

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2011-0031; Directorate Identifier 2010-NM-135-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), CL-600-2D15 (Regional Jet Series 705), 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:

There have been two reported cases of failure of the MLG [main landing gear] piston axle, P/N [part number] 49203-3 or 49203-5, resulting from fretting between the inboard axle sleeve and axle thrust face, damage to the protective coating and consequent stress corrosion. In both cases, the MLG did not collapse.

* * * * *

The unsafe condition is failure of the MLG, which could adversely affect the airplane's safe landing. 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 March 11, 2011.

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; 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.

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:

Craig Yates, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7355; 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-2011-0031; Directorate Identifier 2010-NM-135-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

The Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2010-15, dated May 13, 2010 (referred to after this as "the MCAI"), to correct an unsafe

condition for the specified products. The MCAI states:

There have been two reported cases of failure of the MLG [main landing gear] piston axle, P/N [part number] 49203-3 or 49203-5, resulting from fretting between the inboard axle sleeve and axle thrust face, damage to the protective coating and consequent stress corrosion. In both cases, the MLG did not collapse.

In order to avoid future axle failures, which could potentially result in gear collapse and collateral damage, this directive mandates repetitive visual inspection [for damage and corrosion of the protective coating] and repair as necessary, of the MLG piston axles, P/N 49203-3 and 49203-5.

The unsafe condition is failure of the MLG, which could adversely affect the airplane's safe landing. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Bombardier has issued Service Bulletin 670BA-32-023, Revision C, dated January 29, 2009, including Appendix A, Revision B, dated March 5, 2008. 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 380 products of U.S. registry. We also estimate that it would take about 22 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$710,600, or \$1,870 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.: Docket No. FAA-2011-0031; Directorate Identifier 2010-NM-135-AD.

Comments Due Date

(a) We must receive comments by March 11, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), and CL-600-2D15 (Regional Jet Series 705) and CL-600-2D24 (Regional Jet Series 900) airplanes; certificated in any category.

Note 1: This AD is not applicable to piston axles having part number (P/N) 49203-7 or P/N 49203-9, which were installed in production on Bombardier, Inc. Model CL-600-2C10 airplanes having serial numbers (S/Ns) 10266 and subsequent; and Models CL-600-2D15 and CL-600-2D24 airplanes having S/Ns 15155 and subsequent.

Subject

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

Reason

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

There have been two reported cases of failure of the MLG [main landing gear] piston axle, P/N 49203-3 or 49203-5, resulting from fretting between the inboard axle sleeve and axle thrust face, damage to the protective coating and consequent stress corrosion. In both cases, the MLG did not collapse.

* * * * *

The unsafe condition is failure of the MLG, which could adversely affect the airplane's safe landing.

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.

Inspection and Repair

(g) Inspect to determine whether the airplane has a main landing gear piston axle having P/N 49203-3 or 49203-5. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the main landing gear piston axle can be conclusively determined from that review.

(h) Except as required by paragraph (i) of this AD, if, during the inspection required by paragraph (g) of this AD, the landing gear piston axle is determined to have P/N 49203-3 or 49203-5: At the applicable time specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD, do a detailed inspection for corrosion and damage of the inboard and outboard piston axles, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA-32-023, Revision C, dated January 29, 2009. Before further flight, repair any corrosion or damage found, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA-32-023, Revision C, dated January 29, 2009. Within 30 months after the initial inspection, or within 12 months after the effective date of this AD, whichever occurs later, do the inspection specified in this paragraph; and repeat the inspection thereafter at intervals not to exceed 30 months.

(1) For any piston axle that has been in service for 48 months or more as of the effective date of this AD: Inspect within 12 months after the effective date of this AD.

(2) For any piston axle that has been in service for 24 months or more, but less than 48 months, as of the effective date of this AD: Inspect within 24 months after the effective date of this AD.

(3) For any piston axle that has been in service for less than 24 months as of the effective date of this AD: Inspect within 36 months after the effective date of this AD.

