(g) Restatement of Requirements of AD 2006–14–05, Amendment 39–14676 (71 FR 38979, July 11, 2006), With Revised Service Information: Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs of (g) through (q) of this AD, if those actions were performed before August 15, 2006 (the effective date of AD 2006–14–05, Amendment 39–14767 (71 FR 38979, July 11, 2006), using Bombardier Alert Service Bulletin A670BA–32–016, dated June 2, 2005.

(r) New Requirements of This AD: Terminating Modification for MLG Door Configuration

Within 6,000 flight hours after the effective date of this AD, modify the MLG door, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–017, Revision C, dated May 14, 2010. Doing this modification terminates the requirements of this AD.

(s) New Requirements of This AD: Credit for Previous Actions

This paragraph provides credit for the modification of the MLG door required by paragraph (r) of this AD, if the modification was performed before the effective date of this AD using Bombardier Service Bulletin 670BA–32–017, dated July 24, 2006; Revision A, dated September 26, 2006; or Revision B, dated July 31, 2008; as applicable.

(t) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York ACO, ANE–170, 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: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certifying holding district office. The AMOC approval letter must specifically reference this AD. AMOCs approved previously in accordance with AD 2006–14–05, Amendment 39–14676 (71 FR 38979, July 11, 2006), are acceptable for compliance with this AD.

(2) Airworthiness 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.

(u) Related Information

Refer to MCAI TCCA Airworthiness Directive CF–2003–23R3, dated May 21, 2010, and the following service information for related information:


(v) Material Incorporated by Reference

(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) of the following service information under 5 U.S.C. 552(a) and 1 CFR part 51:


(2) For service information identified in this AD, contact Bombardier, Inc., 400 Cote–Vertu Road West, Dorval, Quebec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email thd.cfr@aero.bombardier.com; Internet http://www.bombardier.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/cfr/ibr_locations.html.


Kalene C. Yanamura,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–4449 Filed 2–28–12; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328–100 airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328–100 airplanes. This proposed AD was prompted by several runway excursion incidents and a single accident where the power lever could not be operated as intended during the landing roll-out on Model Dornier 328–100 airplanes. This proposed AD would require a modification of the engine control box assembly. We are proposing this AD to prevent runway excursion, which could result in damage to the airplane and injury to the occupants.

DATES: This AD becomes effective April 4, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 4, 2012.

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.


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 August 31, 2011 (76 FR 54145). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Several runway excursion incidents and a single accident have occurred in the past with Dornier 328–100 aeroplanes, where the power lever could not be operated as intended during the landing roll-out. * * *

Recurrence of such an event under similar conditions, if not corrected, could result in further cases of runway excursion, possibly resulting in damage to the aeroplane and injury to the occupants.

A modification to the power lever control box [i.e., engine control box assembly] has been designed to prevent further power lever handling difficulties.

For the reasons described above, this [EASA] AD requires a modification of the power lever control box as a retrofit for the entire fleet of 328–100 aeroplanes.

The required actions also include revising the airplane flight manual
(AFM) to include Dornier 328–100
Temporary Revisions (TR) 04–078, 04–
079, and 04–080, all dated March 15,
2010, to the Abnormal Procedures
section of the Dornier (328 Support
Services) 328–100 AFM; and Dornier
328–100 TRs 05–064, 05–065, and 05–
066, all dated February 13, 2009, to the
Normal Procedures section of the
Dornier (328 Support Services) 328–100
AFM. 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 considered the comment received.

**Request To Change Work Hours**

328 Support Services GmbH

requested we revise the Cost of
Compliance section of the NPRM (76 FR
54145, August 31, 2011). The
commenter stated that the estimate of 79
work-hours specified in the NPRM is
too low and should be changed to 99
work-hours as specified in 328 Support
Services Service Bulletin SB–328–75–
486, Revision 3, dated April 7, 2010.

We agree that the number of work hours required is higher than our previous estimate. The cost impact
information in this AD has been revised to indicate this higher amount.

**Conclusion**

We reviewed the available data,
including the comment received, and
determined that air safety and the
public interest require adopting the AD
as proposed.

**Differences Between This AD and the
MCAI or Service Information**

Although the MCAI specifies doing an
inspection for discrepancies, 328
Support Services Service Bulletin SB–
328–76–406, Revision 3, dated April 7,
2010, does not include this action. The
off-wing inspection included in the
MCAI is not required to address the
unsafe condition. The modification
addresses the identified unsafe
condition. Therefore, this AD does not
include that requirement.

Although the MCAI and service
information do not include revising the
AFM, this AD includes that
requirement. The TRs specified below
introduce pre-flight operational tests of
the warning system modification, along
with abnormal procedures that provide
guidance to the flightcrew in the event
of various potential warning system
faults. These procedures must be
adopted at the same time the
modification is installed to ensure
proper use and operation of the power
lever warning system. This has been
coordinated with EASA.

• Dornier 328–100 TR 04–078, dated
March 15, 2010, for the nuisance power
lever aural alert.

• Dornier 328–100 TR 04–079 and 04–
080, both dated March 15, 2010, for
the engine indication and crew alerting
system (EICAS) caution “Proxi System.”

