

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:

Dowty Propellers (formerly Dowty Aerospace; Dowty Rotol Limited; and Dowty Rotol): Docket No. FAA–2009–0776; Directorate Identifier 2009–NE–32–AD.

Comments Due Date

(a) We must receive comments by October 26, 2009.

Affected Airworthiness Directives (ADs)

(b) None.

Applicability

(c) This AD applies to Dowty Propellers R408/6–123–F/17 model propellers. These propellers are installed on, but not limited to, Bombardier, Inc. (formerly de Havilland Canada) models DHC–8–400, DHC–8–401, and DHC–8–402 series airplanes.

Reason

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. We are issuing this AD to prevent an in-flight double generator failure, which could result in reduced controllability of the airplane.

Actions and Compliance

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

(1) For R408/6–123–F/17 model propellers with a hub, actuator, and backplate assembly line-replaceable unit (LRU) SNs below DAP0347, do the following initial sealant application within 5,000 flight hours (FH) after the effective date of this AD:

(i) Apply sealant between the bus bar assemblies and the backplate assembly.

(ii) Use paragraph 3 of the Accomplishment Instructions of Dowty Propellers Service Bulletin No. D8400–61–66, Revision 1, dated May 4, 2007, to do the sealant application.

(2) Thereafter, for all R408/6–123–F/17 model propellers, re-apply sealant as specified in paragraphs (e)(1)(i) through (e)(1)(ii) within every additional 10,000 FH.

Installation Prohibition

(3) After modification of all propellers on an airplane as required by paragraph (e)(1) of this AD, do not install any Dowty R408/6–123–F/17 propeller on that airplane unless sealant has been applied between the bus bar assemblies and the backplate assembly of

that propeller using the requirements of this AD.

FAA AD Differences

(f) Dowty Propellers Service Bulletin No. D8400–61–66, Revision 1, dated May 4, 2007, requires a one-time application of sealant for R408/6–123–F/17 model propellers with a hub, actuator, and backplate assembly LRU SNs below DAP0347. However, this AD and the MCAI require repetitive applications of sealant for all R408/6–123–F/17 model propellers.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Boston Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(h) Refer to EASA AD 2009–0114, dated May 28, 2009, and Dowty Propellers Service Bulletin No. D8400–61–66, Revision 1, dated May 4, 2007, for related information. Contact Dowty Propellers, Anson Business Park, Cheltenham Road East, Gloucester GL 29QN, UK; telephone: 44 (0) 1452 716000; fax: 44 (0) 1452 716001, for a copy of this service information.

(i) Contact Terry Fahr, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: terry.fahr@faa.gov; telephone (781) 238–7155; fax (781) 238–7170, for more information about this AD.

Issued in Burlington, MA, on September 21, 2009.

Peter A. White,

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

[FR Doc. E9–23209 Filed 9–24–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0790; Directorate Identifier 2008–NM–177–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 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 that would supersede an existing AD. 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: Uncontained APU [auxiliary power unit] generator failures on ground have occurred on Airbus A330 aircraft in service. APU generator design is common to all A330 and A340 aircraft. Preliminary investigations confirmed that these failures have resulted in structural damage to the APU compartment and, in one case, to the stabiliser compartment. Loose APU generator parts can lead to damage to the APU firewall, reducing its fire extinguishing capability and potentially leading to a temporary uncontrolled fire.

Although the root cause has not yet been determined, the investigation showed a sequence of events where a collapse of the Drive End Bearing (DEB) leads to an uncontained failure. Evidence has also shown that the DEB failures are not instantaneous, and therefore, the detection of small debris could indicate early stage of a DEB failure.

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 November 9, 2009.

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.

For service information identified in this proposed AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80, e-mail airworthiness.A330–A340@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 or 425–227–1152.

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.

FOR FURTHER INFORMATION CONTACT:

Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone (425) 227-1138; fax (425) 227-1149.

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-2009-0790; Directorate Identifier 2008-NM-177-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 have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

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

On August 21, 2007, we issued AD 2007-18-04, Amendment 39-15184 (72 FR 50042, August 30, 2007). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2007-18-04, a terminating modification has been developed. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008-0173, dated September 15, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Uncontained APU [auxiliary power unit] generator failures on ground have occurred on Airbus A330 aircraft in service. APU generator design is common to all A330 and A340 aircraft.

