

inventory reserve such that the total primary inventory reserve does not exceed 50-million pounds; *Provided*, That such 50-million-pound quantity may be changed upon recommendation of the Board and approval of the Secretary. Any such change shall be recommended by the Board on or before September 30 of any crop year to become effective for the following crop year, and the quantity may be changed no more than one time per crop year. Handlers will be permitted to divert (at plant or with grower diversion certificates) as much of the restricted percentage requirement as they deem appropriate, but may not establish a primary inventory reserve in excess of the percentage established by the Board for restricted cherries. In the event handlers wish to establish inventory reserve in excess of this amount, they may do so, in which case it will be classified as a secondary inventory reserve and will be regulated accordingly.

\* \* \* \* \*

5. Add a new paragraph (d) to § 930.54 to read as follows:

**§ 930.54 Prohibition on the use or disposition of inventory reserve cherries.**

\* \* \* \* \*

(d) Should the volume of cherries held in the primary inventory reserves and, subsequently, the secondary inventory reserves reach a minimum amount, which level will be established by the Secretary upon recommendation from the Board, the products held in the respective reserves shall be released from the reserves and made available to the handlers as free tonnage.

6. Revise paragraph (b) of § 930.55 to read as follows:

**§ 930.55 Primary inventory reserves.**

\* \* \* \* \*

(b) The form of the cherries, frozen, canned in any form, dried, or concentrated juice, placed in the primary inventory reserve is at the option of the handler. The product(s) placed by the handler in the primary inventory reserve must have been produced in either the current or the preceding two crop years. Except as may be limited by § 930.50(i) or as may be permitted pursuant to §§ 930.59 and 930.62, such inventory reserve portion shall be equal to the sum of the products obtained by multiplying the weight or volume of the cherries in each lot of cherries acquired during the fiscal period by the then effective restricted percentage fixed by the Secretary; *Provided*, That in converting cherries in each lot to the form chosen by the handler, the inventory reserve

obligations shall be adjusted in accordance with uniform rules adopted by the Board in terms of raw fruit equivalent.

\* \* \* \* \*

Dated: May 7, 2009.

**Craig Morris**,

*Acting Associate Administrator.*

[FR Doc. E9-11052 Filed 5-11-09; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0436; Directorate Identifier 2009-NM-005-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 and 701) Airplanes and 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: Frost, snow, slush or ice on the wing leading edges and upper wing surfaces may change the stall speeds, stall characteristics and the protection provided by the stall protection system, which could result in reduced controllability of the aircraft. 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 June 11, 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:**

Bruce Valentine, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7328; 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-2009-0436; Directorate Identifier 2009-NM-005-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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2005-02, dated February 2, 2005 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Frost, snow, slush or ice on the wing leading edges and upper wing surfaces may change the stall speeds, stall characteristics and the protection provided by the stall protection system, which could result in reduced controllability of the aircraft.

Transport Canada has \* \* \* approved temporary revisions to the Aircraft Flight Manuals (AFM), which emphasize the cold weather operational requirements to ensure that the wing leading edges and upper wing surfaces are free from frost, snow, slush or ice.

The corrective action is revising the AFMs to introduce procedures for cold weather operations. You may obtain further information by examining the MCAI in the AD docket.

## Relevant Service Information

Bombardier has issued Temporary Revision RJ 900/48-3, dated August 19, 2008, to the Canadair Regional Jet Series 900 Airplane Flight Manual (AFM), CSP C-012; and Temporary Revision RJ 700/87-3, dated August 19, 2008, to the Canadair Regional Jet Series 700 and 701 AFM, CSP B-012. 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 336 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$26,880, or \$80 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-2009-0436; Directorate Identifier 2009-NM-005-AD.

#### **Comments Due Date**

(a) We must receive comments by June 11, 2009.

#### **Affected ADs**

(b) None.

#### **Applicability**

(c) This AD applies to all Bombardier Model CL-600-2C10 (Regional Jet Series 700 and 701) airplanes and CL-600-2D24 (Regional Jet Series 900) airplanes, certificated in any category.

#### **Subject**

(d) Air Transport Association (ATA) of America Code 57: Wings.

#### **Reason**

(e) The mandatory continuing airworthiness information (MCAI) states: Frost, snow, slush or ice on the wing leading edges and upper wing surfaces may change the stall speeds, stall characteristics and the protection provided by the stall protection system, which could result in reduced controllability of the aircraft.

Transport Canada has \* \* \* approved temporary revisions to the Aircraft Flight Manuals (AFM), which emphasize the cold weather operational requirements to ensure that the wing leading edges and upper wing surfaces are free from frost, snow, slush or ice.

The corrective action is revising the AFMs to introduce procedures for cold weather operations.

#### **Actions and Compliance**

(f) Unless already done, within 14 days after the effective date of this AD, revise the Limitations—Operating Limitations sections

of the Canadair Regional Jet Series 900 Airplane Flight Manual (AFM), CSP C-012, and the Canadair Regional Jet Series 700 and 701 AFM, CSP B-012, to include the information in Bombardier Temporary Revision (TR) RJ 900/48-3, dated August 19, 2008, and TR RJ 700/87-3, dated August 19, 2008, as specified in the TRs, as applicable. These TRs introduce procedures for cold weather operations to ensure that the wing leading edges and upper wing surfaces are free from frost, snow, slush or ice. Operate the airplane according to the limitations and procedures in the TRs.

**Note 1:** This may be done by inserting copies of Bombardier TR RJ 700/87-3 and TR RJ 900/48-3 into the applicable AFM. When these TRs have been included in general revisions of the applicable AFM, the general revisions may be inserted into the AFM, provided the relevant information in the general revision is identical to the applicable AFM.

#### FAA AD Differences

**Note 2:** 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, 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: Bruce Valentine, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7328; 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, 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-2005-02 dated February 2, 2005; Bombardier TR RJ 700/87-3, dated August 19, 2008; and Bombardier TR RJ 900/48-3, dated August 19, 2008; for related information.

Issued in Renton, Washington, on May 1, 2009.

**Stephen P. Boyd,**

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

[FR Doc. E9-10992 Filed 5-11-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-26234; Directorate Identifier 2006-CE-064-AD]

RIN 2120-AA64

#### Airworthiness Directives; SOCATA Model TBM 700 Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above that would revise an existing AD. 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:

This Airworthiness Directive (AD) was prompted by reports of loose rivets on frames C18 BIS and C19, which could result in a reduced structural integrity of the tail area.

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 June 11, 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 W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

You may examine the AD docket on the Internet at [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov); 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 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:

Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329-4119; *fax:* (816) 329-4090.

#### 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-2006-26234; Directorate Identifier 2006-CE-064-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 because of 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

On March 15, 2007, we issued AD 2007-03-17, Amendment 39-14928 (72 FR 5923, February 8, 2007). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2007-03-17, EADS SOCATA revised the service bulletin used in the AD to change the applicability.

The Direction Générale de l'aviation Civile (DGAC), which is the aviation authority for France, has issued French AD No F-2005-132, dated August 3, 2005, (referred to after this as "the MCAI") to correct an unsafe condition for the specified products. The MCAI states:

This Airworthiness Directive (AD) was prompted by reports of loose rivets on frames C18 BIS and C19, which could result in a reduced structural integrity of the tail area.