

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.

You can find our regulatory evaluation and the estimated costs of compliance 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:

Boeing: Docket No. FAA-2009-0136; Directorate Identifier 2008-NM-171-AD.

Comments Due Date

(a) We must receive comments by April 9, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747 airplanes, certificated in any category, as specified in paragraph (c)(1) or (c)(2) of this AD, as applicable.

(1) Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP series airplanes, as identified in Boeing Alert Service Bulletin 747-53A2732, dated August 28, 2008.

(2) Boeing Model 747-400, 747-400D, and 747-400F series airplanes, as identified in Boeing Alert Service Bulletin 747-53A2753, dated August 28, 2008.

Subject

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

Unsafe Condition

(e) This AD results from reports of cracking in fuselage frames made of 2024 aluminum alloy that were installed during previous modification of the frames in section 41 and during production. We are issuing this AD to detect and correct frame cracks which could result in cracking of the adjacent fuselage skin and consequent rapid decompression of the airplane.

Compliance

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

Repetitive Inspections and Corrective Actions

(g) At the applicable compliance time specified in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747-53A2732 or 747-53A2753, both dated August 28, 2008, as applicable, do the detailed inspection for cracking of the fuselage frames in section 41, and do all applicable corrective actions, by accomplishing all the actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747-53A2732 or 747-53A2753, both dated August 28, 2008, as applicable; except as provided by paragraphs (g) and (h) of this AD. Repeat the inspection at intervals not to exceed those specified in paragraph 1.E. of Boeing Alert Service Bulletin 747-53A2732 or 747-53A2753, both dated August 28, 2008, as applicable. If any crack is found, do all corrective actions before further flight.

Note 1: As specified in Boeing Alert Service Bulletins 747-53A2732 and 747-53A2753, both dated August 28, 2008, an optional special detailed inspection behind the P14 and P15 electrical terminal panels using the borescope may be done.

(h) Where Boeing Alert Service Bulletins 747-53A2732 and 747-53A2753, both dated August 28, 2008, recommend an initial inspection threshold relative to the date on Boeing Alert Service Bulletins 747-53A2732 and 747-53A2753, both dated August 28, 2008; this AD requires the initial inspection threshold relative to the effective date of this AD.

(i) If any crack is found during any inspection required by this AD, and Boeing Alert Service Bulletins 747-53A2732 and 747-53A2753, both dated August 28, 2008, specify to contact Boeing for appropriate action: Before further flight, repair the cracking 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 ACO, 1601 Lind Avenue, SW., Renton, Washington 98057-3356;

telephone (425) 917-6437; fax (425) 917-6590.

(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, or lacking a principal inspector, your local Flight Standards District Office. 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 January 30, 2009.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-3771 Filed 2-20-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-0137; Directorate Identifier 2008-NM-201-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A330-200 and -300, and A340-200 and -300, Series 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:

Several reports have been received from A330 and A340 operators concerning chafing of the electrical harness behind the lavatory, located at L (level) 53, resulting in a number of short-circuits. This harness contains cables for lighting, plugs, loudspeakers and oxygen controls and indications.

This condition, if not corrected, could lead to the short circuit of wires dedicated to oxygen, which, in case of emergency, could

result in a large number of passenger oxygen masks (up to 32% of all seats) not being supplied with oxygen, possibly causing personal injuries.

* * * * *

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 March 25, 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 Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; fax +33 5 61 93 45 80, e-mail airworthiness.A330-A340@airbus.com; Internet <http://www.airbus.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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1138; fax (425) 227-1149.

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-2009-0137; Directorate Identifier 2008-NM-201-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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008-0161, dated August 25, 2008 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Several reports have been received from A330 and A340 operators concerning chafing of the electrical harness behind the lavatory, located at L (level) 53, resulting in a number of short-circuits. This harness contains cables for lighting, plugs, loudspeakers and oxygen controls and indications.

This condition, if not corrected, could lead to the short circuit of wires dedicated to oxygen, which, in case of emergency, could result in a large number of passenger oxygen masks (up to 32% of all seats) not being supplied with oxygen, possibly causing personal injuries.

For the reasons described above, AD 2008-0154 was issued to require a wiring modification of the affected harnesses on right and left sides of the passenger compartment between frames (FR) 39.1 and 39.2 and between FR 53.3 and 53.4, on pre-modification 48825 aircraft (i.e. non-enhanced cabin).

Since that AD was issued, it has been found that due to discrepancies in the referenced Airbus Service Bulletin (SB) at original issue, the modification should have been mandated at Revision 1 of the SB, rather than indicating that application of the SB at original issue is acceptable.

For that reason, this EASA AD retains the requirements of EASA AD 2008-0154, which is superseded, amends the requirement to specify that the SB must be accomplished at Revision 1 and that for aircraft on which the SB at original issue has already been accomplished, additional work must be done. The modification includes rerouting the affected electrical harnesses and

replacing certain wiring mounts and brackets in the passenger compartment. For all airplanes, additional work is required. The additional work includes interchanging certain fixed brackets and modifying certain wiring routing. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued Mandatory Service Bulletin A330-92-3066, Revision 01, dated August 1, 2008; and Mandatory Service Bulletin A340-92-4071, Revision 02, dated November 28, 2008. 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 9 products of U.S. registry. We also estimate that it would take about 210 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$0 per product. Where the service information lists required parts costs that are covered

under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$151,200, or \$16,800 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:

Airbus: Docket No. FAA-2009-0137; Directorate Identifier 2008-NM-201-AD.

