

a calculation alternative to the simmer portion of the test.

## VI. Conclusion

Based on the above reasoning and justification, combined with the data AHAM will submit with this petition, AHAM respectfully requests that DOE amend the test procedure to:

1. Allow for a calculation as an alternative to the simmer portion of the test;<sup>13</sup>
2. Exclude models where the cooktop cannot be measured in a representative manner; and
3. Require measurement of open-coil cooking zone diameter using a caliper.

Although we understand that DOE is working to consider energy conservation standards for cooktops, we do not expect that making these relatively minor changes to the test procedure will impact DOE's ability to proceed with its other rulemaking plans. Mandatory use of appendix I1 for representations of energy use or energy efficiency of a conventional cooking top is not required until on or after February 20, 2023. We also note that, to date, there are no applicable energy conservation standards for cooktops, which means that this test procedure is not used to demonstrate compliance with applicable standards. Nevertheless, we ask DOE to move quickly to make these changes because the date for using the test procedure for representations is quickly approaching and EPA is moving quickly to develop an ENERGY STAR specification that uses DOE's test procedure. Moreover, these changes will be helpful in assessing DOE's proposed amended energy conservation standards.

AHAM appreciates the opportunity to submit this Petition to Amend the Cooktop Test Procedure and would be glad to discuss these matters in more detail should you so request. We respectfully request that DOE urgently review and act upon this petition as it is critical that changes be made before mandatory use of the test procedure is required. Thus, while DOE is reviewing these changes, we ask that DOE stay the effectiveness of that requirement.

Respectfully Submitted,  
Jennifer Cleary,

/s/

Vice President, Regulatory Affairs.

About AHAM: AHAM represents more than 150 member companies that

manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers' lives. The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly \$200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than \$50 billion.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2023-0933; Project Identifier MCAI-2022-00554-T]

RIN 2120-AA64

#### Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by 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 De Havilland Aircraft of Canada Limited Model DHC-8-401 and -402 airplanes. This proposed AD was prompted by reports that the saddle washer (radius filler) for the front and rear spar joints may have been incorrectly manufactured for several years. This proposed AD would require inspecting the horizontal stabilizer to vertical joint for gaps and bending of the saddle washer and adjacent washers, and replacing parts if necessary. 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 June 5, 2023.

**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 [regulations.gov](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.

**AD Docket:** You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0933; 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, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

**Material Incorporated by Reference:**

- For service information identified in this NPRM, contact De Havilland Aircraft of Canada Limited, Dash 8 Series Customer Response Centre, 5800 Explorer Drive, Mississauga, Ontario, L4W 5K9, Canada; telephone 855-310-1013 or 647-277-5820; email: [thd@dehavilland.com](mailto:thd@dehavilland.com); website: [dehavilland.com](https://www.dehavilland.com).

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

#### FOR FURTHER INFORMATION CONTACT:

Yaser Osman, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; email [9-avs-nyaco-cos@faa.gov](mailto: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-2023-0933; Project Identifier MCAI-2022-00554-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 [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency

<sup>13</sup> Additionally, we ask that DOE update its enforcement regulations to require DOE to use both the physical simmer test and the alternative calculation method in assessment and enforcement testing before making a determination of non-compliance.

will also post a report summarizing each substantive verbal contact received about this NPRM.

**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 Yaser Osman, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; 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, which is the aviation authority for Canada, has

issued Transport Canada AD CF-2022-21, dated April 21, 2022 (Transport Canada AD CF-2022-21) (also referred to after this as the MCAI), to correct an unsafe condition on certain De Havilland Aircraft of Canada Limited Model DHC-8-401 and -402 airplanes. The MCAI states that certain saddle washers for the front and rear spar joint, may have been incorrectly manufactured for several years. Non-conforming saddle washers could potentially become deformed when installed, and lead to gaps at the horizontal stabilizer to vertical stabilizer joint, that would result in reduction of the pre-load at the joint.

The FAA is proposing this AD to address gapping and bending of the saddle washer that could have the potential to reduce the life of the bolt, which in turn could affect the structural integrity of the horizontal stabilizer to vertical stabilizer joint.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA-2023-0933.

