

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

[Docket No. FAA-2010-0276; Directorate Identifier 2009-NM-144-AD]

RIN 2120-AA64

**Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) 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 that would supersede 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: Three cases of in-flight loss of cabin pressurization have been reported, resulting from failure of a bulkhead check valve in combination with failure of an air supply duct. In addition to mandating inspection, rework and/or replacement of the air supply ducts, Airworthiness Directive (AD) CF-2003-05 (subsequently revised to CF-2003-05R1) [which corresponds to FAA AD 2004-22-08] mandated the incorporation of a 4000 flight-hour repetitive inspection task for bulkhead check valves, Part Numbers (P/N) 92E20-3 and 92E20-4, into the approved maintenance schedule. However, this repetitive inspection task has since been superseded by a 3000 flight-hour periodic discard task for these bulkhead check valves. This directive mandates revision of the approved maintenance schedule to incorporate the discard task for bulkhead check valves, P/N 92E20-3 and 92E20-4, and supersedes the instructions in Corrective Actions, Part A, of AD CF-2003-05R1, dated 7 February 2006. 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 May 20, 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.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.

**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:** Christopher Alfano, 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) 228-7340; 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-2010-0276; Directorate Identifier 2009-NM-144-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**

On October 18, 2004, we issued AD 2004-22-08, Amendment 39-13836 (69 FR 62807, October 28, 2004). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2004-22-08, Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2009-31, dated July 8, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Three cases of in-flight loss of cabin pressurization have been reported, resulting from failure of a bulkhead check valve in combination with failure of an air supply duct.

In addition to mandating inspection, rework and/or replacement of the air supply ducts, Airworthiness Directive (AD) CF-2003-05 (subsequently revised to CF-2003-05R1) [which corresponds to FAA AD 2004-22-08] mandated the incorporation of a 4000 flight-hour repetitive inspection task for bulkhead check valves, Part Numbers (P/N) 92E20-3 and 92E20-4, into the approved maintenance schedule. However, this repetitive inspection task has since been superseded by a 3000 flight-hour periodic discard task for these bulkhead check valves.

This directive mandates revision of the approved maintenance schedule to incorporate the discard task for bulkhead check valves, P/N 92E20-3 and 92E20-4, and supersedes the instructions in Corrective Actions, Part A, of AD CF-2003-05R1, dated 7 February 2006.

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

**Relevant Service Information**

Bombardier has issued Temporary Revision (TR) 1-2-39, dated December 12, 2008, to Section 2—Systems and Powerplant Program, of Part 1 of the Bombardier CL-600-2B19 Maintenance Requirements Manual (MRM) CSP A-053. 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.

### Changes to Existing AD

This proposed AD would retain certain requirements of AD 2004–22–08. Since AD 2004–22–08 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this proposed AD, as listed in the following table:

REVISED PARAGRAPH IDENTIFIERS	
Requirement in AD 2004–22–08	Corresponding requirement in this proposed AD
paragraph (a)	paragraph (g)
paragraph (b)	paragraph (h)
paragraph (c)	paragraph (i)

We have removed the service bulletin definition paragraph from the restated requirements of AD 2004–22–08. (That paragraph was identified as paragraph (a)(1) in AD 2004–22–08.) Instead, we have provided the full service bulletin citations throughout this NPRM.

### Costs of Compliance

Based on the service information, we estimate that this proposed AD would

affect about 644 products of U.S. registry.

The actions that are required by AD 2004–22–08 and retained in this proposed AD take about 15 work-hours per product, at an average labor rate of \$85 per work hour. Required parts cost about \$0 per product. Based on these figures, the estimated cost of the currently required actions is \$1,869 per product.

We estimate that it would take about 1 work-hour per product to comply with the new requirement to revise the ALI. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this requirement of the proposed AD on U.S. operators to be \$54,740, or \$85 per product.

