

# Proposed Rules

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 25

[Docket No. FAA-2020-0893; Notice No. 25-21-02-SC]

**Special Conditions: Pro Star Aviation LLC, Bombardier Model CL-600-2B16 Airplanes; Installation of an Infrared Laser Countermeasure System.**

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

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This action proposes special conditions for the Bombardier Model CL-600-2B16 (Bombardier) airplane. This airplane, as modified by Pro Star Aviation LLC (Pro Star Aviation), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is a system that emits infrared laser energy outside the aircraft as a countermeasure against heat-seeking missiles. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** Send comments on or before August 9, 2021.

**ADDRESSES:** Send comments identified by Docket No. FAA-2020-0893 using any of the following methods:

- **Federal eRegulations Portal:** Go to <http://www.regulations.gov/> and follow the online instructions for sending your comments electronically.

- **Mail:** Send comments to Docket Operations, M-30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12-140, West

Building Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- **Fax:** Fax comments to Docket Operations at 202-493-2251.

**Privacy:** Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received without change, to <http://www.regulations.gov/>, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this proposal.

#### Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this document contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this document, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this document. Send submissions containing CBI to the person indicated in the Contact section below. Comments that the FAA receives which are not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Docket:** Background documents or comments received may be read at <http://www.regulations.gov/> at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

## Federal Register

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**FOR FURTHER INFORMATION CONTACT:** Eric Peterson, Safety Risk Management Section, AIR-633, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206-231-3413; email [Eric.M.Peterson@faa.gov](mailto:Eric.M.Peterson@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites you to send any written relevant data, views or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2020-0893" at the beginning of your comments. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date and may amend these special conditions because of those comments.

##### Background

On December 7, 2018, Pro Star Aviation applied for a supplemental type certificate to install a "Large Aircraft Infrared Countermeasure (LAIRCM)" system, which directs infrared laser energy toward heat-seeking missiles, on the Bombardier Model CL-600-2B16 airplane. This airplane, which is a derivative of the Bombardier Model CL-600 series airplanes currently approved under Type Certificate No. A21EA, is a twin-engine business jet with seating for 20 passengers and two crewmembers, and a maximum takeoff weight of 47,600 pounds.

##### Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR 21.101), Pro Star Aviation must show that the Bombardier Model CL-600-2B16 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A21EA, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Bombardier Model CL-600-2B16

airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bombardier Model CL-600-2B16 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

#### Novel or Unusual Design Features

The Bombardier Model CL-600-2B16 airplane, as modified by Pro Star Aviation, will incorporate the following novel or unusual design feature:

A system that emits infrared laser energy outside the aircraft.

#### Discussion

In recent years, in several incidents abroad, civilian aircraft were fired upon by man-portable air defense systems (MANPADS). This has led several companies to design and adapt systems like LAIRCM for installation on civilian aircraft, to protect those aircraft against heat-seeking missiles. Pro Star Aviation's LAIRCM system directs infrared laser energy toward an incoming missile, in an effort to interrupt the missile's tracking of the aircraft's heat.

Infrared laser energy can pose a hazard to persons on the aircraft, on the ground, and on other aircraft. The risk is heightened because infrared light is invisible to the human eye. Human exposure to infrared laser energy can result in eye and skin damage, and affect a flight crew's ability to control the aircraft. Infrared laser energy can also affect other aircraft, whether airborne or on the ground, and property, such as fuel trucks and airport equipment, in a manner that adversely affects aviation safety.

FAA design standards for transport category airplanes did not envisage that a design feature could project infrared laser energy outside the airplane. The FAA's design standards are inadequate to address this capability. Therefore,

this system is a novel or unusual design feature, and the FAA has developed these proposed special conditions to establish a level of safety equivalent to that of the regulations.

Special conditions are also warranted, per 14 CFR 21.16, because FAA design standards are inappropriate for this design feature. 14 CFR 25.1301 requires installed equipment to be of a design that is appropriate for its intended function. The FAA has no basis to determine whether this LAIRCM system will successfully perform its intended function of thwarting heat-seeking missiles.

The special conditions that the FAA proposes to address the installation of the LAIRCM system on this model of airplane are as follows.

*Ground Activation.* Condition 1 requires the design to have means to prevent inadvertent operation of the system while the airplane is on the ground, including during maintenance. These means must identify and address all foreseeable failure modes that may result in inadvertent operation. These modes include errors in airplane maintenance and operating procedures, such as erroneously setting the system to "air" mode while the airplane is on the ground. The applicant could show such failure modes, their risks, and how they will be addressed, by conducting safety assessments and incorporating prevention strategies into the design.

