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Sandra L. Thompson,*Acting Director, Federal Housing Finance Agency.*

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39****[Docket No. FAA-2021-0832; Project Identifier MCAI-2020-01550-T]**

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc., Airplanes**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD-700-1A10 and BD-700-1A11 airplanes. This proposed AD was prompted by reports of internal corrosion on the inboard flaps found prior to regularly scheduled maintenance checks. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate a certain aircraft maintenance manual (AMM) task. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 12, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc., Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; telephone 514-855-2999; email ac.yul@aero.bombardier.com; internet <https://www.bombardier.com>. You may view

this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0832; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Antariksh Shetty, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531; email 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2021-0832; Project Identifier MCAI-2020-01550-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial

information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Antariksh Shetty, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531; email 9-avs-nyaco-cos@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF-2020-49R1, dated May 20, 2021 (TCCA AD CF-2020-49R1) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD-700-1A10 and BD-700-1A11 airplanes. You may examine the MCAI in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0832.

This proposed AD was prompted by reports of internal corrosion on the inboard flaps found prior to regularly scheduled maintenance checks. The FAA is proposing this AD to address such corrosion, which could result in reduced structural integrity, detachment of the flap, and consequent reduced controllability of the airplane.

See the MCAI for additional background information.

Related Service Information Under 14 CFR Part 51

Bombardier issued the following service information.

- Task 57-51-00-290-801, “Special Detailed Inspection of the Inboard-Flap Internal Ribs,” of Bombardier Global Express Aircraft Maintenance Manual—Part Two—Publication No. BD-700 AMM, Revision 90, dated May 19, 2021.

- Task 57-51-00-290-801, “Special Detailed Inspection of the Inboard-Flap Internal Ribs,” of Bombardier Global Express XRS Aircraft Maintenance Manual—Part Two—Publication No. BD-700 XRS AMM, Revision 68, dated May 19, 2021.

- Task 57–51–00–290–801, “Special Detailed Inspection of the Inboard-Flap Internal Ribs,” of Bombardier Global 6000 Aircraft Maintenance Manual—Part Two—Publication No. GL 6000 AMM, Revision 39, dated May 19, 2021.

- Task 57–51–00–290–801, “Special Detailed Inspection of the Inboard-Flap Internal Ribs,” of Bombardier Global 6500 Aircraft Maintenance Manual—Part Two—Publication No. GL 6500 AMM, Revision 8, dated May 19, 2021.

- Task 57–51–00–290–801, “Special Detailed Inspection of the Inboard-Flap Internal Ribs,” of Bombardier Global 5000 Aircraft Maintenance Manual—Part Two—Publication No. BD–700 AMM, Revision 71, dated May 19, 2021.

- Task 57–51–00–290–801, “Special Detailed Inspection of the Inboard-Flap Internal Ribs,” of Bombardier Global 5000 Featuring Global Vision Flight Deck Aircraft Maintenance Manual—Part Two—Publication No. GL 5000 GVFD AMM, Revision 38, dated May 19, 2021.

- Task 57–51–00–290–801, “Special Detailed Inspection of the Inboard-Flap Internal Ribs,” of Bombardier Global 5500 Aircraft Maintenance Manual—Part Two—Publication No. GL 5500 AMM, Revision 7, dated May 19, 2021.

These documents describe amendments to the AMM to include inspections of the inboard flap internal ribs for corrosion. These documents are distinct since they apply to different airplane serial numbers.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate the information specified in AMM Task 57–51–00–290–801 and the compliance times for AMM Task 57–51–00–290–801.

The AMM task corresponds to Part 3, Task 57–51–00–201, Special Detailed Inspection of the Inboard-Flap Internal Ribs, of the applicable Bombardier Time Limits/Maintenance Checks (TLMC), which is referenced in the MCAI.

Costs of Compliance

The FAA estimates that this proposed AD affects 141 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be \$7,650 (90 work-hours × \$85 per work-hour).

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.

The FAA is 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

The FAA 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) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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 airworthiness directive:

Bombardier, Inc.: Docket No. FAA–2021–0832; Project Identifier MCAI–2020–01550–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, serial numbers 9001 through 9879 inclusive, 9998, and 60001 through 60033 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by reports of internal corrosion on the inboard flaps found prior to regularly scheduled maintenance checks. The FAA is issuing this AD to address internal corrosion on the inboard flaps, which could result in reduced structural integrity, detachment of the flap, and consequent reduced controllability of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the existing maintenance or

inspection program, as applicable, to include the information specified in Task 57–51–00–290–801, “Special Detailed Inspection of the Inboard-Flap Internal Ribs,” of the applicable

Bombardier Aircraft Maintenance Manual (AMM) identified in figure 1 to paragraph (g) of this AD and to include the following compliance times for Task 57–51–00–290–

801: Within 60 months after the effective date of this AD (for the initial compliance time), and repeat thereafter at intervals not to exceed 60 months.

