

or the preliminary determination on the scope of coverage. DOE invites all interested parties, whether or not they participate in the public meeting, to submit in writing by January 29, 2010, comments and information on matters addressed in the framework document and on other matters relevant to DOE's consideration of amended standards for metal halide lamp fixtures.

The public meeting will be conducted in an informal, facilitated, conference style. There shall be no discussion of proprietary information, costs or prices, market shares, or other commercial matters regulated by U.S. antitrust laws. A court reporter will record the proceedings of the public meeting, after which a transcript will be available for purchase from the court reporter and placed on the DOE Web site at: [http://www1.eere.energy.gov/buildings/appliance\\_standards/commercial/metal\\_halide\\_lamp\\_ballasts.html](http://www1.eere.energy.gov/buildings/appliance_standards/commercial/metal_halide_lamp_ballasts.html).

After the public meeting and the close of the comment period on the framework document, DOE will begin collecting data, conducting the analyses as discussed in the framework document and at the public meeting, and reviewing the public comments it receives.

DOE considers public participation to be a very important part of the process for setting energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of the rulemaking process. Beginning with the framework document, and during each subsequent public meeting and comment period, interactions with and between members of the public provide a balanced discussion of the issues to assist DOE in the standards rulemaking process. Accordingly, anyone who wishes to participate in the public meeting, receive meeting materials, or be added to the DOE mailing list to receive future notices and information about this rulemaking should contact Ms. Brenda Edwards at (202) 586-2945, or via e-mail at [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

Issued in Washington, DC, on December 23, 2009.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. E9-30885 Filed 12-29-09; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-1223; Directorate Identifier 2009-NM-114-AD]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series 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:

During final Acceptance Test Procedure (ATP), a small oil leak was discovered on the Spoiler Unload Valve and Rudder Shutoff Valve bodies. Investigation revealed that a number of valves were manufactured with an incorrect wall thickness. This thin wall condition caused cracking, subsequent external weeping and pressure loss from the subject valves.

This condition, if not corrected, will cause a loss of hydraulic fluid and subsequent loss of spoiler and/or rudder control.

\* \* \* \* \*

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 February 16, 2010.

**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.qseries@aero.bombardier.com](mailto:thd.qseries@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-2009-1223; Directorate Identifier 2009-NM-114-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-2009-25R1, dated July 23, 2009 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

During final Acceptance Test Procedure (ATP), a small oil leak was discovered on the Spoiler Unload Valve and Rudder Shutoff Valve bodies. Investigation revealed that a number of valves were manufactured with an incorrect wall thickness. This thin wall condition caused cracking, subsequent external weeping and pressure loss from the subject valves.

This condition, if not corrected, will cause a loss of hydraulic fluid and subsequent loss of spoiler and/or rudder control.

Revision 1 of this directive mandates a new interval for the initial inspection, clarifies the time for replacement of the valve(s) specified in Paragraphs 1.2 and 2.2, and clarifies the labeling of the inspected valves in Paragraph 3 of this directive.

Required actions include doing detailed inspections of the left-hand and right-hand spoiler unload and rudder shutoff valve for leaking and weeping, replacing discrepant left-hand and right-hand spoiler unload and rudder shutoff valves with new or serviceable valves, and eventually replacing all valves having a certain part number. You may obtain further information by examining the MCAI in the AD docket.

## Relevant Service Information

Bombardier has issued Service Bulletins 84-27-37 and 84-27-39, both dated February 5, 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 61 products of U.S. registry. We also estimate that it would take about 3 work-hours per product to comply with the basic requirements of this proposed AD. Required parts would cost about \$0 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. 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 \$14,640, or \$240 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 de Havilland, Inc.):** Docket No. FAA-2009-1223; Directorate Identifier 2009-NM-114-AD.

### Comments Due Date

- (a) We must receive comments by February 16, 2010.

### Affected ADs

- (b) None.

### Applicability

- (c) This AD applies to Bombardier, Inc. Model DHC-8-400, DHC-8-401, and DHC-8-402 series airplanes, certificated in any category, serial numbers 4105 through 4179 inclusive.

### Subject

- (d) Air Transport Association (ATA) of America Code 27: Flight controls.

