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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[ANE–2010–33.7–5A]

Aviation Fuel and Oil Operating Limitations; Policy Memorandum

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Issuance of policy memorandum.

SUMMARY: This document announces the issuance of policy memorandum for Aviation Fuel and Oil Operating Limitations. This policy memorandum provides guidance for Aircraft Certification Offices (ACOs) and the Engine Certification Office (ECO) when evaluating compliance with the standards for aviation fuel and oil operating limitations. This policy does not create any new requirements, and is not specifically limited to new model type certification.

DATES: The Engine and Propeller Directorate issued Policy Memorandum ANE–2010–33.7–5A on July 26, 2011.

FOR FURTHER INFORMATION CONTACT: Mark Rumizen, FAA, Engine and Propeller Standards Staff, ANE–111, 12 New England Executive Park, Burlington, MA 01803; e-mail: *mark.rumizen@faa.gov;* telephone: (781) 238–7113; fax: (781) 238–7199. The policy statement is available on the Internet at the following address: *http://www.airweb.faa.gov/rgl*. If you do not have access to the Internet, you may request a copy of the policy by contacting the individual listed in this section.

SUPPLEMENTARY INFORMATION: The Engine and Propeller Directorate (EPD) of the Aircraft Certification Service has engaged in discussions with the public regarding compliance with § 33.7 for new fuel and oil certification projects. As a result of those discussions the EPD made a draft policy memorandum available to the public for comment. The draft policy memorandum proposed guidance for Aircraft Certification Offices (ACOs) and the Engine Certification Office (ECO) when evaluating compliance with the standards for aviation fuel and oil operating limitations of Part 33 of Title 14 of the Code of Federal Regulations (14 CFR part 33). The draft policy specifically addressed compliance with paragraphs (b)(2), (b)(3), (c)(2), and (c)(3) of § 33.7 for engine type certification, major design change, and supplemental type certification projects.

The draft was made available on March 8, 2010, and after evaluating the comments received, the EPD posted a final policy memorandum to FAA's Regulatory and Guidance Library (RGL) on July 7, 2011. The final policy memorandum differed from the draft policy in three respects. First, the final policy contained some non-material additions, edits, and formatting changes principally to recognize the role that military standards play in evaluating compliance with § 33.7, and added an additional ATSM International (ASTM) standard to the list of recognized standards. Second, the format of paragraph 4.c. of the final memorandum was changed so as to clarify that the new policy memorandum does not materially alter the current position of the EPD to (1) accept as an adequate demonstration of compliance to § 33.7 an ASTM or Society of Automotive Engineers (SAE) standard, and (2) more precisely define the standard specifications considered equivalent to an ASTM or SAE standard specification. And, third, to add a new paragraph 4.d., which replaced the proposed paragraph 4.d., that more accurately described the EPD's oversight role in such projects by clarifying that all projects to add fuels or lubricants as operating limitations are significant, rather than just those that propose the use of equivalent specifications. That policy memorandum was posted to RGL as policy ANE–2010–33.7–5, dated July 7, 2011.

After the final policy posted to RGL, the FAA received a number of questions from the public concerning the revision to draft paragraph 4.d., which had contained a statement that certification projects that do not propose to use an ATSM or SAE standard would be evaluated by the EPD to determine equivalency to the historically used standards. The final policy memorandum relied on a sentence in paragraph 5 to cover that statement in draft paragraph 4.d. As stated above, this change more accurately described the EPD's role in the oversight of projects to add fuels or lubricants as operating limitations. The EPD intended that the specific guidance for proposals not based on industry consensus standards was accommodated by the existing language in paragraph 5 of the memo, and, therefore, it was unnecessary to duplicate that specific guidance in paragraph 4.d. The elimination of the specific guidance regarding proposals not based on industry consensus standards was not intended to imply that the FAA would summarily reject those so-called non-standard proposals. As significant projects, the EPD would continue to address all projects to add fuels or lubricants as operating limitations on a case by case basis in order to rationally evaluate their demonstration of compliance with § 33.7, which is consistent with the current practice. With the above changes, the published version of the memo neither explicitly accepted nor rejected those projects outside the scope of the specific policy, such as the non-standard proposals. However, Paragraph 5 of the memo maintained the accommodation of those projects by specifying they be coordinated with the EPD, which was consistent with the intent of the original version of the policy memo.

Even though the EPD did not intend any material change in the policy from the revised wording of proposed paragraph 4.d., the EPD has elected to withdraw the final policy memorandum ANE–2010–33.7–5, dated July 7, 2011, and to re-post to the RGL an amended final policy that returns paragraphs 4.c. and 4.d. to the form that appeared in the draft policy and eliminates the new paragraph 4.d. This amended final policy memorandum was posted to the RGL on July 26, 2011, as policy ANE–2010–33.7–5A.

