

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Boeing: Docket No. FAA-2009-0553;
Directorate Identifier 2008-NM-199-AD.

Comments Due Date

(a) We must receive comments by August 7, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, and 747SR series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747-53A2751, dated October 9, 2008.

Subject

(d) Air Transport Association (ATA) of America Code 53: Fuselage.

Unsafe Condition

(e) This AD results from a report of broken and cracked frame shear ties, cracks on the frame doubler and frame web, and missing fasteners in the stringer (S)-10L stringer-to-stringer clip joint at the station (STA) 820 frame. We are proposing this AD to detect and correct missing fasteners at the stringer-to-stringer clip joints, which could result in shear tie and skin cracks and rapid in-flight decompression of the airplane.

Compliance

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

Inspection for Missing Fasteners

(g) Within 3,000 flight cycles after the effective date of this AD: Do a one-time general visual inspection for missing fasteners in the left and right side S-10, S-10A, and S-11 stringer-to-stringer clip joints at the STA 760 through 940 frames, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747-53A2751, dated October 9, 2008. If any fasteners are missing, before further flight, do detailed and surface high frequency eddy current inspections to detect cracking of the adjacent frame and skin structure in accordance with the Accomplishment Instructions of the service bulletin. Install all missing fasteners before further flight.

(h) If any crack is found during the inspection required by paragraph (g) of this AD: Before further flight, repair any cracked shear ties, frame web, and/or skin in accordance with Boeing Service Bulletin 747-53A2751, dated October 9, 2008.

(i) If any repair is done in accordance with paragraph (h) of this AD, before 20,000 total flight cycles or within 3,000 flight cycles from the repair installation, whichever occurs later: Do a detailed inspection of the repair(s) and the adjacent structure within 10 inches of the repair(s) for cracking. Repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles. If any crack is found during this inspection, before further flight, repair using a method approved in

accordance with the procedures specified in paragraph (j) of this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle Aircraft Certification Office (ACO), 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: Ivan Li, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6437; fax (425) 917-6590. Or, e-mail information to 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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, in the FAA Flight Standards District Office (FSDO), or lacking a principal inspector, your local FSDO. The AMOC approval letter must specifically reference this AD.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on June 15, 2009.

Dorr M. Anderson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-14677 Filed 6-22-09; 8:45 am]

BILLING CODE 4910-13-P

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

[Docket No. FAA-2009-0565; Directorate Identifier 2008-NM-217-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-2A12 (CL-601) and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) 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:

[I]ncidents of throttle jam and engine shutdowns, caused by premature wear of the rack and pinion mechanism of part number (P/N) 2100140-005 and -007 Engine Throttle Control Gearbox (ETCG), installed on Bombardier CL-601 and 604 aircraft.

* * * * *

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 July 23, 2009.

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 or 425-227-1152.

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: Rocco Viselli, Aerospace Engineer,

Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7331; 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-2009-0565; Directorate Identifier 2008-NM-217-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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2008-32R2, dated November 17, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

There have been various reported incidents of throttle jam and engine shutdowns, caused by premature wear of the rack and pinion mechanism of part number (P/N) 2100140-005 and -007 Engine Throttle Control Gearbox (ETCG), installed on Bombardier CL-601 and 604 aircraft.

Bombardier issued service bulletins (SB) 601-0583 (CL601/601-3A, -3R) and 604-76-004 (CL 604), introducing periodic inspection of the affected ETCG rack and pinion mechanisms for wear.

Subject inspection requirement tasks have now been incorporated into the applicable CL601 and CL604 Time Limits Maintenance Checks (TLMCs) through Temporary Revisions (TR), TR 5-236 (for CL601), TR 5-236 (for CL601-3A & -3R) and TR 5-2-40 (for CL604).