Preliminary investigations confirmed that these failures have resulted in structural damage to the APU compartment and, in one case, to the stabiliser compartment. Loose APU generator parts can lead to damage to the APU firewall, reducing its fire extinguishing capability and potentially leading to a temporary uncontrolled fire.

Although the root cause has not yet been determined, the investigation showed a sequence of events where a collapse of the Drive End Bearing (DEB) leads to an uncontained failure. Evidence has also shown that the DEB failures are not instantaneous, and therefore, the detection of small debris could indicate early stage of a DEB failure.

To address this subject, EASA issued Emergency AD 2007-0188-E, requiring repetitive inspections of the APU generator Scavenge filter element and filter housing and of the APU generator Drain plug for signs of small debris coming from the APU generator, allowing detection of the early stage of APU generator failure. That AD was later revised to extend the compliance time and to provide another option for the repetitive inspection.

Subsequently, another uncontained APU generator failure occurred on ground on an A330 aircraft, operated within the provisions of MMEL [master minimum equipment list] item 36-11-01, with similar structural damages as the previous APU generator burst events. The investigation of this event

revealed that the inspection required by paragraph 4 of AD 2007-0188R1 before the first flight under the MMEL rectification interval had not been performed and that the APU generator had not been properly installed (two seal plates instead of one).

Consequently, EASA issued AD 2008-0017, superseding AD 2007-0188R1 and requiring the following additional actions:

- A visual inspection of the APU generator seal plate fitting,—an inspection following MMEL item 36-11-01 or 24-22-01 rectification and
- An inspection each time a new or serviceable APU generator or APU is installed on an aircraft.

EASA issued AD 2008-0017R1 to cancel the inspection of paragraph 4 for A330 aircraft, when operated within the provisions of MMEL item 36-11-01 further to ETOPS (Extended-Range Twin-Engine Operations) certification of A330 APU.

Finally, Airbus has developed a secondary housing for the APU generator that is designed to contain APU generator parts in the event of an APU generator burst.

For the above described reasons, this AD retains the requirements of EASA AD 2008-0017R1, which is superseded, and adds the requirement to install a secondary housing on the APU generator. After installation of the secondary APU generator housing on an aircraft, the repetitive inspections of this AD are no longer required for that aircraft.

This AD retains the requirements of AD 2007-18-04. The new requirements include inspecting the APU generator scavenge oil filter element for contamination, the APU generator drain plug for contamination, and the APU generator scavenge filter housing for contamination, and a terminating action (installing a secondary housing line replaceable unit). Applicable corrective actions include, depending on the findings, replacing or reinstalling the APU generator scavenge oil filter and packing, replacing or reinstalling the APU generator drain plug, and replacing or reinstalling the APU generator scavenge filter housing. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued the service information in the following table.

Document	Revision	Date
Airbus Service Bulletin A330-24-3045	Original	June 13, 2008.
Airbus Service Bulletin A340-24-4058	Original	June 13, 2008.
Airbus Service Bulletin A340-24-5022	Original	June 23, 2008.
Airbus All Operators Telex (AOT) A330-24A3044	03	May 26, 2008.
Airbus AOT A340-24A4057	03	December 20, 2007.
Airbus AOT A340-24A5021	02	December 20, 2007.

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.

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 41 products of U.S. registry.

The actions that are required by AD 2007-18-04 and retained in this proposed AD take about 11 work-hours per product, at an average labor rate of \$80 per work hour. Required parts cost about \$0 per product. Based on these figures, the estimated cost of the currently required actions is \$880 per product.

We estimate that it would take about 10 work-hours per product to comply with the new basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$0 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 costs. 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 \$32,800, or \$800 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 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;
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 removing Amendment 39-15184 (72 FR 50042, August 30, 2007) and adding the following new AD:

Airbus: Docket No. FAA-2009-0790; Directorate Identifier 2008-NM-177-AD.

Comments Due Date

(a) We must receive comments by November 9, 2009.

Affected ADs

(b) The proposed AD supersedes AD 2007-18-04, Amendment 39-15184.

Applicability

(c) This AD applies to the airplanes certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Airbus Model A330-201, -202, -203, -223, -243, -301, -302, -303, -321, -322, -323, -341, -342, and -343 series airplanes, all serial numbers, except those on which Airbus modification 56985 has been embodied in production.

(2) Airbus Model A340-211, -212, -213, -311, -312, and -313 series airplanes; and Model A340-541 and A340-642 airplanes; all serial numbers, except those on which Airbus modification 56985 has been embodied in production.

