

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

[Docket No. FAA-2012-0489; Directorate Identifier 2011-NM-229-AD; Amendment 39-17174; AD 2012-17-11]

RIN 2120-AA64

**Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all BAE SYSTEMS (Operations) Limited Model 4101 airplanes. This AD was prompted by reports that the fire extinguisher in the toilet vanity unit needs to be mounted vertically rather than horizontally. This AD requires inspecting to determine if a certain fire extinguisher bottle is installed, and repositioning the affected fire extinguisher bottle to the vertical position. We are issuing this AD to detect and correct the orientation of the fire extinguisher bottle in the toilet vanity unit to the vertical position, which if not corrected, could result in a toilet waste bin fire spreading, and consequent damage to the airplane and injury to its occupants.

**DATES:** This AD becomes effective October 11, 2012.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 11, 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 20590.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone: (425) 227-1175; 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 May 21, 2012 (77 FR 29914). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

The Jetstream 4100 is equipped with a fire extinguisher that, if a fire is detected, discharges into the waste bin located within the toilet vanity unit.

On the majority of aeroplanes, the furnishing vendor's original design installs the fire extinguisher bottle part number (P/N) BA20509AM-4 in a horizontal position within the vanity unit. BAE Systems have subsequently been informed by the fire extinguisher manufacturer that the fire extinguisher bottle should be mounted vertically, as its operation cannot be guaranteed when mounted horizontally. In the event of a fire in the waste bin the extinguishant may not fully discharge from the fire extinguisher bottle.

This condition, if not corrected, could result in a toilet waste bin fire propagation and consequent damage to the aeroplane and/or injury to its occupants.

For the reasons described above, this [European Aviation Safety Agency (EASA)] AD requires [an inspection to determine if a certain fire extinguisher is installed and] the repositioning of the fire extinguisher bottle from a horizontal orientation to a vertical orientation.

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 (77 FR 29914, May 21, 2012) or on the determination of the cost to the public.

**Conclusion**

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed—except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (77 FR 29914, May 21, 2012) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (77 FR 29914, May 21, 2012).

**Costs of Compliance**

We estimate that this AD will affect 4 products of U.S. registry. We also estimate that it will take about 8 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 \$170 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 \$3,400, or 850 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 (77 FR 29914, May 21, 2012), 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:

##### 2012-17-11 BAE SYSTEMS (Operations)

**Limited:** Amendment 39-17174. Docket No. FAA-2012-0489; Directorate Identifier 2011-NM-229-AD.

##### (a) Effective Date

This airworthiness directive (AD) becomes effective October 11, 2012.

##### (b) Affected ADs

None.

##### (c) Applicability

This AD applies to BAE SYSTEMS (Operations) Limited Model 4101 airplanes, certificated in any category, all serial numbers.

##### (d) Subject

Air Transport Association (ATA) of America Code 26, Fire Protection.

##### (e) Reason

This AD was prompted by reports that the fire extinguisher of the toilet vanity unit needs to be mounted vertically, rather than horizontally. We are issuing this AD to detect and correct the orientation of the fire extinguisher bottle in the toilet vanity unit to the vertical position, which if not corrected, could result in a toilet waste bin fire spreading, and consequent damage to the airplane and injury to its 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) Actions

Within 2 months after the effective date of this AD, determine from the table specified in paragraph 2.A.(1) of BAE SYSTEMS (Operations) Limited Service Bulletin J41-26-008, Revision 2, dated September 20,

2011, if fire extinguisher bottle part number (P/N) BA20509AM-4 is fitted to the airplane. If a fire extinguisher bottle P/N BA20509AM-4 is fitted, before further flight, reposition the fire extinguisher bottle, in accordance with the Accomplishment Instructions of BAE SYSTEMS (Operations) Limited Service Bulletin J41-26-008, Revision 2, dated September 20, 2011.

##### (h) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using BAE SYSTEMS (Operations) Limited Service Bulletin J41-26-008, dated October 5, 2010; or BAE SYSTEMS (Operations) Limited Service Bulletin J41-26-008, Revision 1, dated April 12, 2011.

##### (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: Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone: (425) 227-1175; fax: (425) 227-1149.

Information may be emailed 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.

##### (j) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) Airworthiness Directive 2011-0194, dated October 6, 2011; and BAE SYSTEMS (Operations) Limited Service Bulletin J41-26-008, Revision 2, dated September 20, 2011; for related information.

##### (k) Material Incorporated by Reference

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

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) BAE SYSTEMS (Operations) Limited Service Bulletin J41-26-008, Revision 2, dated September 20, 2011.

(ii) Reserved.

(3) For service information identified in this AD, contact BAE SYSTEMS (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email [RApublications@baesystems.com](mailto:RApublications@baesystems.com); Internet <http://www.baesystems.com/Businesses/RegionalAircraft/index.htm>.

(4) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(5) 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 an NARA facility, 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 August 22, 2012.

**Ali Bahrami,**

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

[FR Doc. 2012-21288 Filed 9-5-12; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2012-0456; Airspace Docket No. 12-AEA-9]

#### Amendment of Class D and Class E Airspace; Lakehurst, NJ; Correction

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

**ACTION:** Final rule; technical amendment, correction.

**SUMMARY:** This action corrects the geographic coordinates in the airspace description of a final rule, published in the **Federal Register** on July 10, 2012, amending controlled airspace at Lakehurst Naval Support Activity/Maxfield Field (Joint Base McGuire-Dix-Lakehurst).

**DATES:** Effective date: 0901 UTC, September 20, 2012. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group,