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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2008-0643; Directorate Identifier 2008-NM-094-AD; Amendment 39-15698; AD 2008-22-03]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

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**SUMMARY:** We are superseding an existing airworthiness directive (AD) for the products listed above. This 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:

Bombardier Aerospace has completed a system safety review of the aircraft fuel system against fuel tank safety standards \* \* \*.

[A]ssessment showed that supplemental maintenance tasks [for certain bonding jumpers, wiring harnesses, and hydraulic systems, among other items] are required to prevent potential ignition sources inside the fuel system, which could result in a fuel tank explosion. \* \* \*

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective November 28, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication, listed in this AD, as of April 16, 2008 (73 FR 13100, March 12, 2008).

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

**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:**

### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the Federal Register on June 20, 2008 (73 FR 35095) and proposed to supersede AD 2008-06-02, Amendment 39-15414 (73 FR 13100, March 12, 2008). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Bombardier Aerospace has completed a system safety review of the aircraft fuel system against fuel tank standards introduced in Chapter 525 of the Airworthiness Manual through Notice of Proposed Amendment (NPA) 2002-043. The identified non-compliances were then assessed using Transport Canada Policy Letter No. 525-001, to determine if mandatory corrective action is required.

The assessment showed that supplemental maintenance tasks [for certain bonding jumpers, wiring harnesses, and hydraulic systems, among other items] are required to prevent potential ignition sources inside the fuel system, which could result in a fuel tank explosion. Revision has been made to Canadair Regional Jet Model CL-600-2B19 Maintenance Requirements Manual, CSP A-053, Part 2, Appendix D, "Fuel System Limitations" to introduce the required maintenance tasks.

The corrective action is revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness to incorporate new limitations for fuel tank systems. You may obtain further information by examining the MCAI in the AD docket.

### **Comments**

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

### **Request To Clarify Airplanes Subject to Certain Tasks**

Comair and Air Wisconsin request that we clarify which airplanes are subject to certain tasks identified in the NPRM. Comair states that Tasks 28-11-00-601, 28-11-00-602, and 28-11-00-604 require inspections on airplanes that are post-modsum or post-service bulletin. Comair states that since the NPRM restates the phase-in requirements of Appendix D, "Fuel System Limitations," of Part 2, "Airworthiness Requirements," of Bombardier CL-600-2B19 Maintenance Requirements Manual CSP-053, Revision 7, dated May 10, 2007, (the "MRM"), the "effectivity" statements specified in the MRM for the tasks should also be included. Air Wisconsin notes that in the MRM, Task 28-11-00-604 applies only to post-Service Bulletin 601R-28-059 airplanes. Air Wisconsin questions if the intent of the NPRM is for Task 28-11-00-604 to also be performed on pre-service bulletin airplanes.

We agree with the commenters that we must clarify which airplanes are affected by Tasks 28-11-00-601, 28-11-00-602, and 28-11-00-604. Although the MCAI does not refer to the "effectivity" statement specified in the MRM, we have determined only those airplanes identified in the "effectivity" statement specified in the MRM are subject to the corresponding tasks.

We have revised paragraph (f)(2) of this AD by adding paragraphs (f)(2)(i) and (f)(2)(ii) to clarify that only airplanes identified in the "effectivity" statement specified in the MRM for Tasks 28-11-00-601, 28-11-00-602, and 28-11-00-604 are subject to the action specified in paragraph (f)(2) of this AD.

We have also removed Tasks 28-11-00-601, 28-11-00-602, and 28-11-00-604 from paragraph (g)(1)(i) of this AD and added new paragraph (g)(1)(iii) to clarify the compliance times for airplanes not identified in paragraph (f)(2)(ii) of this AD.

### **Removed Reference to "Later Revisions" of Service Information**

We removed the reference to "later revisions" of the applicable service information in paragraphs (f)(1), (f)(5), and (g)(2) of this AD to be consistent with FAA policy and Office of the Federal Register regulations. We may consider approving the use of later revisions of the service information as an alternative method of compliance with this AD, as provided by paragraph (h)(1) of this AD.

