Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 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 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:

[T]he FAA has published SFAR 88 (Special Federal Aviation Regulation 88). In their letters referenced 04/00/02/07/01–L296, dated March 4th, 2002, and 04/00/02/07/03–L024, dated February 3rd, 2003, the [Joint Aviation Authorities] FAA recommended the application of a similar regulation to the National Aviation Authorities (NAA).

Under this regulation, all holders of type certificates for passenger transport aircraft with either a passenger capacity of 30 or more, or a payload capacity of 3,402 kg (7,500 lb) or more which have received their certificate since January 1st, 1958, are required to conduct a design review against explosion risks.

The unsafe condition is insufficient electrical bonding of the over-wing refueling cap adapter, which could result in a possible fuel ignition source in the fuel tanks. 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 19, 2011.

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 Airbus SAS–EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; e-mail: account.airworth-eas@airbus.com; Internet: http://www.airbus.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 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.


SUPPLEMENTARY INFORMATION: Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2011–0650; Directorate Identifier 2010–NM–257–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 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 European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2010–0199, dated September 30, 2010 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

The MCAI in the AD docket.

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.

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 proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 66 products of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $200 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $35,640, or $540 per product.

Relevant Service Information

Airbus has issued Mandatory Service Bulletin A310–28–2142, Revision 03, dated November 18, 2009. 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 Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.
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; 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 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:

Airbus: Docket No. FAA–2011–0650;
Directorate Identifier 2010–NM–257–AD.

Comments Due Date
(a) We must receive comments by August 19, 2011.

Affected ADs
(b) None.

Applicability
(c) This AD applies to airplanes identified in paragraphs (c)(1) and (c)(2) of this AD.
(1) Airbus Model A310–203, A310–204, A310–221 and A310–222 airplanes (without trim tank), all serial numbers, except airplanes on which Airbus Mandatory Service Bulletins A310–28–2143, both dated July 20, 2005; and Airbus Mandatory Service Bulletin A310–28–2142, Revision 03, dated November 18, 2009; have been done; certificated in any category.
(2) Model A310–304, A310–322, A310–324, and A310–325 airplanes (fitted with trim tank), all serial numbers, except airplanes on which Airbus Mandatory Service Bulletins A310–28–2143, and A310–28–2153, both dated July 20, 2005; and Airbus Mandatory Service Bulletin A310–28–2142, Revision 03, dated November 18, 2009; have been done; certificated in any category.

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

Reason
(e) The mandatory continuing airworthiness information (MCAI) states:
[T]he FAA has published SFAR 88 (Special Federal Aviation Regulation 88). In their letters referenced 04/00/02/07/01–L296, dated March 4th, 2002, and 04/00/02/07/03–L024, dated February 3rd, 2003, the [Joint Aviation Authorities] FAA recommended the application of a similar regulation to the National Aviation Authorities (NAA). Under this regulation, all holders of type certificates for passenger transport aircraft with either a passenger capacity of 30 or more, or a payload capacity of 3,402 kg (7,500 lb) or more which have received their certification since January 1st, 1958, are required to conduct a design review against explosion risks.
     * * * * *

The unsafe condition is insufficient electrical bonding of the over-wing refueling cap adapter, which could result in a possible fuel ignition source in the fuel tanks.

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

Resistance Measurement
(g) For configuration 05 and 06 airplanes, as identified in Airbus Mandatory Service Bulletin A310–28–2142, Revision 03, dated November 18, 2009, on which any Airbus service bulletin identified in table 1 of this AD has been done; Within 3 months after the effective date of this AD, do the actions in paragraph (g)(1) or (g)(2) of this AD, as applicable.

Table 1—Previously Accomplished Airbus Service Bulletins

<table>
<thead>
<tr>
<th>Airbus Service Bulletin</th>
<th>Revision</th>
<th>Date</th>
</tr>
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(1) For configuration 05 airplanes: Do a resistance check of the inboard and outboard over-wing refuel cap mounts between the flange face of the refuel insert and the wing, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A310–28–2142, Revision 03, dated November 18, 2009.

Corrective Action
(b) If during any resistance measurement required by paragraph (g)(1) or (g)(2) of this AD, a resistance of 10 mohm or greater is required by paragraph (g)(1) or (g)(2) of this AD, as applicable.

Note 1: This AD differs from the MCAI and/or service information as follows:
(1) Airbus Mandatory Service Bulletin A310–28–2142, Revision 03, dated November 18, 2009, specifies that if any resistance measurement is more than 10 mohm, corrective actions must be done. This AD specifies that if any resistance measurement...
ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Lebanon, PA, to accommodate new Standard Instrument Approach Procedures at Keller Brothers Airport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before August 19, 2011.


FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this proposed rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2011–0558; Airspace Docket No. 11–AEA–13) and be submitted in triplicate to the Docket Management System (see Addresses section for address and phone number). You may also submit comments through the Internet at http://www.regulations.gov.

Annotators wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: “Comments to Docket No. FAA–2011–0558; Airspace Docket No. 11–AEA–13.” The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see Addresses section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace at Lebanon, PA, providing the controlled airspace required to support the new RNAV GPS standard instrument approach procedures for Keller Brothers Airport. Controlled airspace extending upward from 700 feet above the surface would be established for the safety and management of IFR operations at the airport.

Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to