We estimate that it would take about 5 work-hours per product to comply with the new inspection requirement. The average labor rate is \$85 per work-hour. Required parts would cost about \$594 per product, per replacement cycle. 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 inspection requirements of the proposed AD on U.S. operators to be \$656,236, or \$1,019 per product, per replacement cycle.

### 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 removing Amendment 39–13836 (69 FR 62807, October 28, 2004) and adding the following new AD:

**Bombardier, Inc.:** Docket No. FAA–2010–0276; Directorate Identifier 2009–NM–144–AD.

#### Comments Due Date

- (a) We must receive comments by May 20, 2010.

#### Affected ADs

- (b) This AD supersedes AD 2004–22–08, Amendment 39–13836.

#### Applicability

- (c) This AD applies to all Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, serial numbers 7003 and subsequent, certificated in any category.

**Note 1:** This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this

situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (l) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

#### Subject

(d) Air Transport Association (ATA) of America Code 21: Air conditioning.

#### Reason

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

Three cases of in-flight loss of cabin pressurization have been reported, resulting from failure of a bulkhead check valve in combination with failure of an air supply duct.

In addition to mandating inspection, rework and/or replacement of the air supply ducts, Airworthiness Directive (AD) CF-2003-05 (subsequently revised to CF-2003-05R1) [which corresponds to FAA AD 2004-22-08] mandated the incorporation of a 4,000 flight-hour repetitive inspection task for bulkhead check valves, Part Numbers (P/N) 92E20-3 and 92E20-4, into the approved maintenance schedule. However, this repetitive inspection task has since been superseded by a 3000 flight-hour periodic discard task for these bulkhead check valves.

This directive mandates revision of the approved maintenance schedule to incorporate the discard task for bulkhead check valves, P/N 92E20-3 and 92E20-4, and supersedes the instructions in Corrective Actions, Part A, of AD CF-2003-05R1, dated 7 February 2006.

#### 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.

#### Restatement of Requirements of AD 2004-22-08

##### Service Information Clarifications

(g) Paragraphs (g)(1), (g)(2), and (g)(3) of this AD pertain to the service information referenced in this AD.

(1) Although Bombardier Alert Service Bulletin A601R-21-053, Revision 'A,' dated January 28, 2003; and Bombardier Alert Service Bulletin A601R-21-054, dated November 8, 2001; specify to submit certain information to the manufacturer, this AD does not include such a requirement.

(2) Bombardier Alert Service Bulletin A601R-21-054, dated November 8, 2001, recommends sending all damaged check valves to the manufacturer for analysis; however, this AD does not include that requirement.

(3) Accomplishment of the actions specified in Bombardier Alert Service Bulletin A601R-21-053, dated November 8, 2001, before December 2, 2004 (the effective date of AD 2004-22-08), is considered acceptable for compliance with the applicable actions specified in this AD.

##### Repetitive Inspections/Related Corrective Actions

(h) Within 500 flight hours after December 2, 2004: Do the detailed inspections and related corrective actions required by paragraphs (h)(1) and (h)(2) of this AD, per the Accomplishment Instructions of Bombardier Alert Service Bulletin A601R-21-053, Revision 'A,' dated January 28, 2003; and Bombardier Alert Service Bulletin A601R-21-054, dated November 8, 2001; as applicable.

(1) For airplanes having bulkhead check valves with part number (P/N) 92E20-3/-4, as identified in Bombardier Alert Service Bulletin A601R-21-054, dated November 8, 2001: Inspect the left- and right-hand bulkhead check valves for damage (cracking, breakage). If any damage is found, before further flight, replace the damaged valve. Repeat the inspection at intervals not to exceed 4,000 flight hours until the replacement required by paragraph (j) of this AD is done.

