

and Turbomeca Mandatory Service Bulletin No. 292 73 2109, Version E, dated September 17, 2008, for related information. Contact Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 74 40 00, fax (33) 05 59 74 45 15 for the service information identified in this AD.

(i) Contact James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [james.lawrence@faa.gov](mailto:james.lawrence@faa.gov); telephone (781) 238-7176; fax (781) 238-7199, for more information about this AD.

Issued in Burlington, Massachusetts, on October 1, 2009.

**Peter A. White,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0995; Directorate Identifier 2009-NM-123-AD]

RIN 2120-AA64

**Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes**

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed 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:

Investigation into a landing gear retraction problem on a production test flight revealed that, during aircraft pressurization and depressurization cycles, the pressure floor in the main landing gear bay deflects to a small extent. This causes relative misalignment between the [alternate-extension system] AES bypass valve, the downlock assist valve and the summing lever which, in turn, can result in damage to and potential failure of the respective clevis attached to one or both of the valves. Such a clevis failure could remain dormant and, in the subsequent event that use of the AES was required, full landing gear extension may not be achievable.

\* \* \* \* \*

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by December 14, 2009.

**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 W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; e-mail [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet <http://www.bombardier.com>. You may review copies of the referenced 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 or 425-227-1152.

#### 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 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:

Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7318; fax (516) 794-5531.

#### 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-2009-0995; Directorate Identifier 2009-NM-123-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 have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2009-22, dated May 14, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Investigation into a landing gear retraction problem on a production test flight revealed that, during aircraft pressurization and depressurization cycles, the pressure floor in the main landing gear bay deflects to a small extent. This causes relative misalignment between the [alternate-extension system] AES bypass valve, the downlock assist valve and the summing lever which, in turn, can result in damage to and potential failure of the respective clevis attached to one or both of the valves. Such a clevis failure could remain dormant and, in the subsequent event that use of the AES was required, full landing gear extension may not be achievable.

This directive gives instructions to replace the clevis, with a new part, for both the bypass and the downlock assist valves. It also gives instructions to install new support brackets for both valves, in order to increase the stiffness of the installations and thus prevent future relative misalignment and potential clevis failure.

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

#### Relevant Service Information

Bombardier has issued Alert Service Bulletin A670BA-32-022, Revision A, including Appendix A, dated May 1, 2009. 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 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 the same type design.

#### Differences Between This 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 proposed 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 proposed AD.

#### Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 203 products of U.S. registry. We also estimate that it would take 12 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$939 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$385,497, or \$1,899 per product.

#### 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); 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 proposed 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.

#### 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 AD:

##### **Bombardier Inc. (Formerly Canadair):**

Docket No. FAA-2009-0995; Directorate Identifier 2009-NM-123-AD.

#### Comments Due Date

- (a) We must receive comments by December 14, 2009.

#### Affected ADs

- (b) None.

#### Applicability

- (c) This AD applies to the Bombardier airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Model CL-600-2C10 (Regional Jet Series 700 & 701) airplanes, serial numbers 10003 through 10216 inclusive.

(2) Model CL-600-2D15 (Regional Jet Series 705) and Model CL-600-2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 through 15039 inclusive.

#### Subject

- (d) Air Transport Association (ATA) of America Code 32: Landing Gear.

#### Reason

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

Investigation into a landing gear retraction problem on a production test flight revealed that, during aircraft pressurization and depressurization cycles, the pressure floor in the main landing gear bay deflects to a small extent. This causes relative misalignment between the [alternate-extension system] AES bypass valve, the downlock assist valve and the summing lever which, in turn, can result in damage to and potential failure of the respective clevis attached to one or both of the valves. Such a clevis failure could remain dormant and, in the subsequent event that use of the AES was required, full landing gear extension may not be achievable.

This directive gives instructions to replace the clevis, with a new part, for both the bypass and the downlock assist valves. It also gives instructions to install new support brackets for both valves, in order to increase the stiffness of the installations and thus prevent future relative misalignment and potential clevis failure.

#### Actions and Compliance

- (f) Unless already done, do the following actions.

(1) For any bypass valve having part number (P/N) 53342-3, at the applicable time in paragraph (f)(1)(i), (f)(1)(ii), or (f)(1)(iii) of this AD, replace the existing clevis with a new clevis having P/N 2323H037, in accordance with Part A of the Accomplishment Instructions of Bombardier Alert Service Bulletin A670BA-32-022, Revision A, dated May 1, 2009. The replacement is not required if paragraph (f)(3) of this AD has already been done.

(i) If the bypass valve has accumulated 9,400 total flight cycles or fewer as of the effective date of this AD, replace the clevis before the accumulation of 10,000 total flight cycles on the valve.