The required action is revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate new repetitive functional tests of the ETCG. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Bombardier has issued Temporary Revision 5-236, dated July 25, 2008, to

Section 5-10-30 of Chapter 5 of the Canadair Challenger Time Limits/Maintenance Checks, PSP 601-5; Temporary Revision 5-2-40, dated July 28, 2008, to Section 5-10-40 of Chapter 5 of the Canadair Challenger CL-604 Time Limits/Maintenance Checks; and Temporary Revision 5-236, dated March 22, 2007, to Section 5-10-30 of Chapter 5 of the Canadair Challenger Time Limits/Maintenance Checks, PSP 601A-5. 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 377 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$30,160, or \$80 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. (Formerly Canadair):

Docket No. FAA-2009-0565; Directorate Identifier 2008-NM-217-AD.

Comments Due Date

(a) We must receive comments by July 23, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Bombardier Model CL-600-2A12 (CL-601) and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) airplanes, certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 76: Engine controls.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states: There have been various reported incidents of throttle jam and engine shutdowns, caused by premature wear of the rack and pinion mechanism of part number (P/N) 2100140-005 and -007 Engine Throttle Control Gearbox (ETCG), installed on Bombardier CL-601 and 604 aircraft.

Bombardier issued service bulletins (SB) 601-0583 (CL601/601-3A, -3R) and 604-76-004 (CL 604), introducing periodic inspection of the affected ETCG rack and pinion mechanisms for wear.

Subject inspection requirement tasks have now been incorporated into the applicable

CL601 and CL604 Time Limits Maintenance Checks (TLMCs) through Temporary Revisions (TR), TR 5-236 (for CL601), TR 5-236 (for CL601-3A & -3R) and TR 5-2-40 (for CL604).

The required action is revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate new repetitive functional tests of the ETCG.

Actions and Compliance

(f) Unless already done, do the following actions.

(1) Within 30 days after the effective date of this AD: Revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness by incorporating the applicable task in the TR listed in Table 1 of this AD.

TABLE 1—TEMPORARY REVISIONS TO THE AIRWORTHINESS LIMITATIONS SECTION

For Bombardier model—	Use Canadair Challenger Temporary Revision—	Dated—	To the airworthiness limitations section of—
CL-600-2A12 (CL-601) airplanes	5-236	July 25, 2008	Section 5-10-30 of Chapter 5 of the Canadair Challenger Time Limits/Maintenance Checks, PSP 601-5.
CL-600-2B16 (CL-601-3A, and CL-601-3R) airplanes.	5-236	March 22, 2007	Section 5-10-30 of Chapter 5 of the Canadair Challenger Time Limits/Maintenance Checks, PSP 601A-5.
CL-600-2B16 (CL-604) airplanes	5-2-40	July 28, 2008	Section 5-10-40 of Chapter 5 of the Canadair Challenger CL-604 Time Limits/Maintenance Checks.

(2) For the new TLMC tasks identified in Canadair Challenger Temporary Revision 5-236, dated July 25, 2008; Temporary Revision 5-2-40, dated July 28, 2008; and Temporary Revision 5-236, dated March 22, 2007: Initial compliance with the new TLMC tasks must be carried out in accordance with the phase-in schedule detailed in the Canadair Challenger TRs 5-236 and TR 5-2-40, as applicable, after the effective date of this AD. Thereafter, except as provided by paragraph (g)(1) of this AD, no alternative TLMC task intervals may be used.

(3) When information in a TR specified in paragraph (f)(1) has been included in the general revisions of the applicable Airworthiness Limitations section, the TR may be removed from that Airworthiness Limitations section of the Instruction for Continued Airworthiness.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), 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: Rocco

Viselli, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7331; 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, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(h) Refer to MCAI Canadian Airworthiness Directive CF-2008-32R2, dated November 17, 2008; Canadair Challenger Temporary

Revision 5-236, dated July 25, 2008; Canadair Challenger CL-604 Temporary Revision 5-2-40, dated July 28, 2008; and Canadair Challenger Temporary Revision 5-236, dated March 22, 2007; for related information.

Issued in Renton, WA, on June 15, 2009.

Dorr M. Anderson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-14678 Filed 6-22-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****23 CFR Part 635**

[FHWA Docket No. FHWA-2009-0029]

RIN 2125-AF31

Discontinuance of Form FHWA-47

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking; request for comments.

SUMMARY: This NPRM proposes to eliminate regulations which require