

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-0515; Directorate Identifier 2016-NM-171-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A300 B4-600, B4-600R, and F4-600R series airplanes, Model A300 C4-605R Variant F airplanes (collectively called Model A300-600 series airplanes), and Model A310 series airplanes. This proposed AD was prompted by reports of unreliable airspeed indications that were caused by pitot heater resistance shorted to ground. This proposed AD would require replacement of certain parts. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by July 24, 2017.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond

Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet: <http://www.airbus.com>. You may view this referenced 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.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0515; or in person at the Docket Management Facility 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:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone: 425-227-2125; fax: 425-227-1149.

#### 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-2017-0515; Directorate Identifier 2016-NM-171-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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016-0195, dated September 30, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus Model A300 B4-600, B4-600R, and F4-600R series airplanes, Model A300 C4-605R Variant F airplanes (collectively called Model A300-600 series airplanes), and Model A310 series airplanes. The MCAI states:

An operator recently reported two events of unreliable airspeed indications. Investigations revealed that in both events, a Pitot heater resistance was shorted to ground.

Pitot probes are heated to prevent ice accretion. De-icing performance of the Pitot probe might be reduced if Pitot probe heater degrades over time. The magnitude of de-icing performance reduction will depend on how much the heater is degraded. The Pitot probe de-icing reduction will be hidden to the crew (the heater current detector will not trigger a “Heat Fault” because in case of short-to-case failure the resulting current variation will be limited).

In severe icing conditions, if de-icing performances are significantly reduced, it may cause unreliable airspeed events, with no cockpit effects except erroneous airspeed indication(s) displayed on the Primary Flight Display (PFD) or the standby airspeed indicators.

Unreliable airspeed indications, if not recognized by the crew, could possibly result in reduced control of the aeroplane.

To ensure proper crew awareness of unreliable airspeed indication(s) situation, Airbus introduced a dedicated Electronic Centralised Aircraft Monitoring (ECAM) Warning (Indicated Airspeed Discrepancy Warning).

The following configuration is required to enable this ECAM Warning:

- The Flight Warning Computer (FWC) standard S17 has to be installed by accomplishing Service Bulletins (SB) A310-31-2144 or A300-31-6140: This requirement was already rendered mandatory by EASA AD 2015-0174;
- The ECAM Symbol Generator Unit (SGU), standard W32, Part Number (P/N) 9612670332 has to be installed, by accomplishing Service Bulletins (SB) A310-31-2123, A300-31-6124 or SB A300-31-6113.

For the reason described above, this [EASA] AD requires a software standard upgrade of the ECAM SGU.

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for

and locating Docket No. FAA-2017-0515.

**Related Service Information Under 1 CFR Part 51**

Airbus has issued the following service information:

- Airbus Service Bulletin A300-31-6113, Revision 03, dated July 5, 2016 (for Model A300-600 series airplanes).
- Airbus Service Bulletin A300-31-6124, Revision 01, dated July 4, 2016 (for Model A300-600 series airplanes).
- Airbus Service Bulletin A310-31-2123, Revision 01, dated July 1, 2016 (for Model A310 series airplanes).

The service information describes procedures for replacement of the ECAM SGU. These documents are distinct since they apply to different airplane configurations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

**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 these same type designs.

**Costs of Compliance**

We estimate that this proposed AD affects 139 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement .....	Up to 4 work-hours × \$85 per hour = Up to \$340 .....	Up to \$2,360 .....	Up to \$2,700 .....	Up to \$375,300.

**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);

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.

**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 airworthiness directive (AD):

**Airbus:** Docket No. FAA-2017-0515; Directorate Identifier 2016-NM-171-AD.

**(a) Comments Due Date**

We must receive comments by July 24, 2017.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD, certificated in any category, all manufacturer serial

numbers, except those on which Airbus modification 12691 or 13665 has been embodied in production.

(1) Airbus Model A300 B4-601, B4-603, B4-620, and B4-622 airplanes.

(2) Airbus Model A300 B4-605R and B4-622R airplanes.

(3) Airbus Model A300 F4-605R and F4-622R airplanes.

(4) Airbus Model A300 C4-605R Variant F airplanes.