Subject

(d) Air Transport Association (ATA) of America Code 24: Electrical power.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

Uncontained APU [auxiliary power unit] generator failures on ground have occurred on Airbus A330 aircraft in service. APU generator design is common to all A330 and A340 aircraft.

Preliminary investigations confirmed that these failures have resulted in structural damage to the APU compartment and, in one case, to the stabiliser compartment. Loose APU generator parts can lead to damage to the APU firewall, reducing its fire extinguishing capability and potentially leading to a temporary uncontrolled fire.

Although the root cause has not yet been determined, the investigation showed a sequence of events where a collapse of the Drive End Bearing (DEB) leads to an uncontained failure. Evidence has also shown that the DEB failures are not instantaneous, and therefore, the detection of small debris could indicate early stage of a DEB failure.

To address this subject, EASA issued Emergency AD 2007-0188-E, requiring repetitive inspections of the APU generator scavenge filter element and filter housing and of the APU generator Drain plug for signs of small debris coming from the APU generator,

allowing detection of the early stage of APU generator failure. That AD was later revised to extend the compliance time and to provide another option for the repetitive inspection.

Subsequently, another uncontained APU generator failure occurred on ground on an A330 aircraft, operated within the provisions of MMEL [master minimum equipment list] item 36–11–01, with similar structural damages as the previous APU generator burst events. The investigation of this event revealed that the inspection required by paragraph 4 of AD 2007–0188R1 before the first flight under the MMEL rectification interval had not been performed and that the APU generator had not been properly installed (two seal plates instead of one).

Consequently, EASA issued AD 2008–0017, superseding AD 2007–0188R1 and requiring the following additional actions:

- A visual inspection of the APU generator seal plate fitting,
- An inspection following MMEL item 36–11–01 or 24–22–01 rectification and
- An inspection each time a new or serviceable APU generator or APU is installed on an aircraft.

EASA issued AD 2008–0017R1 to cancel the inspection of paragraph 4 for A330 aircraft, when operated within the provisions of MMEL item 36–11–01 further to ETOPS [Extended-Range Twin-Engine Operational Performance Standards] certification of A330 APU.

Finally, Airbus has developed a secondary housing for the APU generator that is designed to contain APU generator parts in the event of an APU generator burst.

For the above described reasons, this AD retains the requirements of EASA AD 2008–0017R1, which is superseded, and adds the requirement to install a secondary housing on the APU generator. After installation of the secondary APU generator housing on an aircraft, the repetitive inspections of this AD are no longer required for that aircraft.

This AD retains the requirements of AD 2007–18–04, which superseded AD 2007–12–10, Amendment 39–15088. The new requirements include inspecting the APU generator scavenge oil filter element for contamination, the APU generator drain plug for contamination, and the APU generator scavenge filter housing for contamination, and a terminating action (installing a secondary housing line replaceable unit). Applicable corrective actions include, depending on the findings, replacing or reinstalling the APU generator scavenge oil filter and packing, replacing or reinstalling the APU generator drain plug, and replacing or reinstalling the APU generator scavenge filter housing.

Restatement of Requirements of AD 2007–12–10, With No Changes

Actions and Compliance

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

(1) For airplanes on which the date of issuance of the original French airworthiness certificate or the date of issuance of the original French or EASA export certificate of airworthiness is before March 1, 2007: Within 63 days after June 26, 2007 (the effective date of AD 2007–12–10), in accordance with the instructions of Airbus

All Operators Telex (AOT) A330–24A3042, A340–24A4056, or A340–24A5020, all Revision 02, all dated April 12, 2007; as applicable, inspect the inlet screen (last chance filter) for the generator scavenge-oil pump for signs of debris and, as applicable, apply all associated corrective actions before further flight.

(2) For Model A330 aircraft operating under MMEL (master minimum equipment list) Item 24–22–01 ‘AC Main Generation’ or MMEL Item 36–11–01 ‘Bleed Air Supply System Failure’ and on which the date of issuance of the original French airworthiness certificate or the date of issuance of the original French or EASA export certificate of airworthiness is before March 1, 2007: As of June 26, 2007, before each flight, perform a check of the differential pressure indicator button on the lube filter and the generator scavenge filter in accordance with the instructions of Airbus AOT A330–24A3042, Revision 02, dated April 12, 2007, until accomplishment of paragraph (g)(5) of this AD.

