

Subpart D—Regulatory Requirements for Removal, Suspension for More Than 14 Days, Reduction in Grade or Pay, or Furlough for 30 Days or Less

- 14. Amend § 752.401 by:
 - a. Revising paragraphs (b)(15) and (16);
 - b. Adding paragraph (b)(17);
 - c. Removing paragraph (d)(5); and
 - d. Redesignating paragraphs (d)(6) through (13) as paragraphs (d)(5) through (12).

The revisions and additions read as follows:

§ 752.401 Coverage.

* * * *

(b) * * *

(15) Reduction of an employee's rate of basic pay from a rate that is contrary to law or regulation, including a reduction necessary to comply with the amendments made by Public Law 108–411, regarding pay-setting under the General Schedule and Federal Wage System and regulations in this subchapter implementing those amendments;

(16) An action taken under 5 U.S.C. 7515.; or

(17) An action taken against a technician in the National Guard concerning any activity under 32 U.S.C. 709(f)(4), except as provided by 32 U.S.C. 709(f)(5).

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§ 752.402 [Amended]

- 15. Amend § 752.402 by removing the definition for “Business day”.
- 16. Amend § 752.403 by:
 - a. Revising the section heading; and
 - b. Removing paragraphs (c) through (f).

The revision reads as follows:

§ 752.403 Standard for action.

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- 17. Amend § 752.404 by:
 - a. Revising paragraph (b)(1); and
 - b. Removing paragraph (g)(3).

The revision reads as follows:

§ 752.404 Procedures.

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(b) * * *

(1) An employee against whom an action is proposed is entitled to at least 30 days' advance written notice unless there is an exception pursuant to paragraph (d) of this section. The notice must state the specific reason(s) for the proposed action and inform the employee of his or her right to review the material which is relied on to support the reasons for action given in the notice. The notice must further include detailed information with

respect to any right to appeal the action pursuant to section 1097(b)(2)(A) of Public Law 115–91, the forums in which the employee may file an appeal, and any limitations on the rights of the employee that would apply because of the forum in which the employee decides to file.

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§ 752.407 [Removed]

- 18. Remove § 752.407.

Subpart F—Regulatory Requirements for Taking Adverse Action Under the Senior Executive Service

- 19. Amend § 752.602 by removing the definition for “Business day”.

- 20. Amend § 752.603 by:

- a. Revising the section heading; and
- b. Removing paragraphs (c) through (f).

The revision reads as follows:

§ 752.603 Standard for action.

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- 21. Amend § 752.604 by:

- a. Revising paragraph (b)(1); and
- b. Removing paragraph (g)(3).

The revision reads as follows:

§ 752.604 Procedures.

* * * *

(b) * * *

(1) An appointee against whom an action is proposed is entitled to at least 30 days' advance written notice unless there is an exception pursuant to paragraph (d) of this section. The notice must state the specific reason(s) for the proposed action and inform the appointee of his or her right to review the material that is relied on to support the reasons for action given in the notice. The notice must further include detailed information with respect to any right to appeal the action pursuant to section 1097(b)(2)(A) of Public Law 115–91, the forums in which the employee may file an appeal, and any limitations on the rights of the employee that would apply because of the forum in which the employee decides to file.

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§ 752.607 [Removed]

- 22. Remove § 752.607.

[FR Doc. 2022–24309 Filed 11–9–22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0688; Project Identifier MCAI–2022–00409–T; Amendment 39–22206; AD 2022–21–07]

RIN 2120–AA64

Airworthiness Directives; Deutsche Aircraft GmbH (Type Certificate Previously Held by 328 Support Services GmbH; AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Deutsche Aircraft GmbH (Type Certificate Previously Held by 328 Support Services GmbH; AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328–100 and –300 airplanes. This AD was prompted by a safety analysis that lithium batteries installed in the personal electronic devices (PED) are a potential risk of an in-flight fire in the flight deck stowage boxes. This AD requires installing a placard and stowing the fire gloves on the left-hand (LH) flap door of the flight deck step; and installing the placards on the LH and right-hand (RH) flight deck stowage boxes. This AD also requires revising the operator's existing airplane flight manual (AFM) to include emergency procedures, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 15, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 15, 2022.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2022–0688; 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 final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For material incorporated by reference in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this IBR material on the EASA website at ad.easa.europa.eu.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket at regulations.gov under Docket No. FAA-2022-0688.

