



## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2023-1987; Project Identifier MCAI-2023-00807-T]

RIN 2120-AA64

#### Airworthiness Directives; ATR – GIE Avions de Transport Régional Airplanes

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

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM).

**SUMMARY:** The FAA is revising a notice of proposed rulemaking (NPRM) to supersede Airworthiness Directive (AD) 2021-17-02, which applies to all ATR – GIE Avions de Transport Régional Model ATR42-200, -300, and -320 airplanes. This action revises the NPRM by proposing additional modification of the affected wiring for certain airplanes. The FAA is proposing this AD to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, the FAA is requesting comments on this SNPRM.

**DATES:** The FAA must receive comments on this SNPRM by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**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 [regulations.gov](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.

*AD Docket:* You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1987; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, this SNPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For European Union Aviation Safety Agency (EASA) material, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); website [easa.europa.eu](https://easa.europa.eu). You may find this material on the EASA website at [ad.easa.europa.eu](https://ad.easa.europa.eu). It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1987.

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

**FOR FURTHER INFORMATION CONTACT:** Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206-231-3220; email: [shahram.daneshmandi@faa.gov](mailto:shahram.daneshmandi@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-2023-1987; Project Identifier MCAI-2023-00807-T” 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 regulations.gov, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this SNPRM.

### **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 SNPRM 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 SNPRM, 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 SNPRM. Submissions containing CBI should be sent to Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206-231-3220; email: shahram.daneshmandi@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

### **Background**

The FAA issued AD 2021-17-02, Amendment 39-21685 (86 FR 48490, August 31, 2021) (AD 2021-17-02), for all ATR – GIE Avions de Transport Régional Model ATR42-200, -300, and -320 airplanes. AD 2021-17-02 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the

European Union. EASA issued AD 2021-0024, dated January 19, 2021, to correct false activation of the stall warning system due to wiring damage on the wire bundle between an angle of attack (AOA) probe and the crew alerting computer. AD 2021-17-02 requires a one-time inspection for discrepancies of the wire bundles between the left- and right-hand AOA probes and the crew alerting computer, and, depending on findings, applicable corrective actions. AD 2021-17-02 also requires, for certain airplanes, modifying the captain stick shaker wiring, and for all airplanes, revising the existing aircraft flight manual (AFM) and applicable corresponding operational procedures to incorporate procedures for the stick pusher/shaker. AD 2021-17-02 superseded AD 2020-23-13, Amendment 39-21330 (85 FR 73407, November 18, 2020).

#### **Actions Since AD 2021-17-02 Was Issued**

Since the FAA issued AD 2021-17-02, EASA superseded AD 2021-0024, dated January 19, 2021, and issued EASA AD 2023-0134, dated July 5, 2023 (EASA AD 2023-0134), to correct an unsafe condition for all ATR – GIE Avions de Transport Régional Model ATR42-200, -300, and -320 airplanes. EASA AD 2023-0134 states that final modification instructions of the affected wiring were developed.

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD to supersede AD 2021-17-02 that would apply to all ATR – GIE Avions de Transport Régional Model ATR42-200, -300, and -320 airplanes. The NPRM published in the *Federal Register* on October 5, 2023 (88 FR 69102). In the NPRM, the FAA proposed to retain all of the requirements of AD 2021-17-02. The NPRM also proposed to require installing a new AOA power supply unit and removing the AFM amendment.

#### **Actions Since the NPRM was Issued**

Since the FAA issued the NPRM, EASA superseded EASA AD 2023-0134 and issued EASA AD 2023-0191, dated November 2, 2023 (EASA AD 2023-0191) (also referred to as the MCAI), to correct an unsafe condition for all ATR – GIE Avions de

Transport Régional Model ATR42-200, -300, and -320 airplanes. The MCAI states that since EASA AD 2023-0134 was issued, the manufacturer published ATR Service Bulletin ATR42-31-0121, Revision 2, dated September 13, 2023, which specifies additional wiring modification for certain airplanes.

The FAA is proposing this AD to address false activation of the stall warning system, which could result in loss of control of the airplane during take-off and landing phases. You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA-2023-1987.

### **Comments**

The FAA received one comment, from Air Line Pilots Association, International (ALPA), who supported the NPRM without change.

### **Additional Changes Made to this SNPRM**

The FAA determined that the exception specified in paragraph (h)(4) of the proposed AD (in the NPRM) is not necessary because it would have required repairing all discrepancies before further flight, which is more restrictive than the MCAI. The FAA also determined that the exception specified in paragraph (h)(5) of the proposed AD (in the NPRM) is not necessary because it would have required amending “applicable corresponding operational procedures,” which the FAA has determined should not be an AD requirement. The FAA has removed both exceptions from this proposed AD and renumbered subsequent paragraphs accordingly.

### **Explanation of Retained Requirements**

Although this proposed AD does not explicitly restate the requirements of AD 2021-17-02, this proposed AD would retain all of the requirements of AD 2021-17-02. Those requirements are referenced in EASA AD 2023-0191, which, in turn, is referenced in paragraph (g) of this proposed AD.

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

EASA AD 2023-0191 specifies procedures for a one-time inspection for discrepancies of the wire bundles between the left- and right-hand AOA probes and the crew alerting computer, and, depending on findings, applicable corrective actions (repair). EASA AD 2023-0191 also specifies procedures, for certain airplanes, for modifying the captain stick shaker wiring, and for all airplanes, revising the existing AFM to incorporate procedures for the stick pusher/shaker. Finally, EASA AD 2023-0191 specifies procedures for installing the AOA power supply unit, removing the AFM amendment, and accomplishing additional modification of the affected wiring. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in ADDRESSES.

