retained in this AD take about 1 work-hour per product, at an average labor rate of $85 per work hour. Based on these figures, the estimated cost of the currently required actions is $85 per product.

We estimate that it takes about 1 work-hour per product to comply with the new basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the new requirements on U.S. operators to be $3,655, or $85 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 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; and
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.

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 the NPRM, 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.

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

§ 39.13 [Amended]

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 39–15578 (73 FR 35908, June 25, 2008) and adding the following new AD:


Effective Date

(a) This airworthiness directive (AD) becomes effective February 9, 2011.

Affected ADs

(b) This AD supersedes AD 2008–13–15, Amendment 39–15578.

Applicability

(c) This AD applies to all Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ airplanes, certificated in any category.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (h)(1) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Subject

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

(e) The mandatory continuing airworthiness information (MCAI), Brazilian Airworthiness Directive 2007–08–01, effective September 27, 2007, states:

Fuel system reassessment, performed according to RBHA–E88/SFAR–88 (Regulamento Brasileiro de Homologacao Aeronautica 88/Special Federal Aviation Regulation No. 88), requires the inclusion of new maintenance tasks in the Critical Design Configuration Control Limitations (CDCCL) and in the Fuel System Limitations (FSL), necessary to preclude ignition sources in the fuel system.

And the MCAI, Brazilian Airworthiness Directive 2009–08–03, effective August 20, 2009, states:

An airplane fuel tank systems review required by Special Federal Aviation Regulation Number 88 (SFAR 88) and “RBHA Especial Número 88” (RBHA E 88) has shown that additional maintenance and inspection instructions are necessary to maintain the design features required to preclude the existence or development of an ignition source within the fuel tanks of the airplane.

The corrective action is revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA) to incorporate new limitations for fuel tank systems.

Restatement of Requirements of AD 2008–13–15

Actions and Compliance

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

(1) Before December 16, 2008, revise the ALS of the ICA to incorporate Section A2.5.2, Fuel System Limitation Items, of Appendix 2 of EMBRAER Legacy BJ—Maintenance Planning Guide MPG–1483, Revision 5, dated March 22, 2007, except as provided by paragraph (g) of this AD. Except as required by paragraph (g) of this AD, for all tasks identified in Section A2.5.2 of Appendix 2 of EMBRAER Legacy BJ—Maintenance Planning Guide MPG–1483, Revision 5, dated March 22, 2007, the initial compliance times start from the applicable times specified in table 1 of this AD; and the repetitive inspections must be accomplished thereafter at the interval specified in Section A2.5.2 of Appendix 2 of EMBRAER Legacy BJ—Maintenance Planning Guide MPG–1483, Revision 5, dated March 22, 2007, except as provided by paragraphs (f)(3) and (h) of this AD.

