

The Petitioner states that officers who previously did not work much overtime must now “pick up the slack,” sometimes to the point of being forced to work overtime. The Petitioner also states that training sometimes has to be rescheduled or canceled, because the officers facilitating the training have reached their MDO mandate.

The Petitioner states that non-management/non-supervisor security chiefs have been impacted by the use of the fatigue software, EmpCenter, at the Nine Mile Point facility. The Petitioner claims that when an employee is asked to work overtime, the chiefs must use the software to determine whether that employee will exceed the MDO requirement. The petitioner describes this extra step as a burden on the chiefs. According to the petition, the attention/focus of the chiefs is diverted by the need to coordinate with their supervisors in order to ensure compliance with the MDO requirement.

The Petitioner also claims that licensees have had to increase their staffing across affected departments, in part due to the MDO requirement, thus increasing their costs. The Petitioner claims that licensees may be required to pass these extra costs onto the rate payer. Alternatively, the Petitioner claims that licensees may explore the option of contract security as a cost-saving measure.

#### *The Petition*

The Petitioner requests that the NRC amend its regulations in 10 CFR part 26, Subpart I, to decrease the MDO requirement for security officers working 12-hour shifts from an average of 3 days per week to 2.5 or 2 days per week. The Petitioner claims that such a decrease in MDO would (1) bring the requirement in line with MDO requirements for Operations, Maintenance, and other personnel subject to the MDO requirements; and (2) have a sizeable impact on alleviating some of the issues the MDO requirements have caused or may cause in the future.

Dated at Rockville, Maryland, this 17th day of November 2010.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 2010-29480 Filed 11-22-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-1157; Directorate Identifier 2010-NM-137-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Bombardier, Inc. Model DHC-8-102, -103, -106, -201, -202, -301, -311, -315, -401, and -402 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. 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:

There have been several in-service reports of finding trapped water on the bottom of the cockpit windshield frames (or lower windshield frames) that resulted in either corrosion or water ingress into the cockpit. In one occurrence, the trapped water caused severe corrosion of numerous anchor nuts that secure the windshield to the lower windshield frame, such that the intended fastening function was seriously compromised.

Corrosion of the lower windshield frames, including the anchor nuts that secure the windshield to the aircraft structure, can result in a serious structural degradation possibly leading to the loss of the windshield during flight. Also, water could leak into the cockpit and cause either a malfunction or failure of the electrical and electronics systems in the area of the cockpit instrument panels.

\* \* \* \* \*

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 January 7, 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.

For service information identified in this proposed AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416-375-4000; fax 416-375-4539; e-mail [thd.qseries@aero.bombardier.com](mailto:thd.qseries@aero.bombardier.com); Internet <http://www.bombardier.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.

#### **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:**

Craig Yates, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7355; fax (516) 794-5531.

#### **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-2010-1157; Directorate Identifier 2010-NM-137-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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2010-16, dated May 18, 2010 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

There have been several in-service reports of finding trapped water on the bottom of the cockpit windshield frames (or lower windshield frames) that resulted in either corrosion or water ingress into the cockpit. In one occurrence, the trapped water caused severe corrosion of numerous anchor nuts that secure the windshield to the lower windshield frame, such that the intended fastening function was seriously compromised.

Corrosion of the lower windshield frames, including the anchor nuts that secure the windshield to the aircraft structure, can result in a serious structural degradation possibly leading to the loss of the windshield during flight. Also, water could leak into the cockpit and cause either a malfunction or failure of the electrical and electronics systems in the area of the cockpit instrument panels.

The lower windshield frames do not have drain provisions to prevent moisture or water run-off from the condensation of the windshields from being trapped. The consequences of trapped water in the lower windshield frames can result in unsafe conditions, as noted above. This Directive mandates the installation of a drain system for the lower windshield frames.

For Model DHC-8-401 and -402 airplanes, the installation also includes a related investigative action, and corrective actions if necessary. The related investigative action is an inspection for corrosion of the anchor nuts and window frame. Corrective actions include replacing any corroded anchor nut with a new or serviceable anchor nut, or contacting the manufacturer for repair instructions and doing the repair. You may obtain further information by examining the MCAI in the AD docket.