(i) For airplanes that have mark "32-45" in the MOD STATUS field of the piston axle nameplate, or that have incorporated one of the Bombardier repair engineering orders (REOs) listed in paragraph 1.D of Bombardier Service Bulletin 670BA-32-023, Revision C, dated January 29, 2009: Within 12 months after the effective date of this AD, do the inspection specified in paragraph (h) of this AD, and repeat the inspection thereafter at the time specified in paragraph (h) of this AD.

Terminating Action

(j) Installing a piston axle having P/N 49203-7 or P/N 49203-9 on any airplane constitutes a terminating action for the requirements of paragraphs (h), (h)(1), (h)(2), and (h)(3) of this AD, for that airplane.

Credit for Actions Accomplished in Accordance With Previous Service Information

(k) Inspections and repairs accomplished before the effective date of this AD according to any service bulletin specified in table 1 of this AD, are considered acceptable for compliance with the inspections and repairs specified in paragraph (h) of this AD.

TABLE 1—CREDIT FOR ACCOMPLISHMENT OF PREVIOUS SERVICE INFORMATION

| Document | Revision | Date |
|--|----------------|-------------------|
| Bombardier Service Bulletin 670BA-32-023 | Original | October 24, 2007. |
| Bombardier Service Bulletin 670BA-32-023 | A | January 7, 2008. |
| Bombardier Service Bulletin 670BA-32-023 | B | March 5, 2008. |

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(l) 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, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding 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:* A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave., SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

Related Information

(m) Refer to MCAI Canadian Airworthiness Directive CF-2010-15, dated May 13, 2010; and Bombardier Service Bulletin 670BA-32-023, Revision C, dated January 29, 2009; for related information.

Issued in Renton, Washington on January 13, 2011.

Jeffrey E. Duven,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
 [FR Doc. 2011-1440 Filed 1-24-11; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

[SATS No. NM-048-FOR; Docket ID OSM-2010-0014]

New Mexico Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.
ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We are announcing receipt of a proposed amendment to the New Mexico regulatory program (hereinafter, the “New Mexico program”) under the Surface Mining Control and Reclamation Act of 1977 (“SMCRA” or “the Act”). New Mexico proposes revisions to and additions of rules about Ownership and Control (“O & C”). New Mexico intends to revise its program to be consistent with the rules published in the **Federal Register** notices published on December 3, 2007, Ownership and Control (72 FR 68000); December 19, 2000, Application and Permit Information Requirements, Permit Eligibility, definitions of Ownership and Control, the AVS, Alternative Enforcement (65 FR 79582); and October 28, 1994, Use of the AVS in Surface Coal Mining Reclamation Permit Approval, Standards and Procedures for Ownership and Control Determinations (59 FR 54306).

This document gives the times and locations that the New Mexico program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., m.d.t. February 24, 2011. If requested, we will hold a public hearing on the amendment on February 22, 2011. We will accept requests to speak until 4 p.m., m.d.t. on February 9, 2011.

ADDRESSES: You may submit comments by either of the following two methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. This proposed rule has been assigned Docket ID: OSM-2010-0014. If you would like to submit comments through the Federal eRulemaking Portal, go to <http://www.regulations.gov> and follow the instructions.

- *Mail/Hand Delivery/Courier:* James F. Fulton, Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, CO 80202.

For detailed instructions on submitting comments and additional information on the rulemaking process, see the “III. Public Comment Procedures” in the **SUPPLEMENTARY INFORMATION** section of this document.

In addition to viewing the docket and obtaining copies of documents at <http://www.regulations.gov>, you may review copies of the New Mexico program, this amendment, a listing of any public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may also receive one free copy of the amendment by contacting OSM’s Albuquerque Office.

Bob Postle, Branch Chief, Field Operations, Program Support Division, Western Region, Office of Surface Mining Reclamation and Enforcement, 505 Marquette Ave. NM Suite 1200, Albuquerque, NM 87102, Telephone: (505) 248-5070.

Bill Brancard, Acting Director, Mining and Minerals Division, New Mexico Energy, Minerals and Natural Resources Department, 1220 South St. Francis Drive, Sante Fe, New Mexico 87505, (505) 476-3400.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, CO