### Reason

- (e) The mandatory continuing airworthiness information (MCAI) states: During final Acceptance Test Procedure (ATP), a small oil leak was discovered on the Spoiler Unload Valve and Rudder Shutoff Valve bodies. Investigation revealed that a number of valves were manufactured with an incorrect wall thickness. This thin wall condition caused cracking, subsequent

external weeping and pressure loss from the subject valves.

This condition, if not corrected, will cause a loss of hydraulic fluid and subsequent loss of spoiler and/or rudder control.

Revision 1 of this directive mandates a new interval for the initial inspection, clarifies the time for replacement of the valve(s) specified in Paragraphs 1.2 and 2.2, and clarifies the labeling of the inspected valves in Paragraph 3 of this directive.

Required actions include doing detailed inspections of the left-hand and right-hand spoiler unload and rudder shutoff valve for leaking and weeping, replacing discrepant left-hand and right-hand spoiler unload and rudder shutoff valves with new or serviceable valves, and eventually replacing all valves having a certain part number.

#### Compliance

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Actions

(g) Do the actions in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, as applicable.

(1) For airplanes having serial numbers 4105 through 4172 inclusive: Within 750 flight hours after the effective date of this AD, do a detailed inspection of the left-hand and right-hand spoiler unload valves having part number (P/N) 396000–1005 for leaking and weeping, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–27–37, dated February 5, 2009.

(i) If any leaking or weeping is found, prior to further flight, replace the affected spoiler unload valve with a new or serviceable valve, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–27–37, dated February 5, 2009.

(ii) If no leaking and no weeping are found, replace the valves with new or serviceable valves within 6,000 flight hours after the initial inspection required by paragraph (g)(1) of this AD, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–27–37, dated February 5, 2009.

(2) For airplanes having serial numbers 4113 through 4179 inclusive: Within 750 flight hours after the effective date of this AD, do a detailed inspection of the left-hand and right-hand rudder shutoff valves having P/N 412700–1001 for leaking and weeping, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–27–39, dated February 5, 2009.

(i) If any leaking or weeping is found, prior to further flight, replace the affected rudder shutoff valve with a new or serviceable valve, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–27–39, dated February 5, 2009.

(ii) If no leaking and no weeping are found, replace the valves with new or serviceable valves within 6,000 flight hours after the initial inspection required by paragraph (g)(2) of this AD, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–27–39, dated February 5, 2009.

(3) As of the effective date of this AD, no person may install a spoiler unload valves assembly having (P/N) 396000–1005, having a serial number 0289 through 0424 inclusive, or rudder shutoff valve having (P/N) 412700–1001, having a serial number from 0239 through 0384 inclusive, on any airplane, unless the valve has been inspected by the manufacturer and labeled with a suffix “A” after the serial number.

#### FAA AD Differences

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

#### Other FAA AD Provisions

(h) 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: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York, 11590; telephone 516–228–7300; 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

(i) Refer to MCAI Canadian Airworthiness Directive CF–2009–25R1, dated July 23, 2009; Bombardier Service Bulletin 84–27–37, dated February 5, 2009; and Bombardier Service Bulletin 84–27–39, dated February 5, 2009; for related information.

Issued in Renton, Washington, on December 21, 2009.

#### Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–30905 Filed 12–29–09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2009–1224; Directorate Identifier 2009–NM–118–AD]

RIN 2120–AA64

#### Airworthiness Directives; The Boeing Company Model 737–200, –300, –400, and –500 Series Airplanes

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

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

**SUMMARY:** The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain Model 737–300, –400, and –500 series airplanes. The existing AD currently requires an inspection to determine the manufacturer and manufacture date of the oxygen masks in the passenger service unit and the lavatory and attendant box assemblies, corrective action if necessary, and other specified action. This proposed AD would expand the applicability in the existing AD. This AD results from a determination indicating that additional airplanes may be subject to the identified unsafe condition. We are proposing this AD to prevent the in-line flow indicators of the passenger oxygen masks from fracturing and separating, which could inhibit oxygen flow to the masks and consequently result in exposure of the passengers and cabin attendants to hypoxia following a depressurization event.

**DATES:** We must receive comments on this proposed AD by February 16, 2010.

**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.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707,