---

TABLE 1—INITIAL INSPECTIONS

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Description</th>
<th>Compliance time (whichever occurs later)</th>
</tr>
</thead>
<tbody>
<tr>
<td>28–11–00–720–001–A00</td>
<td>Functionally Check critical bonding integrity of selected conduits inside the wing tank, Fuel Pump and FOQS connectors at tank wall by conductivity measurements.</td>
<td>Before the accumulation of 30,000 total flight hours. Within 90 days after December 16, 2008.</td>
</tr>
<tr>
<td>28–13–01–720–002–A00</td>
<td>Functionally Check Aft Fuel tank critical bonding integrity of Fuel Pump, FOQS and Low Level SW connectors at tank wall by conductivity measurements.</td>
<td>Before the accumulation of 30,000 total flight hours. Within 90 days after December 16, 2008.</td>
</tr>
<tr>
<td>28–15–04–720–001–A00</td>
<td>Functionally Check Fwd Fuel tank critical bonding integrity of Fuel Pump, FOQS and Low Level SW connectors at tank wall by conductivity measurements.</td>
<td>Before the accumulation of 30,000 total flight hours. Within 90 days after December 16, 2008.</td>
</tr>
<tr>
<td>28–21–01–220–001–A00</td>
<td>Inspect Wing Electric Fuel Pump Connector ..................................................</td>
<td>Before the accumulation of 10,000 total flight hours. Within 90 days after December 16, 2008.</td>
</tr>
<tr>
<td>28–23–03–220–001–A00</td>
<td>Inspect Pilot Valve harness inside the conduit .............................................</td>
<td>Before the accumulation of 20,000 total flight hours. Within 90 days after December 16, 2008.</td>
</tr>
<tr>
<td>28–23–04–220–001–A00</td>
<td>Inspect Vent Valve harness inside the conduit ..............................................</td>
<td>Before the accumulation of 20,000 total flight hours. Within 90 days after December 16, 2008.</td>
</tr>
<tr>
<td>28–41–03–220–001–A00</td>
<td>Inspect FOQS harness for clamp and wire jacket integrity. ...........................</td>
<td>Before the accumulation of 20,000 total flight hours. Within 90 days after December 16, 2008.</td>
</tr>
<tr>
<td>28–46–02–220–001–A00</td>
<td>Aft Fuel Tank Internal Inspection: FOQS harness and Low Level SW harness for clamp and wire jacket integrity.</td>
<td>Before the accumulation of 20,000 total flight hours. Within 90 days after December 16, 2008.</td>
</tr>
<tr>
<td>28–46–04–220–001–A00</td>
<td>Fwd Fuel Tank Internal Inspection: FOQS harness and Low Level SW harness for clamp and wire jacket integrity.</td>
<td>Before the accumulation of 20,000 total flight hours. Within 90 days after December 16, 2008.</td>
</tr>
</tbody>
</table>

(2) Within 90 days after July 30, 2008 (the effective date of AD 2008–13–15), revise the ALS of the ICA to incorporate Items 1, 2, and 3 of Section A2.4, Critical Design Configuration Control Limitation (CDCCL), of Appendix 2 of EMBRAER Legacy BJ—Maintenance Planning Guide MPG–1483, Revision 5, dated March 22, 2007.

(3) After accomplishing the actions specified in paragraphs (f)(1) and (f)(2) of this AD, no alternative inspections, inspection intervals, or CDCCLs may be used unless the inspections, intervals, or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (h) of this AD.

New Requirements of This AD

Actions and Compliance

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

(1) Within 30 days after the effective date of this AD, add Tasks 28–41–01–720–001–A01 and 28–46–05–720–001–A01 identified in table 2 of this AD to Section A2.5.2 of Appendix 2 of EMBRAER Legacy BJ—Maintenance Planning Guide MPG–1483. The operator can accomplish this by placing a copy of this AD into that section of the operator’s MPG–1483. Once these tasks have been added, Tasks 28–41–01–720–001–A00 and 28–46–05–720–001–A00 identified in Section A2.5.2 of Appendix 2 of EMBRAER Legacy BJ—Maintenance Planning Guide MPG–1483, Revision 5, dated March 22, 2007, are no longer required. For the fuel limitation tasks identified in Table 2 of this AD, do the initial task at the later of the applicable “Threshold” and “Grace Period” times specified in table 2 of this AD. Fuel condition units (FCUs) inspected by Parker and marked with Parker Service Bulletin 367–934–28–110 and the date of accomplishment are considered to be in compliance with the requirements of this paragraph.
TABLE 2—INSPECTIONS