*In-Flight Activation.* Condition 2 requires that the system be designed so that in-flight operation does not result in damage to the airplane or to other aircraft, or injury to any person. To account for these effects, the applicant's analysis should include effects from the system's erroneous operation, from system failures, and from failures that may not be readily detectable prior to flight (*i.e.* latent failures). The applicant may address this condition through safety assessments and incorporation of prevention strategies into its design. The "operation" addressed by Condition 2 includes all operation of the system, whether intentional, inadvertent, or automatic.

*Markings, instructions, and other information.* Conditions 3, 4, and 5 are intended to protect certain categories of persons based upon their expected interaction with the system. These conditions require the design to supply certain safety information to these persons.

Condition 3 requires the design to provide pertinent laser-safety information to maintenance and service personnel at the location of the installation. At a minimum, such "pertinent" information will include

information about potential hazards to persons who are using optical magnification devices, such as magnifying glasses or binoculars. The warning information should be consistent with the laser's classification in 21 CFR parts 1000–1010.

Condition 4 requires the airplane instructions for continued airworthiness to contain the appropriate warnings related to the laser's classification. Like the warning information to be provided at the location of the laser system's installation, the purpose of this condition is to ensure any person maintaining the system is aware of the hazards, including those related to the use of magnifying glasses or binoculars.

Condition 5 requires the applicant to update the airplane operating limitations and information required under 14 CFR 25.1581. The airplane flight-manual supplement insert must describe the intended function of the LAIRCM system, its intended operation, and the phases of flight in which it may be used. The insert also must add a caution that describes the significant risk of injury the LAIRCM system poses to others while in proximity to other aircraft, airports, and populated areas.

These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

After considering public comment, should the FAA impose these special conditions on the applicant, and issue a supplemental type certificate for the installation of this system, such approvals would not constitute approval to operate the system. FAA Advisory Circular 70-1, Outdoor Laser Operations, provides guidance on obtaining operational approval.

#### Applicability

As discussed above, these special conditions are applicable to the Bombardier Model CL-600-2B16 airplane with the Pro Star Aviation LAIRCM system installed. Should Pro Star Aviation apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A21EA to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

#### Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability and affects only the applicant.

**List of Subjects in 14 CFR Part 25**

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

**Authority Citation**

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

**The Proposed Special Conditions**

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Bombardier Model CL-600-2B16 airplane with the LAIRCM system, as modified by Pro Star Aviation.

1. The system must have means that prevent the inadvertent activation of the system on the ground, including during airplane maintenance and ground handling. Such means must address all foreseeable failure modes and operating and maintenance errors.

2. The system must be designed so that its operation in-flight does not result in damage to the airplane or other aircraft, or injury to any person. Operation of the system must not be capable of compromising continued safe flight and landing of other aircraft and the airplane on which it is installed, either by direct damage, laser-reflective damage, or through distraction or incapacitation of crew.

3. Laser-safety information for maintaining or servicing the airplane must be prominently placarded on the airplane or LAIRCM system at the location of the laser installation.

4. Instructions for continued airworthiness for installation, removal, and maintenance of the LAIRCM system must contain warnings appropriate to the laser classification concerning the hazards associated with exposure to laser radiation. This includes instructions regarding potential hazards to personnel who are using optical magnification devices such as magnifying glasses or binoculars.

5. The airplane flight manual supplement (AFMS) must describe the intended functions of the installed laser systems, to include identifying the intended operations and phases of flight. The AFMS must state, “CAUTION: The operation of the installed laser system could pose significant risk of injury to others while in proximity to other aircraft, airports, and populated areas.”

Issued in Kansas City, Missouri, on June 14, 2021.

**Patrick R. Mullen,**

*Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.*

[FR Doc. 2021-12833 Filed 6-23-21; 8:45 am]

**BILLING CODE 4910-13-P**

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

**[Docket No. FAA-2021-0507; Project Identifier 2018-SW-117-AD]**

**RIN 2120-AA64**

**Airworthiness Directives; Leonardo S.p.a. Helicopters**

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AB139 and Model AW139 helicopters. This proposed AD was prompted by a report that, during a post-flight inspection of an in-service helicopter, a tail rotor slider assembly was found fractured, and the bushing and the actuator rod in the tail rotor servo were partially damaged. This proposed AD would require an inspection of the tail rotor slider assembly for corrosion and signs of circumferential refinishing and, depending on the findings, replacement of the tail rotor slider assembly with a serviceable part or repetitive inspections of the tail rotor slider assembly for corrosion and signs of circumferential refinishing, as specified in a European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by August 9, 2021.

**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 <https://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 EASA material that is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view the EASA material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of the EASA material at the FAA, call (817) 222-5110. The EASA material is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0507.

**Examining the AD Docket**

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0507; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:**

Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email [andrea.jimenez@faa.gov](mailto:andrea.jimenez@faa.gov).

**SUPPLEMENTARY INFORMATION:****Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2021-0507; Project Identifier 2018-SW-117-AD” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>.