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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2011-1256; Directorate Identifier 2011-NM-036-AD; Amendment 39-16874; AD 2011-24-10]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc. 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 Bombardier, Inc. Model DHC-8-201 and -202 airplanes with FAA Supplemental Type Certificate (STC) ST00753NY (Transport Canada Civil Aviation (TCCA) STC SA97-106) installed. This 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 determined that modifications by DECA Aviation Engineering Limited on Bombardier Inc. DHC-8 Series * * * 200 aeroplanes with their Cargo Conversion and Abrasion Protection Systems, Supplemental Type Certificates (STCs) * * * SA97-106, provide inadequate fire protection and decompression venting means. This can lead to an uncontrolled cargo fire and structural damage.

* * * * *

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective December 16, 2011.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of December 16, 2011.

We must receive comments on this AD by January 17, 2012.

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: 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; phone: (516) 228-7363; fax: (516) 794-5531; email: Luke.Walker@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2011-02, dated February 1, 2011 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

It has been determined that modifications by DECA Aviation Engineering Limited on Bombardier Inc. DHC-8 Series * * * 200 aeroplanes with their Cargo Conversion and Abrasion Protection Systems, Supplemental Type Certificates (STCs) * * * SA97-106, provide inadequate fire protection and decompression venting means. This can lead to an uncontrolled cargo fire and structural damage.

This [TCCA] directive mandates the removal of these Cargo Conversion and Abrasion Protection Systems.

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

Relevant Service Information

DECA Aviation Engineering Limited has issued Engineer Order EI4394, Revision 2, dated February 5, 2011. 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.

There are no products of this type currently registered in the United States. However, this rule is necessary to ensure that the described unsafe condition is addressed if any of these products are placed on the U.S. Register in the future.

Differences Between the 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 required 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 AD.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, notice and opportunity for public comment before issuing this AD are unnecessary.

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-2011-1256; Directorate Identifier 2011-NM-036-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>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

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 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); 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 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:



2011-24-10 Bombardier, Inc.: Amendment 39-16874. Docket No. FAA-2011-1256; Directorate Identifier 2011-NM-036-AD.

Effective Date

- (a) This airworthiness directive (AD) becomes effective December 16, 2011.

Affected ADs

- (b) None.

Applicability

(c) This AD applies to Bombardier, Inc. Model DHC-8-201, and -202 airplanes; certificated in any category; serial numbers 003 and subsequent with FAA Supplemental Type Certificate (STC) ST00753NY (Transport Canada Civil Aviation (TCCA) STC SA97-106) installed.

Subject

- (d) Air Transport Association (ATA) of America Code 25: Equipment/Furnishings.

Reason

- (e) The mandatory continued airworthiness information (MCAI) states:

It has been determined that modifications by DECA Aviation Engineering Limited on Bombardier Inc. DHC-8 Series * * * 200 aeroplanes with their Cargo Conversion and Abrasion Protection Systems, Supplemental Type Certificates (STCs) * * * SA97-106, provide inadequate fire protection and decompression venting means. This can lead to an uncontrolled cargo fire and structural damage.

* * * * *

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.

Cargo Conversion System and Combi Abrasion Protection System Removal

- (g) Within 60 days after the effective date of this AD: Remove the DECA Aviation Engineering Limited Combi Abrasion Protection System configurations previously installed by using FAA STC ST00753NY (TCCA STC SA97-106), in accordance with the removal instructions specified in DECA Engineering Order EI4394, Revision 2, dated February 5, 2011.

Parts Installation

(h) As of the effective date of this AD, no person may install the DECA Aviation Engineering Limited Combi Abrasion Protection Systems configurations by using FAA STC ST00753NY (TCCA STC SA97-106), on any airplane.

Credit for Actions Accomplished in Accordance With Previous Service Information

(i) Removing the DECA Combi Abrasion Protection System in accordance with DECA Engineering Order EI4394, Revision 1, dated January 13, 2011, before the effective date of this AD is acceptable for compliance with the corresponding removal required by paragraph (g) of this AD.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: This FAA AD only applies to Model DHC-8 Series 200 airplanes with Supplemental Type Certificate (STC) FAA ST00753NY (TCCA STC SA97-106) installed. The FAA has not approved any STC equivalent to Model DHC-8 series 100 TCCA STC SA00-107.

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office (ACO), ANE-170, 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 ACO, send it 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/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.

Related Information

(k) Refer to Mandatory Continuing Airworthiness Information (MCAI) Transport Canada Civil Aviation (TCCA), Airworthiness Directive CF-2011-02, dated February 1, 2011; and DECA Engineering Order EI4394, Revision 2, dated February 5, 2011; for related information.

Material Incorporated by Reference

(l) You must use DECA Engineering Order EI4394, Revision 2, dated February 5, 2011, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact DECA Aviation Engineering Limited, 7050 Telford Way Suite 200, Mississauga, Ontario, Canada L5S 1V7; telephone (905) 405-1371; fax (905) 405-1373; email inquiry@deca-aviation.com; Internet <http://www.deca-aviation.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/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on November 10, 2011.

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