### **Conclusion**

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

### **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 required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

### **Costs of Compliance**

We estimate that this AD will affect 689 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$55,120, 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 AD will not have federalism implications under Executive Order 13132. This AD will 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 AD:

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 AD and placed it in the AD docket.

## **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 the NPRM, 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.

## **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## **Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 39-15414 (73 FR 13100, March 12, 2008) and adding the following new AD:



**2008-22-03 Bombardier, Inc. (Formerly Canadair):** Amendment 39-15698. Docket No. FAA-2008-0643; Directorate Identifier 2008-NM-094-AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective November 28, 2008.

**Affected ADs**

(b) This AD supersedes AD 2008-06-02, Amendment 39-15414.

**Applicability**

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

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 (h)(1) 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 28: Fuel.

**Reason**

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

Bombardier Aerospace has completed a system safety review of the aircraft fuel system against fuel tank standards introduced in Chapter 525 of the Airworthiness Manual through Notice of Proposed Amendment (NPA) 2002-043. The identified non-compliances were then assessed using Transport Canada Policy Letter No. 525-001, to determine if mandatory corrective action is required.

The assessment showed that supplemental maintenance tasks [for certain bonding jumpers, wiring harnesses, and hydraulic systems, among other items] are required to prevent potential ignition sources inside the fuel system, which could result in a fuel tank explosion. Revision has been made to Canadair Regional Jet Model CL-600-2B19 Maintenance Requirements Manual, CSP A-053, Part 2, Appendix D, "Fuel System Limitations" to introduce the required maintenance tasks.

The corrective action is revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness to incorporate new limitations for fuel tank systems.

### **Restatement of Certain Requirements of AD 2008-06-02**

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

(1) Within 60 days after April 16, 2008 (the effective date of AD 2008-06-02), revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness to incorporate the inspection and maintenance requirements, as applicable, in Appendix D, "Fuel System Limitations," of Part 2, "Airworthiness Requirements," of Bombardier CL-600-2B19 Maintenance Requirements Manual CSP-053, Revision 7, dated May 10, 2007 ("the MRM"), task numbers 28-11-00-601, 28-11-00-602, 28-11-00-603, 28-11-00-604, 29-33-01-601, and 29-33-01-602. Except as required by paragraph (g)(1) of this AD, for those task numbers, the initial compliance times start at the applicable time specified in paragraphs (f)(2), (f)(3), and (f)(4) of this AD, and the repetitive inspections must be accomplished thereafter at the interval specified in the MRM, except as provided by paragraphs (f)(5) and (h)(1) of this AD.

(2) For airplanes identified in paragraphs (f)(2)(i) and (f)(2)(ii) of this AD, the initial compliance time for Tasks 28-11-00-601, 28-11-00-602, 28-11-00-603, and 28-11-00-604 is within 5,000 flight hours after April 16, 2008. Thereafter, these tasks must be accomplished within the repetitive interval specified in Appendix D, "Fuel System Limitations," of Part 2, "Airworthiness Requirements," of Bombardier CL-600-2B19 Maintenance Requirements Manual CSP-053, Revision 7, dated May 10, 2007 ("the MRM").

(i) For Task 28-11-00-603: Airplanes having more than 15,000 flight hours as of April 16, 2008.

(ii) For Tasks 28-11-00-601, 28-11-00-602, and 28-11-00-604: Airplanes having more than 15,000 flight hours as of April 16, 2008, and which are identified in the applicable "effectivity" statement specified in the MRM for Tasks 28-11-00-601, 28-11-00-602, and 28-11-00-604.

(3) For Task 29-33-01-601, the initial compliance time is within 5,000 flight hours after April 16, 2008. Thereafter, Task 29-33-01-601 must be accomplished within the repetitive interval specified in Appendix D, "Fuel System Limitations," of Part 2, "Airworthiness Requirements," of Bombardier CL-600-2B19 Maintenance Requirements Manual CSP-053, Revision 7, dated May 10, 2007.

