

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 43

[Docket No. 24309; Amdt. No. 43-24]

Anti-Misfueling: Tank Filler Opening Adapters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule. Request for comments.

SUMMARY: This amendment to Appendix A of Part 43 of the Federal Aviation Regulations (FAR) classifies the installation of fuel tank filler opening adapters as preventive maintenance when certain conditions are met. Several accidents have occurred as the result of misfueling aircraft and have resulted in numerous deaths and injuries. Installation of these adapters will significantly reduce accidents due to fueling aircraft which require gasoline with jet fuels.

DATES: Effective date of this amendment is November 7, 1984. Comments must be received on or before December 7, 1984.

ADDRESSES: Mail or deliver comments on this rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel; Attention: Rules Docket (AGC-204), Docket No. 24309, Room 916, 800 Independence Ave., SW., Washington, D.C. 20591. Comments may be examined in Rules Docket, weekdays except Federal Holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Charles W. Schaffer, General Aviation and Commercial Branch, Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591, Telephone (202) 426-8204.

SUPPLEMENTARY INFORMATION:

Background

A number of industry organizations including the General Aviation Manufacturer's Association (GAMA), the National Transportation Association (NATA), the United States Aircraft Insurance Group (USAIG), and various aircraft manufacturers and governmental organizations are concerned with the problem of misfueling aircraft which require gasoline with jet fuel. The results of such misfueling have been catastrophic as attested by several highly publicized accidents which have resulted in numerous deaths and injuries.

As a result, a fuel tank filler opening of reduced inside diameter has been developed for gasoline fueled aircraft to be used in conjunction with oversized fuel dispensing nozzles on jet fuel dispensing equipment. The inability to insert the jet fuel nozzle in the gasoline filler opening should significantly mitigate accidents caused by this type of misfueling. The fuel tank filler opening adapters are simple in design and may be installed without special skills. Those persons authorized under § 43.3(g) and 43.7(f) of the FAR to perform preventive maintenance and approve it for return to service could make the installations without derogating safety if such installations were classified as preventive maintenance.

Need for Immediate Adoption

This revision, by classifying the installation of fuel tank filler opening adapters as preventive maintenance, will provide persons with a significant opportunity to voluntarily increase safety, in the shortest time, at a minimal cost and, since it is voluntary, no regulatory burden.

New aircraft will be equipped with reduced diameter filler openings prior to delivery and retrofit of existing aircraft is voluntary. Installation may be made in a matter of a few minutes at a cost of approximately \$38 per opening. The cost in many instances is being offset voluntarily by subsidies from the aircraft insurers. The FAA recognizes a need to reduce the number of accidents resulting from misfueling aircraft and this amendment, which imposes no burden on any person and is minor in nature, will help achieve that goal. Therefore, I find that notice and public procedure are unnecessary and contrary to the public interest. In addition, I find that good cause exists for making this amendment effective in fewer than 30 days. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator and this amendment may be changed in response to comments received. All comments received will be available, in the rules docket for examination by interested persons before and after the closing date for comments.

Conclusion

The adoption of this rule permits the owners of aircraft to quickly reduce the

probability of a misfueling accident in their aircraft at minimal cost and no regulatory burden. Therefore, the FAA has determined that this amendment is not a major rule under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For the reasons stated above it has been determined also that the anticipated economic impact is so minimal that no regulatory evaluation is necessary. In addition, since this amendment adds one item to the list of permissible preventive maintenance activities to effectuate a voluntary anti-misfueling safety program, rather than imposing any new burden or requirement, I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 14 CFR Part 43

Aircraft, Airplanes, Maintenance.

Adoption of the Amendment

Accordingly, Part 43 of the Federal Aviation Regulations (14 CFR Part 43) is amended as follows, effective November 7, 1984.

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

1. By amending paragraph (c) of Appendix A, by adding a new item (29) to read as follows:

Appendix A—Major Alterations, Major Repairs, and Preventive Maintenance

* * * * *

(c) Preventive Maintenance.

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(29) The installations of anti-misfueling devices to reduce the diameter of fuel tank filler openings provided the specific device has been made a part of the aircraft type certificate data by the aircraft manufacturer, the aircraft manufacturer has provided FAA-approved instructions for installation of the specific device, and installation does not involve the disassembly of the existing tank filler opening.

(Secs. 313, 601 through 610, and 1102, Federal Aviation Act of 1958 as amended (49 U.S.C. 1354, 1421 through 1430 and 1502); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 21, 1983); and 14 CFR 11.45)

Issued in Washington, D.C., on October 3, 1984.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 84-25211 Filed 11-6-84; 8:45 am]

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Correction

In the issue of Wednesday, November 7, 1984, in the document appearing on page 44602, make the following corrections:

1. In the first column, last paragraph, fourth line, insert the word "Air" after the word "National".
2. In the third column, in the file line at the end of the document, "FR Doc. 84-25211" should have read "FR Doc. 84-29211".

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