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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA-2011-0650; Directorate Identifier 2010-NM-257-AD; Amendment 39-16846; AD 2011-22-04]**

**RIN 2120-AA64**

**Airworthiness Directives; Airbus Model A310 Series Airplanes**

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

**ACTION:** Final rule.

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**SUMMARY:** We are adopting a new 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 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] JAA 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. We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective November 29, 2011.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 29, 2011.

**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.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2125; fax (425) 227-1149.

## **SUPPLEMENTARY INFORMATION:**

### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the Federal Register on July 5, 2011 (76 FR 39035). That NPRM proposed to correct an unsafe condition for the specified products. The 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 JAA 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.

\* \* \* \* \*

\* \* \* [This EASA AD] requires the additional work introduced by Airbus SB A310-28-2142 at revision 3.

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. 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 received no comments on the NPRM (76 FR 39035, July 5, 2011) or on the determination of the cost to the public.

### **Revision to Airbus Mandatory Service Bulletin A310-28-2142**

Airbus has issued Mandatory Service Bulletin A310-28-2142, Revision 04, dated November 30, 2010. No additional work is included in this revision for airplanes modified by any previous issue of this document. We have changed paragraphs (g), (g)(1), (g)(2), (h), (k), and sub-paragraph (1) of Note 1 of this AD to refer to Airbus Service Bulletin A310-28-2142, Revision 04, dated November 30, 2010, and added paragraph (i) to this AD to give credit for actions accomplished in accordance with Airbus Mandatory Service Bulletin A310-28-2142, Revision 03, dated November 18, 2009.

## **Conclusion**

We reviewed the available data 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**

We estimate that this AD will affect 66 products of U.S. registry. We also estimate that it will take about 4 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour. Required parts will 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 this AD to the U.S. operators to be \$35,640, or \$540 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;
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 (76 FR 39035, July 5, 2011), 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**

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:



**2011-22-04 Airbus:** Amendment 39-16846. FAA-2011-0650; Directorate Identifier 2010-NM-257-AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective November 29, 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 Bulletin A310-28-2143, 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 Bulletin A310-28-2143, dated July 20, 2005; Airbus Mandatory Service Bulletin A310-28-2153, dated July 20, 2005; and Airbus Mandatory Service Bulletin 310-28-2142, 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] JAA 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 04, dated November 30, 2010, 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**

<b>Airbus Service Bulletin</b>	<b>Revision</b>	<b>Date</b>
Airbus Mandatory Service Bulletin A310-28-2142	---	August 26, 2005
Airbus Mandatory Service Bulletin A310-28-2142	01	July 17, 2006
Airbus Mandatory Service Bulletin A310-28-2142	02	September 3, 2007

(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 04, dated November 30, 2010.

(2) For configuration 06 airplanes: Do a resistance check of the 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 04, dated November 30, 2010.

## Corrective Action

(h) If during any resistance measurement required by paragraph (g)(1) or (g)(2) of this AD, a resistance of 10 milliohm (mohm) or greater is found: Before further flight, do all applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A310-28-2142, Revision 04, dated November 30, 2010.

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

(i) Resistance measurements and corrective actions done in accordance with Airbus Mandatory Service Bulletin A310-28-2142, Revision 03, dated November 18, 2009, before the effective date of this AD are acceptable for compliance with the corresponding resistance measurements and corrective actions required by paragraphs (g) and (h) of this AD.

## **FAA AD Differences**

Note 1: This AD differs from the MCAI and/or service information as follows:

(1) Airbus Mandatory Service Bulletin A310-28-2142, Revision 04, dated November 30, 2010, specifies that if any resistance measurement is more than 10 mohm, corrective actions must be done. This AD specifies that if any resistance measurement is 10 mohm or greater, corrective actions must be done.

(2) Paragraphs (1), (2), and (4) of European Aviation Safety Agency (EASA) Airworthiness Directive 2010-0199, dated September 30, 2010, include actions that are not required in this AD. These actions are required by AD 2007-20-04, Amendment 39-15214 (72 FR 56258, October 3, 2007).

## **Other FAA AD Provisions**

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM-116, Transport Airplane Directorate, 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. Send information to Attn: Dan Rodina, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2125; fax (425) 227-1149. Information may be e-mailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding 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.

## **Related Information**

(k) Refer to MCAI EASA Airworthiness Directive 2010-0199, dated September 30, 2010; and Airbus Mandatory Service Bulletin A310-28-2142, Revision 04, dated November 30, 2010.

## **Material Incorporated by Reference**

(l) You must use Airbus Mandatory Service Bulletin A310-28-2142, Revision 04, dated November 30, 2010, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this 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>.

(3) You may review copies of the 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.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this

material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington, on October 13, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.