Figure 1 to paragraph (g) – Applicable AMMs

Airplane Model	Bombardier AMM
BD-700-1A10	Bombardier Global Express Aircraft Maintenance Manual - Part Two - Publication No. BD-700 AMM, Revision 90, dated May 19, 2021
BD-700-1A10	Bombardier Global Express XRS Aircraft Maintenance Manual - Part Two - Publication No. BD-700 XRS AMM, Revision 68, dated May 19, 2021
BD-700-1A10	Bombardier Global 6000 Aircraft Maintenance Manual – Part Two - Publication No. GL 6000 AMM, Revision 39, dated May 19, 2021
BD-700-1A10	Bombardier Global 6500 Aircraft Maintenance Manual – Part Two - Publication No. GL 6500 AMM, Revision 8, dated May 19, 2021
BD-700-1A11	Bombardier Global 5000 Aircraft Maintenance Manual - Part Two - Publication No. BD-700 AMM, Revision 71, dated May 19, 2021
BD-700-1A11	Bombardier Global 5000 Featuring Global Vision Flight Deck Aircraft Maintenance Manual - Part Two - Publication No. GL 5000 GVFD AMM, Revision 38, dated May 19, 2021
BD-700-1A11	Bombardier Global 5500 Aircraft Maintenance Manual - Part Two - Publication No. GL 5500 AMM, Revision 7, dated May 19, 2021

(h) No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals, may be used unless the actions or intervals, are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local

Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 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.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.’s TCCA Design Approval Organization (DAO). If approved by

the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2020–49R1, dated May 20, 2021, for related information. This MCAI may be found in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0832.

(2) For more information about this AD, contact Antariksh Shetty, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email 9-avs-nyaco-cos@faa.gov.

(3) For service information identified in this AD, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; telephone 514–855–2999; email

ac.yul@aero.bombardier.com; internet <https://www.bombardier.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Issued on September 21, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives,
Compliance & Airworthiness Division,
Aircraft Certification Service.

[FR Doc. 2021-20805 Filed 9-24-21; 8:45 am]

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DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 15

[Docket No. 210915-0188]

RIN 0605-AA52

Department of Commerce Regulations on Procedures for Responding to Requests for Documents or Testimony for Use in Legal Proceedings

AGENCY: Office of the Secretary, Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would revise the Department of Commerce's (Commerce) regulations, known as "Touhy regulations," that set forth the procedures for responding to requests for documents or testimony for use in legal proceedings. The Department intends these revisions to provide greater clarity to entities seeking documents or testimony from current or former Department employees. Specifically, these revisions would clarify, update, and streamline the language of several provisions, provide greater transparency regarding the factors that the agency will consider when reviewing such requests, and more directly address issues that frequently arise in requests for documents or testimony based on the facts of the request, such as whether the testimony requested is that of a former employee, whether the United States is a party to the underlying legal proceedings, or whether the testimony or documents are requested from the Office of the Inspector General.

DATES: Written comments must be received on or before October 27, 2021.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 0605-AA52, by either of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Email:** ssharma@doc.gov. Include the RIN 0605-AA52 in the subject line.

Instructions: All submissions received must include the agency name and docket number or RIN for this rulemaking. Electronic comments may be submitted via www.regulations.gov prior to midnight eastern time on October 27, 2021. Comments may not be considered if they are sent by any other method, to any other address or individual, or received after the comment period ends at 11:59 p.m. eastern time on the date of comment period closure. All comments received are a part of the public record and will generally be posted without change to <http://www.regulations.gov>. For posted comments, all personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. Anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous) will be accepted. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document format (PDF) only.

Submit written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Sapna Sharma, General Litigation Division, Office of the General Counsel, U.S. Department of Commerce, 1401 Constitution Ave. NW, Rm. 5890, Washington, DC 20230; ssharma@doc.gov.

SUPPLEMENTARY INFORMATION: This rulemaking proposes revisions to the Department's regulations promulgated pursuant to 5 U.S.C. 301. Sections 15 CFR 15.11-15.18 set forth the procedures currently applicable to requests submitted to Commerce for the testimony of employees and the production of documents for use in legal proceedings to which the agency is not a party. These regulations are also known as "Touhy regulations," in reference to the case in which the Supreme Court upheld the validity of such agency regulations promulgated pursuant to 5 U.S.C. 301. *See United*

States ex rel. Touhy v. Ragen, 340 U.S. 462 (1951).

These proposed revisions to the Department's regulations clarify the process by which demands for documents or testimony are to be made and considered. They also update and streamline the language of several provisions where past experiences suggest need for elucidation. Additionally, the Department is revising these regulations to more directly address issues that arise frequently in requests for documents or testimony. The Department intends these revisions to provide greater clarity to entities seeking documents or testimony from current or former Department employees. Following is a description of the revisions to specific provisions of the Touhy regulations.

Section 15.11—Scope.

Paragraph (a) would be revised to more clearly set forth the scope and applicability of this subpart, and to state upfront that an employee's compliance with any demand for information or testimony requires prior authorization by the appropriate legal officers. New paragraph (c) would be added to clarify that this subpart does not apply to proceedings in which the Department is a party. New paragraph (d) would be added to direct requests for documents or testimony from the United States Patent and Trademark Office (USPTO) to the applicable USPTO *Touhy* regulations; all references to the USPTO in the previous regulation would be deleted throughout the revised Subpart B. New paragraph (e) would combine previous paragraph (c) with previous section 15.17 to clarify that the Department will determine if other statutory authorities exist that address disclosure of the requested information before applying the procedures in this subpart.

Section 15.12—Definitions.

Broadly, this section has been revised to provide additional detail in definitions and add definitions for new terms used in the proposed revisions. Paragraph (a) has been revised to provide more detail in the definition of *agency counsel*. Paragraphs (c) and (i) define the Office of the Inspector General and its Counsel, reflecting the proposed addition of new section 15.17 to address requests that are made for documents or testimony from the Office of the Inspector General. Paragraphs (b), (d)-(h), and (j)-(m) have been revised to clarify language and provide greater detail.

Section 15.13—Demand for testimony or production of documents: *Department procedures.*