Note 1: The repetitive checks before each flight specified in paragraph (f)(2) of this AD are not required for airplanes operated under MMEL Item 36–11–01, provided the APU generator has been removed or deactivated in accordance with the instructions of Airbus AOT A330–24A3042, Revision 02, dated April 12, 2007.

(3) Actions done before June 26, 2007, in accordance with the applicable Airbus service information in Table 1 of this AD are acceptable for compliance with the corresponding provisions of paragraph (f) of this AD.

TABLE 1—ACCEPTABLE EARLIER REVISIONS OF SERVICE INFORMATION

Airbus all operators telex	Revision level	Date
A330–24A3042	Original	March 22, 2007.
A330–24A3042	01	March 29, 2007.
A340–24A4056	Original	March 22, 2007.
A340–24A4056	01	March 29, 2007.
A340–24A5020	Original	March 22, 2007.
A340–24A5020	01	March 29, 2007.

Restatement of Requirements of AD 2007–18–04, With Revised Service Information

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

(1) For airplanes on which the date of issuance of the original French airworthiness certificate or the date of issuance of the

original French or EASA export certificate of airworthiness is on or before July 1, 2007: Within 30 days after September 14, 2007 (the effective date of AD 2007–18–04), in accordance with the instructions of paragraph 4.2.1 of the applicable Airbus service information specified in Table 2 of this AD, clean and inspect the APU generator

scavenge oil filter element and housing and inspect the APU generator drain plug to detect metallic debris, and apply all applicable associated corrective actions before further flight. After the effective date of this AD, use only the service information specified in Table 3 of this AD.

TABLE 2—SERVICE INFORMATION

Airbus all operators telex	Revision level	Date
A330–24A3044	01	July 20, 2007.
A330–24A3044	02	December 20, 2007.
A330–24A3044	03	May 26, 2008.
A340–24A4057	02	August 14, 2007.
A340–24A4057	03	December 20, 2007.
A340–24A5021	01	July 20, 2007.
A340–24A5021	02	December 20, 2007.

TABLE 3—SERVICE INFORMATION

Airbus all operators telex	Revision level	Date
A330–24A3044	03	May 26, 2008.
A340–24A4057	03	December 20, 2007.
A340–24A5021	02	December 20, 2007.

(2) Within 450 aircraft flight hours or 200 APU operating hours, whichever occurs later, after accomplishing the inspection required by paragraph (g)(1) of this AD, in accordance with the instructions of paragraph 4.2.2 of the applicable Airbus service information specified in Table 2 of this AD: Inspect the APU generator scavenge oil filter element and housing and the APU generator drain plug to detect metallic debris; and apply all applicable associated corrective actions before further flight. Repeat the inspections thereafter at intervals not to exceed 450 aircraft flight hours or 200 APU operating hours, whichever occurs later. After the

effective date of this AD, use only the service information specified in Table 3 of this AD.

(3) For airplanes on which the date of issuance of the original French airworthiness certificate or the date of issuance of the original French or EASA export certificate of airworthiness is after July 1, 2007: Within 450 aircraft flight hours or 200 APU operating hours after September 14, 2007, whichever occurs later, in accordance with the instructions of paragraph 4.2.2 of the applicable Airbus service information specified in Table 2 of this AD: Inspect the APU generator scavenge oil filter element and housing and the APU generator drain

plug to detect metallic debris; and apply all applicable associated corrective actions before further flight. Repeat the inspections thereafter at intervals not to exceed 450 aircraft flight hours or 200 APU operating hours, whichever occurs later. After the effective date of this AD, use only the service information specified in Table 3 of this AD.

(4) Actions done before September 14, 2007, in accordance with the applicable Airbus service information in Table 4 of this AD are acceptable for compliance with the corresponding provisions of paragraph (g) of this AD.

TABLE 4—ACCEPTABLE EARLIER REVISIONS OF SERVICE INFORMATION

Airbus all operators telex	Revision level	Date
A330–24A3044	Original	July 5, 2007.
A340–24A4057	Original	July 5, 2007.
A340–24A4057	01	July 20, 2007.
A340–24A5021	Original	July 5, 2007.

(5) For Model A330 aircraft operating under MMEL Item 24–22–01, “AC Main Generation,” or MMEL Item 36–11–01, “Bleed Air Supply System Failure”: Unless the APU generator has been deferred in accordance with the MMEL by deactivation (quill shaft removed) or removal, the inspection required by paragraph (g)(2) or (g)(3), as applicable, of this AD must be performed prior to the first flight of the specified MMEL repair time interval. Accomplishing the actions in this paragraph terminates the actions required by paragraph (f)(2) of this AD.