(4) For airplanes having more than 27,500 flight hours as of April 16, 2008, the initial compliance time for Task 29-33-01-602 is within 2,500 flight hours after April 16, 2008. Thereafter, this task must be accomplished within the repetitive interval specified in Appendix D, "Fuel System Limitations," of Part 2, "Airworthiness Requirements," of Bombardier CL-600-2B19 Maintenance Requirements Manual CSP-053, Revision 7, dated May 10, 2007.

(5) After accomplishing the actions specified in paragraphs (f)(1), (f)(2), (f)(3), and (f)(4) of this AD, no alternative inspections/limitation tasks or inspection/limitation task intervals may be used unless the inspection/limitation task or inspection/limitation task interval is approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (h)(1) of this AD.

### **New Requirements of This AD: Actions and Compliance**

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

(1) At the times specified in paragraphs (g)(1)(i), (g)(1)(ii), and (g)(1)(iii) of this AD, as applicable, do the initial inspection for Tasks 28-11-00-601, 28-11-00-602, 28-11-00-603, 28-11-00-604, and 29-33-01-602, as applicable, in Appendix D, "Fuel System Limitations," of Part 2, "Airworthiness Requirements," of Bombardier CL-600-2B19 Maintenance Requirements Manual CSP-053, Revision 7, dated May 10, 2007 ("the MRM"), and thereafter repeat the inspection at the applicable interval specified in the MRM, except as provided by paragraphs (g)(2) and (h)(1) of this AD.

(i) For airplanes not identified in paragraph (f)(2)(i) of this AD, the initial compliance time for Task 28-11-00-603 is before the accumulation of 20,000 total flight hours, or within 5,000 flight hours after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (f)(4) of this AD, the initial compliance time for Task 29-33-01-602 is before the accumulation of 30,000 total flight hours, or within 2,500 flight hours after the effective date of this AD, whichever occurs later.

(iii) For airplanes not identified in paragraph (f)(2)(ii) of this AD, the initial compliance time for Tasks 28-11-00-601, 28-11-00-602, and 28-11-00-604, is within 20,000 flight hours after accomplishing the applicable modsum or service bulletin specified in the MRM for the task, or within 5,000 flight hours after the effective date of this AD, whichever occurs later.

(2) After accomplishing the actions specified in paragraphs (g)(1) of this AD, no alternative inspections/limitation tasks or inspection/limitation task intervals may be used unless the inspection/limitation task or inspection/limitation task interval is approved as an AMOC in accordance with the procedures specified in paragraph (h)(1) of this AD.

## **FAA AD Differences**

Note 2: This AD differs from the MCAI and/or service information as follows: No differences.

## **Other FAA AD Provisions**

(h) 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 appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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**

(i) Refer to MCAI Canadian Airworthiness Directive CF-2007-29, dated November 22, 2007, and Appendix D, "Fuel System Limitations," of Part 2, "Airworthiness Requirements," of Bombardier CL-600-2B19 Maintenance Requirements Manual CSP-053, Revision 7, dated May 10, 2007; for related information.

## **Material Incorporated by Reference**

(j) You must use Appendix D, "Fuel System Limitations," of Part 2, "Airworthiness Requirements," of Bombardier CL-600-2B19 Maintenance Requirements Manual CSP-053, Revision 7, dated May 10, 2007, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register previously approved the incorporation by reference of Appendix D, "Fuel System Limitations," of Part 2, "Airworthiness Requirements," of Bombardier CL-600-2B19 Maintenance Requirements Manual CSP-053, Revision 7, dated May 10, 2007, on April 16, 2008 (73 FR 13100, March 12, 2008).

(2) For service information identified in this AD, contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on October 9, 2008.

Ali Bahrami,  
Manager, Transport Airplane Directorate,  
Aircraft Certification Service.