

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2013-0669; Directorate Identifier 2013-NM-117-AD; Amendment 39-17540; AD 2013-16-02]

RIN 2120-AA64

#### Airworthiness Directives; Dassault Aviation Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all Dassault Aviation Model FALCON 7X airplanes. This AD requires incorporation of a new procedure into the airplane flight manual (AFM). This AD was prompted by a report of a runway excursion caused by failure of the nose landing gear position feed-back assembly. We are issuing this AD to detect and correct an incorrect angle signal causing an un-commanded nose wheel deflection, which could result in reduced controllability of the airplane.

**DATES:** This AD becomes effective August 21, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of August 21, 2013.

We must receive comments on this AD by September 20, 2013.

**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 W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### 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 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:** Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1137; fax 425-227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013-0128, dated June 17, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

A Falcon 7X aeroplane recently experienced a runway excursion. The results of the subsequent technical investigations accomplished by Dassault Aviation identified a failure of the Nose Landing Gear position feed-back assembly, due to an incorrect angle signal resulting in un-commanded nose wheel deflection which could not be countered by the pilot.

This condition, if not detected and corrected, could lead to further similar events, which could result in [reduced controllability of the airplane and] damage to the aeroplane.

To address this potential unsafe condition, pending the development of an assembly with improved design, Dassault Aviation published an operational procedure, for checking the condition of the nose wheel

steering position feed-back. This procedure has been incorporated into the applicable electronic checklist.

For the reasons described above, this [EASA] AD requires incorporation of the new procedure into the Airplane Flight Manual (AFM) and an update of the Electronic Check List (ECL).

This [EASA] AD is considered to be an interim action and further AD action may follow.

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Dassault has issued (Change Proposal) CP076, approved by EASA on June 17, 2013, to the Dassault Falcon 7X Airplane Flight Manual DGT105608. 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 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 issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This AD and MCAI

This action will not require the update of the electronic checklist (ECL), as required by the MCAI. The ECL is not part of the approved type design of the airplane and all pertinent requirements are mandated through the AFM change.

#### FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because an incorrect angle signal causing an un-commanded nose wheel deflection could result in reduced controllability of the airplane. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable

and that good cause exists for making this amendment effective in fewer than 30 days.

### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section.

Include “Docket No. FAA–2013–0669; Directorate Identifier 2013–NM–117–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://>

[www.regulations.gov](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 AD.

### Costs of Compliance

We estimate that this AD affects 39 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the AFM .....	1 work-hour × \$85 per hour = \$85 .....	\$0	\$85	\$3,315

### 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.

### 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:

**2013–16–02 Dassault Aviation:** Amendment 39–17540. Docket No. FAA–2013–0669; Directorate Identifier 2013–NM–117–AD.

#### (a) Effective Date

This airworthiness directive (AD) becomes effective August 21, 2013.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Dassault Aviation Model FALCON 7X airplanes, certificated in any category, all manufacturer serial numbers.

#### (d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

#### (e) Reason

This AD was prompted by a report of a runway excursion caused by failure of the nose landing gear position feed-back assembly. We are issuing this AD to detect and correct an incorrect angle signal causing an un-commanded nose wheel deflection, which could result in reduced controllability of the airplane.

#### (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) Airplane Flight Manual (AFM) Revision

Within 30 days after the effective date of this AD, revise the Limitations and Normal Procedures sections to incorporate the procedures in Dassault Change Proposal (CP)076, approved by European Aviation Safety Agency (EASA) on June 17, 2013, to the Dassault Falcon 7X Airplane Flight Manual (AFM) DGT105608. Dassault CP076, approved by EASA on June 17, 2013, introduces procedures for checking the condition of the nose wheel steering position feedback. Thereafter, operate the airplane according to the limitations and procedures in Dassault CP076, approved by EASA on June 17, 2013. The revision may be done by inserting a copy of Dassault CP076, approved by EASA on June 17, 2013, in the AFM. When this change proposal has been included in general revisions of the AFM, the general revisions may be inserted in the AFM, provided the relevant information in the general revision is identical to that in Dassault CP076, approved by EASA on June 17, 2013, and the change proposal may be removed from the AFM. These amendments take precedence over the same procedures displayed through the electronic checklist (ECL).

#### (h) 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 Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1137; 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.

#### **(i) Related Information**

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013-0128, dated June 17, 2013, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov>.

#### **(j) 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) Dassault (Change Proposal) CP076, approved by EASA on June 17, 2013, to the Dassault Falcon 7X Airplane Flight Manual DGT105608.

(ii) Reserved.

(3) For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201-440-6700; Internet <http://www.dassaultfalcon.com>.

(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 view this 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>.

Issued in Renton, Washington, on July 26, 2013.

**Stephen P. Boyd,**

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

[FR Doc. 2013-18640 Filed 8-5-13; 8:45 am]

**BILLING CODE 4910-13-P**

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2013-0216; Directorate Identifier 2012-NM-206-AD; Amendment 39-17521; AD 2013-15-05]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Bombardier, Inc. Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes. This AD was prompted by a determination that certain flap actuators require restoration by installing a redesigned flap actuator inboard pinion seal. This AD requires revising the maintenance program by incorporating new airworthiness limitation tasks. We are issuing this AD to prevent flap system failure, and consequent reduced control of the airplane.

**DATES:** This AD becomes effective September 10, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 10, 2013.

**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.

**FOR FURTHER INFORMATION CONTACT:** Luke Walker, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7363; fax (516) 794-5531.

#### **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. The NPRM was published in the **Federal Register** on April 8, 2013 (78 FR 20844). The NPRM proposed to correct an unsafe condition for the specified products. Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2012-26, dated October 30, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

The CL-600-2B19 aeroplane flap actuator inboard pinion seal is prone to leak which can cause internal contamination of the actuator braking mechanism and subsequent actuator failure. This condition, if not corrected, can cause flap system failure. In certain weather and runway conditions, frequent flap system failures pose a safety concern.

To improve the internal actuator sealing, the flap actuator manufacturer has redesigned the inboard pinion seal.

Transport Canada Civil Aviation (TCCA) has been monitoring, through an actuator sampling program, the performance of the flap system since the introduction of actuators equipped with this new inboard pinion seal. Based on this sampling program and recent flap reliability data, TCCA is mandating a restoration task to install the redesigned flap actuator inboard pinion seal on all applicable actuators.

The required action is revising the maintenance program by incorporating two new airworthiness limitation tasks. The unsafe condition is flap system failure, and consequent reduced control of the airplane. 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 have considered the comment received.

#### **Statement of Support for the NPRM (78 FR 20844, April 8, 2013) and Request To Shorten Compliance Time**

The Airline Pilots Association International stated it supports the NPRM (78 FR 20844, April 8, 2013), and requested that we shorten the compliance time to ensure that the identified safety issue is corrected within the airplane fleet as soon as possible.

We do not agree with the request to shorten the compliance time. After considering all the available information, we have determined that the compliance time, as proposed, represents an appropriate interval of time in which the required actions can