(5) Airbus Model A310-203, -204, -221, -222, -304, -322, -324, and -325 airplanes.

**(d) Subject**

Air Transport Association (ATA) of America Code 31, Instruments.

**(e) Reason**

This AD was prompted by reports of unreliable airspeed indications that were caused by pitot heater resistance shorted to ground. We are issuing this AD to ensure proper flightcrew awareness of unreliable airspeed indications. This condition, if not recognized by the flightcrew, could possibly result in reduced control of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Replacement of the Electronic Centralized Aircraft Monitoring (ECAM) Symbol Generator Unit (SGU)**

Within 36 months after the effective date of this AD, replace the ECAM SGU with a new ECAM SGU (standard W32), in accordance with the Accomplishment Instructions of the service information identified in paragraph (g)(1), (g)(2), or (g)(3), as applicable.

- (1) For Airbus Model A300 B4-601, B4-603, B4-620, and B4-622 airplanes; Model A300 B4-605R and B4-622R airplanes; and Model A300 C4-605R Variant F airplanes: Airbus Service Bulletin A300-31-6113, Revision 03, dated July 5, 2016.

(2) For Airbus Model A300 F4–605R and F4–622R airplanes: Airbus Service Bulletin A300–31–6124, Revision 01, dated July 4, 2016.

(3) For Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes: Airbus Service Bulletin A310–31–2123, Revision 01, dated July 1, 2016.

#### (h) Parts Installation Prohibition

(1) As of the effective date of this AD, for any airplane that has ECAM SGU standard W32, part number 9612670332, installed, no person may install an ECAM SGU standard prior to W32.

(2) For any airplane that has an ECAM SGU standard prior to W32, after modification of that airplane, no person may install an ECAM SGU standard prior to W32.

#### (i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD, as applicable.

(1) Airbus Service Bulletin A300–31–6113, Revision 02, dated September 4, 2014.

(2) Airbus Service Bulletin A300–31–6124, dated October 13, 2005.

(3) Airbus Service Bulletin A310–31–2123, dated January 4, 2006.

#### (j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Branch, ANM–116, 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 the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: [9-ANM-116-AMOC-REQUESTS@faa.gov](mailto: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.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without

obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

#### (k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0195, dated September 30, 2016, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2017–0515.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet: <http://www.airbus.com>. You may view this 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.

Issued in Renton, Washington, on May 18, 2017.

**Michael Kaszycki,**

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

[FR Doc. 2017–11000 Filed 6–8–17; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2017–0385]

RIN 1625–AA00

#### Safety Zone; Canal Fest Water Ski Show; Erie Canal System, Fish Creek, Sylvan Beach, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone for certain waters of the Erie Canal System, Fish Creek, Sylvan Beach, NY. This action is necessary to provide for the safety of life on these navigable waters during the Canal Fest Water Ski Show on August 13, 2017. This proposed rulemaking would prohibit persons and vessels from passing through the safety zone during the water ski show unless authorized by the Captain of the Port Buffalo or a designated representative.

We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before July 10, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG–2017–0385 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9322, email [SectorBuffaloMarineSafety@uscg.mil](mailto:SectorBuffaloMarineSafety@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background, Purpose, and Legal Basis

On April 09, 2017, the Sylvan Verona Beach Resort Association notified the Coast Guard that it will be conducting a water ski show from 12:30 p.m. to 2:30 p.m. on August 13, 2017. The water ski show to take place in the waters of Fish Creek on the Erie Canal System contained within the following positions: Starting at position 43°11'37.79" N. and 075°43'53.27" W., running Northeast to position 43°11'43.15" N. and 075°43'44.88" W., then Southeast to 43°11'42.82" N. and 075°43'43.42" W. then Southwest to 43°11'36.90" N. and 075°43'52.06" W. then returning to the point of origin. The Captain of the Port Buffalo (COTP) has determined that a water ski show on a navigable waterway will pose a significant risk to participants and the boating public.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the demonstration area of the scheduled event. Vessel traffic will be allowed to pass through the safety zone between demonstrations. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

##### III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 12:15 p.m. to 2:30 p.m.