• Dornier 328–100 TRs 05–064, 05–
065, and 05–066, all dated February 13,
2009, for the power level aural alert test.

**Costs of Compliance**

We estimate that this AD will affect
20 products of U.S. registry. We also
estimate that it will take about 99 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 $35,700
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
$882,300, or $44,115 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 that 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);
3. Will not affect intrastate aviation in
Alaska; and
4. 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 54145,
August 31, 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:

2013–04–06 328 Support Services GmbH
(Type Certificate Previously Held by
AvCraft Aerospace GmbH; Fairchild
Dornier GmbH; Dornier Luftfahrt
GmbH): Amendment 39–16962. Docket
No. FAA–2011–0912; Directorate
Identifier 2011–NM–035–AD.

(a) Effective Date

This airworthiness directive (AD) becomes
effective April 4, 2012.

(b) Affected ADs

None.
(c) Applicability
This AD applies to 328 Support Services GmbH (Type Certificate previously held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328–100 airplanes; all serial numbers; certified in any category.

(d) Subject
Air Transport Association (ATA) of America Code 76: Engine Controls.

(e) Reason
This AD was prompted by several runway excursion incidents and a single accident where the power lever could not be operated as intended during the landing roll-out on Model Dornier 328–100 airplanes. We are issuing this AD to prevent runway excursion, which could result in damage to the airplane and injury to the occupants.

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

(g) Modification
Within 15 months after the effective date of this AD, modify the engine control box assembly with additional aural alerting function and a revised power lever guiding gate, in accordance with the Accomplishment Instructions of 328 Support Services Service Bulletin SB–328–76–486, Revision 3, dated April 7, 2010.

(h) Credit for Previous Actions
This paragraph provides credit for the modifications required by paragraph (g) of this AD. If the modification was performed before the effective date of this AD using 328 Support Services Service Bulletin SB–328–76–486, dated July 15, 2009; Revision 1, dated March 2, 2010; or Revision 2, dated March 11, 2010.

(i) Airplane Flight Manual Revisions
Concurrently with doing the modification required in paragraph (g) of this AD, revise the Dornier (328 Support Services) 328–100 Airplane Flight Manual (AFM) to include the information in the Dornier 328–100 temporary revisions (TRs) identified in paragraphs [(i)(1), (i)(2), and (i)(3)] of this AD. Operate the airplane according to the procedures in those TRs.

(1) For the power lever aural alert test:
   (i) Dornier 328–100 TR 05–064, dated February 13, 2009, to the Normal Procedures section of the Dornier (328 Support Services) 328–100 AFM.
   (ii) Dornier 328–100 TR 05–065, dated February 13, 2009, to the Normal Procedures section of the Dornier (328 Support Services) 328–100 AFM.
   (iii) Dornier 328–100 TR 05–066, dated February 13, 2009, to the Normal Procedures section of the Dornier (328 Support Services) 328–100 AFM.

(2) For the nuisance power lever aural alert: Dornier 328–100 TR 4–078, dated March 15, 2010, to the Abnormal Procedures section of the Dornier (328 Support Services) 328–100 ATM.

(3) For the engine indication and crew alerting system (EICAS) caution “Proxi System:”
   (i) Dornier 328–100 TR 04–079, dated March 15, 2010, to the Abnormal Procedures section of the Dornier (328 Support Services) 328–100 ATM.
   (ii) Dornier 328–100 TR 04–080, dated March 15, 2010, to the Abnormal Procedures section of the Dornier (328 Support Services) 328–100 ATM.

Note 1 to paragraph (i) of this AD:
Revising the AFM may be done by inserting copies of the TRs specified in paragraphs [(i)(1),(i)(2), and (i)(3)] of this AD, in the Dornier (328 Support Services) 328–100 AFM. When these TRs have been included in general revisions of this AFM, the general revisions may be inserted in the AFM.

(i) Other FAA AD Provisions
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. If sending information directly to the International Branch, send it to ATTN: Tom Groves, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1503; fax (425) 227–1149. Information may be emailed to: 9-AMN-116-AMOC-REQUESTS@faa.gov.

(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.

(k) Related Information
Refer to MCAI EASA Airworthiness Directive 2009–0196, dated September 4, 2009; 328 Support Services Service Bulletin SB–328–76–486, Revision 3, dated April 7, 2010; and the TRs specified in paragraphs [(i)(1), (i)(2), and (i)(3)] of this AD, for related information.

(l) Material Incorporated by Reference
(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) of the following service information under 5 U.S.C. 552(a) and 1 CFR part 51:
   (i) 328 Support Services Service Bulletin SB–328–76–486, Revision 3, dated April 7, 2010. The revision level and date of this document are shown on the odd-numbered pages of the document.

(2) For service information identified in this AD, contact 328 Support Services GmbH, Global Support Center, P.O. Box 1252, D–82231 Wessling, Federal Republic of Germany; telephone +49 8153 88111 6666; fax +49 8153 88111 6565; email gsc.op@328support.de; Internet http://www.328support.de.

(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.

Issued in Renton, Washington, on February 13, 2012.

Ali Bahrami,
Manager, Transport Airplane Directorate, Aircraft Certification Service.

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