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

Issued in Burlington, Massachusetts on July 29, 2011.

Colleen M. D'Alessandro,

Acting Assistant Manager, Engine and Propeller Directorate Aircraft Certification Service.

[FR Doc. 2011–19913 Filed 8–4–11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0631; Directorate Identifier 2011–NM–134–AD; Amendment 39–16759; AD 2011–16–01]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Model FALCON 7X 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 that would supersede an existing AD. 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:

Recently, a Dassault Aviation Falcon 7X aeroplane experienced an uncontrolled pitch trim runaway during descent. The crew succeeded in recovering a stable situation and performed an uneventful landing.

This condition, if occurring again, could lead to a loss of control of the aeroplane.

* * * * *

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

DATES: This AD becomes effective August 22, 2011.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in the AD as of August 22, 2011.

We must receive comments on this AD by September 19, 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:* 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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; phone: 425–227–1137; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

On June 16, 2011, we issued AD 2011–12–51, Amendment 39–16735 (76 FR 37251, June 27, 2011). To address an unsafe condition, that AD prohibited operation of the affected airplanes. That AD corresponds to Emergency Airworthiness Directive 2011–0102–E, dated May 26, 2011, issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, to correct an unsafe condition for the specified products.

Since we issued AD 2011–12–51, we have been advised of the development of new modifications that will address the unsafe condition. We have determined that these modifications are necessary to allow these airplanes to resume operation. The EASA issued Emergency AD 2011–0114–E, dated June 16, 2011, to supersede AD 2011–0102–E. The EASA subsequently revised that AD with EASA AD 2011–0114R1, dated June 23, 2011. The EASA subsequently revised that AD with EASA AD 2011–0114R2, dated July 7, 2011 (referred to after this as ''the MCAI''), which states:

Recently, a Dassault Aviation Falcon 7X aeroplane experienced an uncontrolled pitch trim runaway during descent. The crew succeeded in recovering a stable situation and performed an uneventful landing.

This condition, if occurring again, could lead to a loss of control of the aeroplane.

To address this potential unsafe condition, pending investigations by the manufacturer, EASA issued emergency AD 2011–0102–E (which corresponds to FAA AD 2011–12–51) which prohibited further flights from its effective date.

The initial results of the investigations show that there was a production defect in the Horizontal Stabilizer Electronic Control Unit (HSECU) which could have contributed to the cause of the event. There are two different HSECU part numbers (P/N) in use: P/N 051244–02 is not affected by this production defect and P/N 051244–04 is potentially affected by this production defect. The aeroplane that experienced the uncontrolled pitch trim runaway event was equipped with a HSECU P/N 051244–04. Investigations are continuing to confirm this cause.

In the meantime, to allow re-starting flight operations and providing protection against further pitch trim runaway events, Dassault Aviation have developed two modifications (M1235 and M1236) which are implemented through accomplishment of Dassault Aviation Service Bulletin (SB) F7X–211.

Furthermore, the flight envelope must be restricted, compared to the original certified flight envelope. Dassault Aviation have developed the corresponding Aircraft Flight Manual (AFM) limitations and a placard, to be installed in the cockpit (part of the instructions of SB F7X–211) to remind the flight crew of the limitations. In addition, modified operational procedures have been developed for in-flight activation of the new protection.

A Certification Maintenance Requirement (CMR), to repetitively test the new Horizontal Stabilizer Trim Actuator (HSTA) electric motors reversion relays (installed with M1235 and M1236), has been developed and must be introduced into chapter 5.40 of the Aircraft Maintenance Manual (AMM).

Additionally, the Master Minimum Equipment List (MMEL) is temporarily modified by this AD to prohibit dispatch of the aeroplane with some specific identified failures.

To correct this unsafe condition and allow resumption of flights for aeroplanes equipped with HSECU P/N 051244–02, EASA issued AD 2011–0114–E, which superseded EASA AD 2011–0102–E, to require:

1. Accomplishing two Dassault Aviation modifications,
2. Amending the AFM and installing a placard in the cockpit,
3. Amending the Minimum Equipment List (MEL), and
4. Implementing an operational test of the HSTA electric motors reversion relays.

For aeroplanes equipped with HSECU P/N 051244–04, the prohibition of flights was maintained.

Since EASA AD 2011–0114–E was issued, Dassault Aviation have issued SB F7X–212 which gives instructions, for aeroplanes equipped with HSECU P/N 051244–04, to remove the HSECU for verification by Rockwell Collins and replace it with an HSECU that has passed the verification, having a name plate with a stamped V. After