(ii) If the bypass valve has accumulated more than 9,400 total flight cycles as of the effective date of this AD, replace the clevis within 550 flight hours after the effective date of this AD.

(iii) If it is not possible to determine the total flight cycles accumulated on the bypass

valve, replace the clevis within 550 flight hours after the effective date of this AD.

(2) For any downlock assist valve having (P/N) 53341-5, at the applicable time in paragraph (f)(2)(i), (f)(2)(ii), or (f)(2)(iii) of this AD, replace the existing clevis with a new clevis, having P/N 2323H037, in accordance with Part B of the Accomplishment Instructions of Bombardier Alert Service Bulletin A670BA-32-022, Revision A, dated May 1, 2009. The replacement is not required if paragraph (f)(3) of this AD has already been done.

(i) If the valve has accumulated 9,400 total flight cycles or fewer as of the effective date of this AD, replace the clevis before the valve has accumulated 10,000 total flight cycles on the valve.

(ii) If the valve has accumulated more than 9,400 total flight cycles as of the effective date of this AD, replace the clevis within 550 flight hours after the effective date of this AD.

(iii) If it is not possible to determine the total flight cycles accumulated by the downlock assist valve, replace the clevis within 550 flight hours after the effective date of this AD.

(3) At the earliest of the times in (f)(3)(i), (f)(3)(ii), and (f)(3)(iii) of this AD, install new support brackets for the bypass valve and downlock assist valve, in accordance with Part C of the Accomplishment Instructions of Bombardier Alert Service Bulletin A670BA-32-022, Revision A, dated May 1, 2009. Installing the support brackets terminates the requirements of paragraphs (f)(1) and (f)(2) of this AD.

(i) Within 4,500 flight hours after the effective date of this AD.

(ii) Within 6,000 flight cycles after accomplishing the actions specified in paragraph (f)(1) of this AD or within 600 flight cycles after the effective date of this AD, whichever occurs later.

(iii) Within 6,000 flight cycles after accomplishing the actions specified in paragraph (f)(2) of this AD or within 600 flight cycles after the effective date of this AD, whichever occurs later.

(4) Replacing the clevises for the bypass valve and downlock assist valve before the effective date of this AD, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A670BA-32-022, dated November 8, 2007, is considered acceptable for compliance with the corresponding actions in paragraphs (f)(1) and (f)(2) of this AD.

#### FAA AD Differences

**Note 1:** This AD differs from the MCAI and/or service information as follows: No differences.

#### Other FAA AD Provisions

(g) 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. Send information to ATTN: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office,

1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7318; fax (516) 794-5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards 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.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) Refer to MCAI Canadian Airworthiness Directive CF-2009-22, dated May 14, 2009; and Bombardier Alert Service Bulletin A670BA-32-022, Revision A, dated May 1, 2009; for related information.

Issued in Renton, Washington, on October 19, 2009.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-25866 Filed 10-27-09; 8:45 am]

**BILLING CODE 4910-13-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1422

#### RIN 3041-AC78

### Standard for Recreational Off-Highway Vehicles

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Consumer Product Safety Commission ("Commission") is considering whether there may be unreasonable risks of injury and death associated with Recreational Off-Highway Vehicles (ROVs). This advance notice of proposed rulemaking (ANPR) begins a rulemaking proceeding under the Consumer Product Safety Act (CPSA).<sup>1</sup>

<sup>1</sup> The Commission voted 4-0 to publish this ANPR in the **Federal Register**. Chairman Inez M. Tenenbaum and Commissioners Robert Adler,

**DATES:** Written comments in response to this document must be received by the Commission no later than December 28, 2009.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC-2009-0087, by any of the following methods:

#### Electronic Submissions

*Submit electronic comments in the following way:* Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (e-mail) except through <http://www.regulations.gov>.

#### Written Submissions

*Submit written submissions in the following way:*

Mail/Hand delivery/Courier (for paper (preferably in five copies), disk, or CD-ROM submissions), to: Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to <http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

*Docket:* For access to the docket to read background comments or comments received, go to <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Caroleene Paul, Project Manager, Recreational Off-Highway Vehicle Team, Directorate for Engineering Sciences, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408; telephone (301) 504-7540 or e-mail: [cpaul@cpsc.gov](mailto:cpaul@cpsc.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

In general, ROVs are motorized vehicles having four or more low pressure tires designed for off-road use and intended by the manufacturer primarily for recreational use by one or

Thomas Moore, and Nancy Nord voted to publish the ANPR. Commissioner Anne Northup abstained from voting. Chairman Tenenbaum issued a statement, which can be found at <http://www.cpsc.gov/pr/tenenbaum10212009.pdf>.