**Related Service Information Under 1 CFR Part 51**

The FAA reviewed De Havilland Aircraft of Canada Limited Service Bulletin 84-55-12, Revision A, dated February 16, 2022. This service information specifies procedures for a detailed visual inspection of the front and rear spar joints for signs of gapping or bending of the radius filler and/or adjacent washers, and depending on the inspection results, replacement of the

saddle washer, adjacent washers, bolt, and barrel nut.

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 this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

**Proposed AD Requirements in This NPRM**

This proposed AD would require accomplishing the actions specified in the service information already described.

**Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 400 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

**ESTIMATED COSTS FOR REQUIRED ACTIONS**

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
5 work-hours × \$85 per hour = \$425 .....	\$0	\$425	\$170,000

The FAA estimates the following costs to do any necessary on-condition action that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition action:

**ESTIMATED COSTS OF ON-CONDITION ACTIONS**

Labor cost	Parts cost	Cost per product
2 work-hours × \$85 per hour = \$170 .....	\$5,333	\$5,503

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

**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:

**De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.):** Docket No. FAA–2023–0933; Project Identifier MCAI–2022–00554–T.

#### (a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 5, 2023.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to De Havilland Aircraft of Canada Limited (Type Certificate

Previously Held by Bombardier, Inc.) Model DHC–8–401 and –402 airplanes, certificated in any category, having serial numbers 4001 and 4003 through 4633 inclusive.

#### (d) Subject

Air Transport Association (ATA) of America Code: 55, Stabilizers.

#### (e) Unsafe Condition

This AD was prompted by reports that the saddle washer (radius filler) for the front and rear spar joints may have been incorrectly manufactured for several years. The FAA is issuing this AD to address gaps and bending of the saddle washer that could have the potential to reduce the life of the bolt, which in turn could affect the structural integrity of the horizontal stabilizer to vertical stabilizer joint.

#### (f) Compliance

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

#### (g) Inspection

Within 8,000 flight hours after the effective date of this AD, perform a detailed visual inspection for signs of gapping or bending of the saddle washers and adjacent washers in the front spar and rear spar horizontal/vertical stabilizer joint fitting in accordance with Section 3.B., Part A, of the Accomplishment Instructions of De Havilland Aircraft of Canada Service Bulletin 84–55–12, Revision A, dated February 16, 2022.

#### (h) Corrective Actions

If any gaps or bending of the washers is found during the inspection required in paragraph (g) of this AD, before further flight, replace the saddle washer, washers, PLI washer, bolt, and barrel nut, as applicable, in accordance with Section 3.B., Part B, of the Accomplishment Instructions of De Havilland Aircraft of Canada Service Bulletin 84–55–12, Revision A, dated February 16, 2022.

#### (i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using De Havilland Aircraft of Canada Limited Service Bulletin 84–55–12, dated September 7, 2021.

#### (j) Additional 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the New York ACO Branch, mail it to ATTN: Program Manager, Continuing Operational Safety, at the address identified in paragraph (k)(2) of this AD or email to: [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov). If mailing information, also submit information by

email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards 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 or De Havilland Aircraft of Canada Limited’s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

#### (k) Additional Information

- (1) Refer to Transport Canada AD CF–2022–21, dated April 21, 2022, for related information. This Transport Canada AD may be found in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–0933.

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

#### (l) Material Incorporated by Reference

- (1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

- (2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) De Havilland Aircraft of Canada Limited Service Bulletin 84–55–12, Revision A, dated February 16, 2022.

(ii) [Reserved]

- (3) For service information identified in this AD, contact De Havilland Aircraft of Canada Limited, Dash 8 Series Customer Response Centre, 5800 Explorer Drive, Mississauga, Ontario, L4W 5K9, Canada; telephone 855–310–1013 or 647–277–5820; email: [thd@dehavilland.com](mailto:thd@dehavilland.com); website: [dehavilland.com](https://www.dehavilland.com).

- (4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

- (5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](https://www.archives.gov/federal-register/cfr/ibr-locations.html).

Issued on April 13, 2023.

#### Christina Underwood,

*Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

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