### **FAA's Determination**

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this SNPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Certain changes described above expand the scope of the NPRM. As a result, it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

### **Proposed AD Requirements in this SNPRM**

This proposed AD would retain all of the requirements of AD 2021-17-02. This proposed AD would require accomplishing the actions specified in EASA AD 2023-0191 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

EASA AD 2023-0191 requires operators to amend the AFM to “inform all flight crews” of revisions to the AFM; and thereafter to “operate the aeroplane accordingly.” However, this proposed AD would not specifically require those actions as those actions are already required by FAA regulations. FAA regulations require that operators furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot’s training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. 14 CFR 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM. Therefore, including a requirement in this proposed AD to operate the airplane according to the revised AFM would be redundant and unnecessary.

### **Explanation of Required Compliance Information**

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2023-0191 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2023-0191 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2023-0191 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance

Time(s)” in EASA AD 2023-0191. Service information required by EASA AD 2023-0191 for compliance will be available at regulations.gov under Docket No. FAA-2023-1987 after the FAA final rule is published.

**Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 26 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

**Estimated costs for required actions**

<b>Action</b>	<b>Labor cost</b>	<b>Parts cost</b>	<b>Cost per product</b>	<b>Cost on U.S. operators</b>
Retained actions from AD 2021-17-02	Up to 14 work-hours X \$85 per hour = Up to \$1,190	\$100	Up to \$1,290	Up to \$33,540
New proposed actions	50 work-hours X \$85 per hour = \$4,250	\$0	\$4,250	\$110,500

The FAA has received no definitive data on which to base the cost estimates for the on-condition actions specified in this proposed 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.

The FAA is 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**

The FAA 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) Would not affect intrastate aviation in Alaska, and
- (3) Would 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:
  - a. Removing Airworthiness Directive 2021-17-02, Amendment 39-21685 (86 FR 48490, August 31, 2021); and
  - b. Adding the following new Airworthiness Directive:

**ATR – GIE Avions de Transport Régional:** Docket No. FAA-2023-1987; Project Identifier MCAI-2023-00807-T.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**(b) Affected ADs**

This AD replaces AD 2021-17-02, Amendment 39-21685 (86 FR 48490, August 31, 2021) (AD 2021-17-02).

**(c) Applicability**

This AD applies to all ATR – GIE Avions de Transport Régional Model ATR42-200, -300, and -320 airplanes, certificated in any category.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by false activation of the stall warning system due to wiring damage on the wire bundle between an angle of attack (AOA) probe and the crew alerting computer, and the development of additional wiring modifications and an aircraft flight manual (AFM) update to address the unsafe condition. The FAA is issuing this AD to address this condition, which could result in loss of control of the airplane during take-off and landing phases.

**(f) Compliance**

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

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation

Safety Agency (EASA) AD 2023-0191, dated November 2, 2023 (EASA AD 2023-0191).

**(h) Exceptions to EASA AD 2023-0191**

(1) Where EASA AD 2023-0191 refers to October 27, 2020 (the effective date of EASA AD 2020-0221), this AD requires using December 3, 2020 (the effective date of AD 2020-23-13, Amendment 39-21330 (85 FR 73407, November 18, 2020)).

(2) Where EASA AD 2023-0191 refers to February 2, 2021 (the effective date of EASA AD 2021-0024), this AD requires using October 5, 2021 (the effective date of AD 2021-17-02).

(3) Where paragraph (2) of EASA AD 2023-0191 refers to “discrepancies,” for this AD, discrepancies include, but are not limited to, wire damage, missing or damaged conduits, and incorrect routing of wiring and conduits.

(4) Where paragraph (8) of EASA AD 2023-0191 specifies “accomplish the additional work as identified in” replace that text with “accomplish the additional work as identified in section ‘1 – ADDITIONAL WORK.’”

(5) Where paragraphs (4) and (5) of EASA AD 2023-0191 specify to “inform all flight crews, and, thereafter, operate the aeroplane accordingly,” this AD does not require those actions, as those actions are already required by existing FAA operating regulations (see 14 CFR 91.9, 91.505, and 121.137).

(6) Where EASA AD 2023-0191 refers to its effective date, this AD requires using the effective date of this AD.

(7) Where EASA AD 2023-0191 refers to July 19, 2023 (the effective date of EASA AD 2023-0134), this AD requires using the effective date of this AD.

(8) This AD does not adopt the “Remarks” section of EASA AD 2023-0191.

**(i) Additional AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j) of this AD or email to: 9-AVS-AIR-730-AMOC@faa.gov. If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or ATR – GIE Avions de Transport Régional’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(j) Additional Information**

For more information about this AD, contact Shahram Daneshmandi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206-231-3220; email: shahram.daneshmandi@faa.gov.

**(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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2023-0191, dated November 2, 2023.

(ii) [Reserved]

(3) For EASA material, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); website [easa.europa.eu](http://easa.europa.eu). You may find this EASA AD on the EASA website at [ad.easa.europa.eu](http://ad.easa.europa.eu).

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit [www.archives.gov/federal-register/cfr/ibr-locations](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

Issued on May 15, 2024.

Victor Wicklund,  
Deputy Director, Compliance & Airworthiness Division,  
Aircraft Certification Service.  
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