<table>
<thead>
<tr>
<th>Task No.</th>
<th>Description</th>
<th>Part No.</th>
<th>Compliance time (whichever occurs later)</th>
<th>Repetitive interval (not to exceed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>28–41–01–720–001–A01.</td>
<td>Perform an initial functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; an external visual inspection as shown in the Check section 2; an internal visual inspection as shown in the Repair section 1; a functional check of the safe-life features as shown in Testing and Fault isolation section 4; and a final functional check as shown in Testing and Fault isolation sections 1, 2, and 3; of the auxiliary fuel conditioning unit (AFCU), in accordance with Parker Component Maintenance Manual with Illustrated Parts List (CMM) 28–41–69, Revision 2, dated March 13, 2009.</td>
<td>367–934–002</td>
<td>Before the accumulation of 10,000 total flight hours on the AFCU.</td>
<td>10,000 flight hours on the AFCU since the most recent functional check.</td>
</tr>
<tr>
<td>28–46–05–720–001–A01.</td>
<td>Perform an initial functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; an external visual inspection as shown in Check section 2; an internal visual inspection as shown in Repair section 1; a functional check of the safe-life features as shown in Testing and Fault Isolation section 4; and a final functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; of the auxiliary fuel conditioning unit (AFCU), in accordance with Parker CMM 28–41–66, Revision 1, dated March 13, 2009.</td>
<td>367–934–004</td>
<td>Before the accumulation of 10,000 total flight hours on the AFCU.</td>
<td>10,000 flight hours on the AFCU since the most recent functional check.</td>
</tr>
<tr>
<td>28–46–05–720–001–A01.</td>
<td>Perform an initial functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; an external visual inspection as shown in Check section 2; an internal visual inspection as shown in Repair section 1; a functional check of the safe-life features as shown in Testing and Fault Isolation section 4; and a final functional check as shown in Testing and Fault Isolation sections 1, 2, and 3; of the auxiliary fuel conditioning unit (AFCU), in accordance with Parker CMM 28–41–90, dated April 3, 2009.</td>
<td>367–934–006</td>
<td>Before the accumulation of 10,000 total flight hours on the AFCU.</td>
<td>10,000 flight hours on the AFCU since the most recent functional check.</td>
</tr>
</tbody>
</table>

**Note 2:** Once EMBRAER incorporates Tasks 28–41–01–720–001–A01 and 28–46–05–720–001–A01 into Section A2.5.2 of Appendix 2 of EMBRAER Legacy BJ—Maintenance Planning Guide MPG–1483, either by a temporary revision or by a general revision of Section A2.5.2 of Appendix 2 of EMBRAER Legacy BJ—Maintenance Planning Guide MPG–1483, this AD may be removed from Section A2.5.2 of that document.

(2) After accomplishment of the actions specified in paragraph (g)(1) of this AD, no alternative inspections or inspection intervals may be used unless the inspections or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (h) of this AD.

**Explanation of CDCCL Requirements**

**Note 3:** 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 ALS of the ICA, as required by paragraphs (f)(1), (f)(2), and (g)(1) of this AD, do not need to be reworked in accordance with the CDCCLs. However, once the ALS of the ICA has been revised, future maintenance actions on these components must be done in accordance with the CDCCLs.

**FAA AD Differences**

**Note 4:** This AD differs from the MCAI and/or service information as follows:

(1) The applicability of Brazilian Airworthiness Directive 2009–08–03, effective August 20, 2009, includes models other than Model EMB–135BJ airplanes. However, this AD does not include those other models. Those models are included in the applicability of FAA AD 2008–13–14, Amendment 59–15577. We are considering further rulemaking to revise AD 2008–13–14.

(2) Although Brazilian Airworthiness Directive 2009–08–03, effective August 20, 2009, specifies both revising the airworthiness limitations and repetitively inspecting, this AD only requires the revision. Requiring a revision of the airworthiness limitations, rather than requiring individual repetitive inspections, requires operators to record AD compliance status only at the time they make the revision, rather than after every inspection. Repetitive inspections specified in the airworthiness limitations must be complied with in accordance with 14 CFR 91.403(c).

**Other FAA AD Provisions**

(h) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested...
using the procedures found in 14 CFR 39.19. Send information to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your Local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

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

(3) Reporting Requirements: 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 take 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


(2) The Director of the Federal Register approved the incorporation by reference of the service information contained in table 4 of this AD under 5 U.S.C. 552(a) and 1 CFR part 51.

Material Incorporated by Reference

(j) You must use the applicable service information contained in table 3 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

<table>
<thead>
<tr>
<th>TABLE 3—ALL MATERIAL INCORPORATED BY REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document</td>
</tr>
</tbody>
</table>

(Parker Component Maintenance Manual With Illustrated Parts List 28–41–69, Revision 2, dated March 13, 2009, contains an incorrect date on page 105; the correct date is March 13, 2009.)

(1) The Director of the Federal Register approved the incorporation by reference of the service information contained in table 4 of this AD under 5 U.S.C. 552(a) and 1 CFR part 51.

<table>
<thead>
<tr>
<th>TABLE 4—NEW MATERIAL INCORPORATED BY REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document</td>
</tr>
</tbody>
</table>

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes)

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

ACTION: Final rule; request for comments.