Note 2: For A330 aircraft, MMEL Item 24–22–01 (AC Main Generation) and/or MMEL Item 36–11–01 (Bleed Air Supply System Failure) require that the APU be used during the entire flight.

New Requirements of This AD: Actions and Compliance

(h) Unless already done, do the following actions:

(1) As of the effective date of this AD, before further flight after an APU generator or an APU is installed on the airplane: Inspect the APU generator scavenge oil filter element for contamination (including metallic particles), the APU generator drain plug for contamination (including metallic particles), and the APU generator scavenge filter housing for contamination (including metallic particles), in accordance with paragraph 4.2 of the applicable service information specified in Table 3 of this AD. Do all applicable corrective actions before further flight in accordance with paragraph

4.2 of the applicable service information specified in Table 3 of this AD.

(2) Within 450 aircraft flight hours or 200 APU operating hours, whichever occurs later, after accomplishing the inspection required by paragraph (h)(1) of this AD, do the inspection as required by paragraph (g)(2) of this AD.

(3) For Model A330 airplanes operated within the provisions of MMEL Item 24–22–01, “AC Main Generation,” that are dispatched with the APU operating during the entire flight in accordance with the provisions of MMEL Item 24–22–01: Perform the inspection required by paragraph (g)(2) of this AD at the applicable time in paragraph (h)(3)(i) or (h)(3)(ii) of this AD, unless the APU generator is removed or deactivated (quill shaft removed as described in the MMEL item).

(i) Before the first flight of the MMEL rectification interval.

(ii) Before the first flight following MMEL rectification.

(4) Removing or deactivating the APU generator, or rendering the APU inoperative, in accordance with paragraph 4.3 of the applicable service information specified in Table 3 of this AD, defers the inspection required by paragraph (g)(2) of this AD. The deferred inspection must be performed before further flight after the system is reactivated.

(5) Within 6 months after the effective date of this AD, install a secondary housing line replaceable unit (LRU) over the end of the APU generator, in accordance with the Accomplishment Instructions of the applicable service information specified in Table 5 of this AD. Performing this

modification terminates the repetitive inspections required by paragraphs (g)(2), (g)(3), and (h)(2) of this AD.

FAA AD Differences

Note 3: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1138; 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.

(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:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection

requirements and has assigned OMB Control Number 2120-0056.

Related Information

(j) Refer to MCAI EASA Airworthiness Directive 2008-0173, dated September 15, 2008, and the service information identified in Table 5 of this AD for related information.

TABLE 5—SERVICE INFORMATION REQUIRED BY THIS AD

Airbus service information	Revision level	Date
AOT A340-24A5021	02	December 20, 2007.
AOT A330-24A3042	02	April 12, 2007.
AOT A330-24A3044	03	May 26, 2008.
AOT A340-24A4056	02	April 12, 2007.
AOT A340-24A4057	03	December 20, 2007.
AOT A340-24A5020	02	April 12, 2007.
Service Bulletin A330-24-3045	Original	June 13, 2008.
Service Bulletin A340-24-4058	Original	June 13, 2008.
Service Bulletin A340-24-5022	Original	June 23, 2008.

Issued in Renton, Washington, on September 16, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. E9-23189 Filed 9-24-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-0083; Directorate Identifier 2006-NM-266-AD]

RIN 2120-AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier supplemental NPRM for the products listed above. This action revises the earlier supplemental NPRM by expanding the scope. 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: It has been found the occurrence of engine anti-ice system valve failure, where the valve spring seat has broken and obstructed the anti-ice system venturi tube. Therefore, should the aircraft encounter icing

conditions, ice may accrete in the engine inlet lip and be ingested through the air inlet, resulting in possible engine damage and flame-out. 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 October 15, 2009.

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.

For service information identified in this proposed AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227-901 São Jose dos Campos—SP—BRASIL; telephone: +55 12 3927-5852 or +55 12 3309-0732; fax: +55 12 3927-7546; e-mail: distrib@embraer.com.br; Internet: <http://www.flyembraer.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 or 425-227-1152.

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.

FOR FURTHER INFORMATION CONTACT:

Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1405; fax (425) 227-1149.

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-2007-0083; Directorate Identifier 2006-NM-266-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

We proposed to amend 14 CFR part 39 with an earlier supplemental NPRM for the specified products, which was published in the **Federal Register** on