(2) For airplanes having serial numbers 7003 through 7067 inclusive, and 7069 through 7477 inclusive: Inspect the left- and right-hand air supply ducts of the rear bulkhead for damage (tearing, delamination, or cracking). If any damage is found, before further flight, either rework or replace the damaged air supply duct, which ends the inspections for that air supply duct only. If no damage is found, repeat the inspection thereafter at intervals not to exceed 500 flight hours until accomplishment of paragraph (i) of this AD.

**Note 2:** For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

##### Terminating Action for Repetitive Inspections of Air Supply Ducts

(i) Except as required by paragraph (h)(2) of this AD, for airplanes having serial numbers 7003 through 7067 inclusive, and 7069 through 7477 inclusive: Within 5,000 flight hours after December 2, 2004, either rework or replace the left- and right-hand air ducts, as applicable, per the Accomplishment Instructions of Bombardier Alert Service Bulletin A601R-21-053, Revision 'A,' dated January 28, 2003; and Bombardier Alert Service Bulletin A601R-21-054, dated November 8, 2001; as applicable. Accomplishment of this paragraph ends the repetitive inspections required by paragraph (h)(2) of this AD.

#### New Requirements of This AD

##### Actions and Compliance

(j) For airplanes having serial numbers 7003 and subsequent: Within 60 days after the effective date of this AD, revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness to

include the information in Bombardier Temporary Revision (TR) 1-2-39, dated December 12, 2008, to Section 2—Systems and Powerplant Program, Part 1 of the Bombardier CL-600-2B19 Maintenance Requirement Manual (MRM) CSP-053. This task requires replacement of the bulkhead check valves having P/N 92E20-3 or 92E20-4 at intervals not to exceed 3,000 flight hours. Operate the airplane thereafter according to the limitations and procedures in the TR.

(k) Thereafter, except as provided in paragraph (j) of this AD, no alternative replacement times or structural inspection intervals may be approved for this bulkhead check valve.

**Note 3:** The actions required by paragraph (j) of this AD may be done by inserting a copy of Bombardier TR 1-2-39, dated December 12, 2008, into the MRM, which introduces Task 21-51-21-13. When Bombardier Task 21-51-21-13 has been included in general revisions of the MRM, the general revisions may be inserted into the MRM, provided the relevant information in the general revision is identical to that in the TR.

#### FAA AD Differences

**Note 4:** 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, 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 516-7300; 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

(m) Refer to MCAI Canadian Airworthiness Directive CF-2009-31, dated July 8, 2009; and Bombardier TR 1-2-39, dated December 12, 2008, to Section 2—Systems and

Powerplant Program, Part 1 of the Bombardier CL-600-2B19 MRM CSP-053; for related information.

Issued in Renton, Washington, on March 19, 2010.

**Ali Bahrami,**

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

[FR Doc. 2010-6850 Filed 4-2-10; 8:45 am]

**BILLING CODE 4910-13-P**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 312

#### Request for Public Comment on the Federal Trade Commission's Implementation of the Children's Online Privacy Protection Rule

**AGENCY:** Federal Trade Commission.

**ACTION:** Request for public comment.

**SUMMARY:** The Federal Trade Commission ("FTC" or "Commission") requests public comment on its implementation of the Children's Online Privacy Protection Act ("COPPA" or "the Act"), through the Children's Online Privacy Protection Rule ("COPPA Rule" or "the Rule"). The Commission requests comment on the costs and benefits of the Rule, as well as on whether it, or certain sections, should be retained, eliminated, or modified. All interested persons are hereby given notice of the opportunity to submit written data, views, and arguments concerning the Rule.

**DATES:** Written comments must be received by June 30, 2010.

**ADDRESSES:** Interested parties are invited to submit written comments electronically or in paper form, by following the instructions in the Invitation To Comment part of the "SUPPLEMENTARY INFORMATION" section below. Comments in electronic form should be submitted by using the following weblink: (<https://public.commentworks.com/ftc/2010coppauleview>) (and following the instructions on the web-based form). Comments in paper form should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex E), 600 Pennsylvania Avenue, NW, Washington, DC 20580, (202) 326-2252.

**FOR FURTHER INFORMATION CONTACT:** Phyllis Marcus, (202) 326-2854, or Mamie Kresses, (202) 326-2070, Attorneys, Federal Trade Commission, Division of Advertising Practices, Federal Trade Commission, Washington, D.C. 20580.

#### SUPPLEMENTARY INFORMATION:

### Section I. Background

The COPPA Rule, issued pursuant to the Children's Online Privacy Protection Act, 15 U.S.C. § 6501, *et seq.*, became effective on April 21, 2000. The Rule imposes certain requirements on operators of websites or online services directed to children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age (collectively, "operators").<sup>1</sup> Among other things, the Rule requires that operators provide notice to parents and obtain verifiable parental consent prior to collecting, using, or disclosing personal information from children under 13 years of age. The Rule also requires operators to keep secure the information they collect from children and prohibits them from conditioning children's participation in activities on the collection of more personal information than is reasonably necessary to participate in such activities. Further, the Rule contains a "safe harbor" provision enabling industry groups or others to submit to the Commission for approval self-regulatory guidelines that would implement the Rule's protections.<sup>2</sup>

### Section II. Rule Review

COPPA and § 312.11 of the Rule required the Commission to initiate a review no later than five years after the Rule's effective date to evaluate the Rule's implementation. The Commission commenced this mandatory review on April 21, 2005. After receiving and considering extensive public comment on the Rule, the Commission determined in March 2006 to retain the COPPA Rule without change.<sup>3</sup> However, the Commission believes that changes to the online environment over the past five years, including but not limited to children's increasing use of mobile technology to access the Internet, warrant reexamining the Rule at this time.

In this notice, the Commission poses its standard regulatory review questions to determine whether the Rule should be retained, eliminated, or modified. In addition, the Commission identifies several areas where public comment would be especially useful. First, the Commission asks whether the Rule's current definitions are sufficiently clear and comprehensive, or whether they might warrant modification or

expansion, consistent with the COPPA statute. Among other questions, the Commission asks for comment on the application of the definition of "Internet" to mobile communications, interactive television, interactive gaming, and similar activities. Further, the Commission asks whether the Rule's definition of "personal information" should be expanded to include other items of information that can be collected from children online and are not currently specified in the Rule, such as persistent IP addresses, mobile geolocation information, or information collected in connection with online behavioral advertising.

The Commission also seeks comment on the use of automated systems for reviewing children's web submissions (*e.g.*, those that filter out any personally identifiable information prior to posting). In addition, the Commission asks whether change is warranted as to the Rule provisions on protecting the confidentiality and security of personal information, the right of parents to review or delete personal information, and the prohibition against conditioning a child's participation on the collection of personal information. Finally, the Commission seeks comment about its role in administering the Rule's safe harbor provisions.

### Section III. Questions Regarding the COPPA Rule

The Commission invites members of the public to comment on any issues or concerns they believe are relevant or appropriate to the Commission's review of the COPPA Rule, and to submit written data, views, facts, and arguments addressing the Rule. All comments should be filed as prescribed in the Invitation To Comment part of the "SUPPLEMENTARY INFORMATION" section below, and must be received by June 30, 2010. The Commission is particularly interested in comments addressing the following questions:

#### A. General Questions for Comment

1. Is there a continuing need for the Rule as currently promulgated? Why or why not?

a. Since the Rule was issued, have changes in technology, industry, or economic conditions affected the need for or effectiveness of the Rule?

b. What are the aggregate costs and benefits of the Rule?

c. Does the Rule include any provisions not mandated by the Act that are unnecessary or whose costs outweigh their benefits? If so, which ones and why?

<sup>1</sup> 16 CFR Part 312.

<sup>2</sup> See 16 CFR Part 312.10; 64 FR at 59906-59908, 59915.

<sup>3</sup> See 71 FR 13247 (Mar. 15, 2006).