FOR FURTHER INFORMATION CONTACT:
Todd Thompson, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206 231 3228; email Todd.Thompson@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Deutsche Aircraft GmbH (Type Certificate Previously Held by 328 Support Services GmbH; AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328-100 and -300 airplanes. The NPRM published in the **Federal Register** on June 21, 2022 (87 FR 36775). The NPRM was prompted by AD 2022-0050, dated March 22, 2022, issued by EASA, which is the Technical Agent for the Member States of the European Union (referred to after this as the MCAI). The MCAI states that lithium batteries installed in the PED are a potential risk of an in-flight fire in the flight deck stowage

boxes. EASA issued Continuing Airworthiness Review Item (CARI) 25-09, requesting type certificate holders to investigate the potential risk of in-flight fire of lithium batteries installed in PED. The investigation was conducted on the effect of a PED fire on a critical system component, and the development of smoke in the flight deck. Deutsche Aircraft GmbH Model 328-100 and -300 airplanes have the stowages for PED located in the proximity of oxygen lines, oxygen mask boxes, and other critical system components in the flight deck. The safety analysis was performed at all possible locations, and concluded that in case of a PED fire, the panels of the side console forward stowage may not be able to withstand the released heat, and the oxygen supply line can be damaged. This condition, if not corrected, could result in an oxygen fed fire in the flight deck, possibly resulting in an uncontrolled fire.

In the NPRM, the FAA proposed to require installing a placard and stowing the fire gloves on the LH flap door of the flight deck step; and installing the placards on the LH and RH flight deck stowage boxes. The NPRM also proposed to require revising the operator's existing AFM to include emergency procedures, as specified in EASA AD 2022-0050. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA-2022-0688.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

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 reviewed the relevant data, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

EASA AD 2022-0050 specifies procedures for installing a "FIRE GLOVES" pictogram placard and stowing the fire gloves on the LH flap door of the flight deck step; and installing the "NO PED STOWAGE" placards on the LH and RH flight deck stowage boxes. EASA AD 2022-0050 also specifies revising the operator's existing AFM to include emergency procedures to address smoke including PED smoke removal.

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 the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 35 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × \$85 per hour = \$170	\$350	\$520	\$18,200

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

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) Will not affect intrastate aviation in Alaska, 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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

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 airworthiness directive:

2022–21–07 Deutsche Aircraft GmbH (Type Certificate Previously Held by 328 Support Services GmbH; AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH): Amendment 39–22206; Docket No. FAA–2022–0688; Project Identifier MCAI–2022–00409–T.

(a) Effective Date

This airworthiness directive (AD) is effective December 15, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Deutsche Aircraft GmbH (Type Certificate Previously Held by 328 Support Services GmbH; AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328–100 and 328–300 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 11, Placards and markings and 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by a safety analysis that lithium batteries installed in personal electronic devices (PED) are a potential risk of an in-flight fire in the flight deck stowage boxes. The PED fire could spread out of the flight deck stowage boxes to the oxygen supply lines and other critical system components. The FAA is issuing this AD to address the potential risk of in-flight fire of lithium batteries installed in PED, which

could result in an oxygen fed fire in the flight deck, possibly resulting in an uncontrolled fire.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0050, dated March 22, 2022 (EASA AD 2022–0050).

(h) Exceptions to EASA AD 2022–0050

(1) Where EASA AD 2022–0050 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (2) of EASA AD 2022–0050 specifies 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 121.137, 91.505, and 91.9).

(3) Where paragraph (2) of EASA AD 2022–0050 specifies to amend or use the airplane flight manual (AFM), replace the text “amend the applicable AFM by incorporating the AFM emergency procedure or use the AFM” with “amend the applicable AFM by incorporating the information specified in the AFM emergency procedure.”

(4) The “Remarks” section of EASA AD 2022–0050 does not apply to this AD.

(i) No Reporting Requirements

Although the service information referenced in EASA AD 2022–0050 specifies reporting, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) **Alternative Methods of Compliance (AMOCs):** The Manager, Large Aircraft Section, 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 Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. 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, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Deutsche Aircraft GmbH’s EASA Design Organization Approval (DOA). If

approved by the DOA, the approval must include the DOA-authorized signature.

(k) Additional Information

For more information about this AD, contact Todd Thompson, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206 231 3228; email Todd.Thompson@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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 2022–0050, dated March 22, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0050, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this EASA AD on the EASA website at ad.easa.europa.eu.

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

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued on October 3, 2022.

Christina Underwood,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–24514 Filed 11–9–22; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2020–C–1309]

Listing of Color Additives Exempt From Certification; Spirulina Extract

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the color additive regulations to provide for the expanded safe use of spirulina (*Arthrospira platensis*) extract