Comments Due Date

(a) We must receive comments by March 25, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model A330-201, -202, -203, -223, -243, -301, -302, -303, -321, -322, -323, -341, -342, and -343 airplanes; and Model A340-211, -212, -213, -311, -312, and -313 airplanes; all manufacturer serial numbers, certificated in any category, except those on which Airbus Modification 48825 has been embodied in production.

Subject

(d) Air Transport Association (ATA) of America Code 92.

Reason

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

Several reports have been received from A330 and A340 operators concerning chafing of the electrical harness behind the lavatory, located at L (level) 53, resulting in a number of short-circuits. This harness contains cables for lighting, plugs, loudspeakers and oxygen controls and indications.

This condition, if not corrected, could lead to the short circuit of wires dedicated to oxygen, which, in case of emergency, could result in a large number of passenger oxygen masks (up to 32% of all seats) not being supplied with oxygen, possibly causing personal injuries.

For the reasons described above, AD 2008-0154 was issued to require a wiring modification of the affected harnesses on right and left sides of the passenger compartment between frames (FR) 39.1 and 39.2 and between FR 53.3 and 53.4, on pre-modification 48825 aircraft (i.e., non-enhanced cabin).

Since that AD was issued, it has been found that due to discrepancies in the referenced Airbus Service Bulletin (SB) at original issue, the modification should have been mandated at Revision 1 of the SB, rather than indicating that application of the SB at original issue is acceptable.

For that reason, this EASA AD retains the requirements of EASA AD 2008-0154, which

is superseded, amends the requirement to specify that the SB must be accomplished at Revision 1 and that for aircraft on which the SB at original issue has already been accomplished, additional work must be done.

The modification includes rerouting the affected electrical harnesses and replacing certain wiring mounts and brackets in the passenger compartment. For all airplanes, additional work is required. The additional work includes interchanging certain fixed brackets and modifying certain wiring routing.

Actions and Compliance

(f) Unless already done, within 20 months after the effective date of this AD, do the following actions, as applicable.

(1) Except as required by paragraph (f)(2) of this AD, modify the affected passenger compartment electrical harnesses, including the "ADDITIONAL WORK," in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330-92-3066, Revision 01, dated August 1, 2008; or Airbus Mandatory Service Bulletin A340-92-4071, Revision 02, dated November 28, 2008; as applicable.

(2) For airplanes that have already been modified prior to the effective date of this AD in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330-92-3066, dated November 27, 2007; or Airbus Service Bulletin A340-92-4071, dated November 27, 2007; as applicable: Accomplish the "ADDITIONAL WORK" in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330-92-3066, Revision 01, dated August 1, 2008; or the "ADDITIONAL WORK" in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A340-92-4071, Revision 02, dated November 28, 2008; as applicable.

(3) Actions accomplished according to Airbus Mandatory Service Bulletin A340-92-4071, Revision 01, dated August 1, 2008, including the "ADDITIONAL WORK," as applicable, are acceptable for complying with the requirements of paragraphs (f)(1) and (f)(2) of this AD.

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, International Branch, ANM-116, Transport Airplane Directorate, 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1138; fax (425) 227-1149. 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

(h) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2008-0161, dated August 25, 2008; Airbus Mandatory Service Bulletin A330-92-3066, Revision 01, dated August 1, 2008; and Airbus Mandatory Service Bulletin A340-92-4071, Revision 01, dated August 1, 2008, and Revision 02, dated November 28, 2008; for related information.

Issued in Renton, Washington, on February 5, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. E9-3776 Filed 2-20-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-0044; Directorate Identifier 2008-NM-132-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), 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:

There have been several Stick Pusher Capstan Shaft failures causing the dormant loss or severe degradation of the stick pusher function. * * *

Dormant loss or severe degradation of the stick pusher function could result in reduced controllability of the airplane. 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 March 25, 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:

Bruce Valentine, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, New York Aircraft Certification Office, 1600 Stewart

Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7328; 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-2009-0044; Directorate Identifier 2008-NM-132-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-2008-12, dated February 8, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

There have been several Stick Pusher Capstan Shaft failures causing the dormant loss or severe degradation of the stick pusher function. This directive is issued to revise the first flight of the day check [in the Airplane Flight Manual] of the stall protection system to detect a degradation of the stick pusher function. It also introduces a new periodic maintenance task [in the Airworthiness Limitations Section of the Instructions for Continuing Airworthiness] to check the structural integrity of the stick pusher capstan shaft.

Dormant loss or severe degradation of the stick pusher function could result in reduced controllability of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Bombardier has issued the temporary revisions listed in the tables titled "Temporary Revisions to the Airplane Flight Manual" and "Temporary Revisions to the Airworthiness Limitations Section." The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.