## Relevant Service Information

Bombardier has issued Service Bulletins 84-53-43, dated April 27, 2010 (for Model DHC-8-401 and -402 airplanes, serial numbers 4001, 4003, 4004, 4006, and 4008 through 4274 inclusive); and 8-53-78, Revision C, dated April 29, 2010 (for Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 airplanes, serial numbers 003 through 566 inclusive). 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 191 products of U.S. registry. We also estimate that it would take about 20 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$1,660 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 \$641,760, or \$3,360 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 adding the following new AD:

**Bombardier, Inc.:** Docket No. FAA-2010-1157; Directorate Identifier 2010-NM-137-AD.

**Comments Due Date**

(a) We must receive comments by January 7, 2011.

**Affected ADs**

(b) None.

**Applicability**

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

(1) Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315, serial numbers 003 through 566 inclusive.

(2) Model DHC-8-401, and -402 airplanes, serial numbers 4001, 4003, 4004, 4006, and 4008 through 4274 inclusive.

**Subject**

(d) Air Transport Association (ATA) of America Code 56: Windows.

**Reason**

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

There have been several in-service reports of finding trapped water on the bottom of the cockpit windshield frames (or lower windshield frames) that resulted in either corrosion or water ingress into the cockpit. In one occurrence, the trapped water caused severe corrosion of numerous anchor nuts that secure the windshield to the lower windshield frame, such that the intended fastening function was seriously compromised. Corrosion of the lower windshield frames, including the anchor nuts that secure the windshield to the aircraft structure, can result in a serious structural degradation possibly leading to the loss of the windshield during flight. Also, water could leak into the cockpit and cause either a malfunction or failure of the electrical and electronics systems in the area of the cockpit instrument panels.

\* \* \* \* \*

**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.

**Actions**

(g) Within 6,000 flight hours or 36 months after the effective date of this AD, whichever occurs first, install a drain system in the cockpit windshield lower frames, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8-53-78, Revision C, dated April 29, 2010 (for Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 airplanes); or 84-53-43, dated April 27, 2010 (for Model DHC-8-401 and -402 airplanes); except where the service bulletins state to contact the manufacturer, contact the New York Aircraft Certification Office or Transport Canada Civil Aviation (TCCA) or its delegated agent. Do all applicable related investigative and corrective actions before further flight.

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

(h) For Models DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 airplanes: Modification of the drain system is also acceptable for compliance with the requirements of paragraph (g) of this AD, if done before the effective date of this AD, in accordance with Bombardier Service Bulletin 8-53-78, dated December 23, 1999; Revision A, dated June 7, 2001; or Revision B, dated May 2, 2002.

**FAA AD Differences**

**Note:** 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, New York Aircraft Certification Office, 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 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. 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.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave., SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

**Related Information**

(j) Refer to MCAI Canadian Airworthiness Directive CF-2010-16, dated May 18, 2010;

Bombardier Service Bulletin 8-53-78, Revision C, dated April 29, 2010; and Bombardier Service Bulletin 84-53-43, dated April 27, 2010; for related information.

Issued in Renton, Washington, on November 15, 2010.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2010-0820; Directorate Identifier 2010-NE-31-AD]

**RIN 2120-AA64**

**Airworthiness Directives; Thielert Aircraft Engines GmbH Models TAE 125-01, TAE 125-02-99, and TAE 125-02-114 Reciprocating Engines**

**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. This proposed 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. The MCAI describes the unsafe condition as:

Service experience has shown that a case of FADEC channel B manifold air pressure (MAP) sensor hose permeability is not always recognized as fault by the FADEC. The MAP value measured by the sensor may be lower than the actual pressure value in the engine manifold, and limits the amount of fuel injected into the combustion chamber and thus the available power of the engine. A change in FADEC software version 2.91 will change the logic in failure detection and in switching to channel B (no automatic switch to channel B if MAP difference between channel A and B is detected and lower MAP is at channel B).

In addition, previous software versions allow—under certain conditions and on DA 42 aircraft only—the initiation of a FADEC self test during flight that causes an engine in-flight shutdown.

We are proposing this AD to prevent engine in-flight shutdown or power loss, possibly resulting in reduced control of the airplane.

**DATES:** We must receive comments on this proposed AD by January 7, 2011.

**ADDRESSES:** You may send comments by any of the following methods: