

written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-NM-239-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-239-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain Bombardier Model CL-600-1A11 (CL-600), -2A12 (CL-601), -2B16 (CL-601-3A, -3R), and -2B19 (Regional Jet Series 100) series airplanes, equipped with a certain Sundstrand air driven generator (ADG) uplock assembly. Transport Canada Aviation advises that, upon operation of the manual release system, the air driven generator (ADG) did not deploy. Investigation has revealed that the cause of this failure has been attributed to a broken shaft pin in the ADG uplock assembly. Failure of the shaft pin could lead to the inability of the pilot to manually deploy the ADG when necessary (i.e., when an airplane's primary electrical power sources are lost and the ADG fails to deploy automatically). If this were to occur, all electrical power on the airplane would be lost.

Bombardier has issued Canadair Regional Jet Alert Service Bulletin S.B.

A1601R-24-019, Revision 'A', dated August 9, 1994 (for Model CL-600-2B19 series airplanes); Canadair Challenger Service Bulletin 600-0638, dated April 25, 1994 (for Model CL-600-1A11 series airplanes); and Canadair Challenger Service Bulletin 601-0430, dated April 25, 1994 (for Model CL-600-2A12 and -2B16 series airplanes). These service bulletins describe procedures for a one-time inspection to verify the proper operation of the uplock latch of the ADG, and replacement of the uplock latch with a serviceable part, if the uplock latch cannot be activated. These service bulletins also describe procedures for replacing the uplock assembly with a modified uplock assembly, and performing a rigging inspection. Transport Canada Aviation classified these service bulletins as mandatory and issued Canadian airworthiness directive CF-94-14, dated September 7, 1994 (for Model CL-600-2B19 series airplanes); and Canadian airworthiness directive CF-94-13, dated September 1, 1994 (for Model CL-600-1A11, -2A12, and -2B16 series airplanes); in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of the Transport Canada Aviation, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time inspection to verify the proper operation of the uplock latch of the ADG, and replacement of the uplock latch with a serviceable part, if the uplock latch cannot be activated. The proposed AD would also require replacing the uplock assembly with a modified uplock assembly, and performing a rigging inspection. The actions would be required to be accomplished in accordance with the service bulletins described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may

misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 194 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$69,840, or \$360 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that 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) if promulgated, 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."