

accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747-53A2429, dated March 22, 2001. Accomplishment of both paragraphs (e)(1) and (e)(2) of this AD constitutes terminating action for the repetitive inspection requirement of paragraph (a)(1)(i) or (b)(1)(i) of this AD, as applicable.

(1) Do a one-time detailed inspection for cracking of the web, upper chord, and strap of the upper deck floor beams at BS 340 through BS 440 inclusive, BS 500, and BS 520, on the right and left sides of the airplane, as specified in Figure 1 of the service bulletin.

(2) Do an open-hole high frequency eddy current inspection for cracking of the fastener holes of the web and upper chord of the upper deck floor beams at BS 340 through BS 440 inclusive, BS 500, and BS 520, on the right and left sides of the airplane, as specified in Figure 2 of the service bulletin.

#### *Compliance With Paragraphs (a) or (b) and (e)*

(f) Airplanes on which the inspections required by paragraph (e) of this AD are accomplished within the compliance time specified in paragraph (a) or (b) of this AD, as applicable, are not required to be inspected in accordance with paragraph (a) or (b) of this AD, as applicable.

#### *Modification of Upper Deck Floor Beams*

**Note 4:** The modification procedures specified in Boeing Alert Service Bulletin 747-53A2429, dated March 22, 2001, do not provide an adequate level of safety and are not acceptable for compliance with paragraph (g) of this AD. Figure 3 of the service bulletin is used only for identifying the floor beams.

(g) If no cracking is found during the inspections required by paragraph (e) of this AD, before further flight, except as provided by paragraph (i) of this AD, modify the upper chord of the upper deck floor beams at the locations in Figure 3 of Boeing Alert Service Bulletin 747-53A2429, dated March 22, 2001, in accordance with a method approved by the Manager, Seattle ACO, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a modification method to be approved, the approval must specifically reference this AD.

#### *Repair of Upper Deck Floor Beams*

(h) If any crack is found during either inspection required by paragraph (e) of this AD: Before further flight, except as provided by paragraph (i) of this AD, do paragraph (h)(1) or (h)(2) of this AD.

(1) Accomplish all actions associated with the time-limited repair, including removing the existing strap; performing HFEC inspections of the chord, web, and angle, as applicable; stop-drilling cracks; trimming the angle and machining the vertical leg of the chord, as applicable; and installing a new strap. Do these actions in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747-53A2420, Revision 1,

dated January 7, 1999; except, where the service bulletin specifies to contact Boeing for appropriate action, before further flight, repair in accordance with a method approved by the Manager, Seattle ACO, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved, the approval must specifically reference this AD. Within 1,500 flight cycles or 18 months after the installation of the time-limited repair, whichever is first, do paragraph (h)(2) of this AD.

(2) Accomplish the permanent repair of the upper deck floor beams at the locations shown in Figures 4 and 5, as applicable, of Boeing Alert Service Bulletin 747-53A2429, dated March 22, 2001, in accordance with a method approved by the Manager, Seattle ACO, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved, the approval must specifically refer to this AD.

**Note 5:** The permanent repair procedures specified in Boeing Alert Service Bulletin 747-53A2429, dated March 22, 2001, do not provide an adequate level of safety and are not acceptable for compliance with paragraph (h)(2) of this AD.

#### *Airplanes Modified or Repaired Previously*

(i) For airplanes on which a repair per paragraph (c) of this AD or the modification or permanent repair specified in Boeing Alert Service Bulletin 747-53A2429, dated March 22, 2001, was accomplished before the effective date of this AD: Within 5,000 flight cycles after installation of such modification or repair, as applicable, inspect per paragraph (e) of this AD, then do paragraph (g) or (h) of this AD, as applicable.

#### *Repetitive Inspections After Modification or Permanent Repair*

(j) Within 15,000 flight cycles after installation of the modification or permanent repair in accordance with paragraph (g) or (h) of this AD, as applicable, do paragraph (j)(1) or (j)(2) of this AD, in accordance with a method approved by the Manager, Seattle ACO. For an inspection method to be approved, the approval letter must specifically reference this AD.

(1) *Option 1:* Do surface HFEC inspections along the lower edge of the upper chord of the upper deck floor beams at BS 340 through BS 440 inclusive, BS 500, and BS 520, on the right and left sides of the airplane. Repeat the surface HFEC inspections at intervals not to exceed 1,000 flight cycles.

(2) *Option 2:* Do open-hole HFEC inspections for cracking at fasteners common to the upper chord, reinforcement straps, and body frame of the upper deck floor beams at BS 340 through BS 440 inclusive, BS 500, and BS 520, on the right and left sides of the airplane. Repeat the open-hole HFEC inspections at intervals not to exceed 3,000 flight cycles.

#### *Repair*

(k) If any cracking is found during any inspection required by paragraph (j)(1) or (j)(2) of this AD: Before further flight, repair in accordance with a method approved by the Manager, Seattle ACO, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved, the approval must specifically refer to this AD.

#### *Alternative Methods of Compliance*

(l)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 98-09-17, amendment 39-10498, are approved as alternative methods of compliance with paragraphs (a), (b), and (c) of this AD.

**Note 6:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

#### *Special Flight Permits*

(m) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 11, 2003.

**Ali Bahrami,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 03-15325 Filed 6-17-03; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

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

**[Docket No. 2001-NM-328-AD]**

**RIN 2120-AA64**

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

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Bombardier Model CL-600-

2B19 (Regional Jet Series 100 & 440) airplanes. This proposal would require installing new vent tube assemblies for the main fuel tanks; and, on certain airplanes, inspecting to measure the clearance between the vent system tubing and the applicable wing ribs, and corrective action if necessary. This action is necessary to prevent a fire hazard due to fuel spillage. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by July 18, 2003.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-328-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-328-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

**FOR FURTHER INFORMATION CONTACT:** James Delisio, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7521; fax (516) 568-2716.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date

for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-328-AD." The postcard will be date stamped and returned to the commenter.

##### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-328-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### **Discussion**

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) series airplanes. TCCA advises that fuel can enter the vent line system of the main tank and get trapped. During refueling, or ground and flight maneuvers, the fuel may spill from certain scoops onto the ground, run along the lower wing skin, accumulate in the dry bay, and possibly drip onto the main landing gear and brakes. This fuel spillage, if not corrected, could result in a fire hazard.

##### **Explanation of Relevant Service Information**

Bombardier has issued Service Bulletin 601R-28-024, Revision 'A', dated November 11, 1998, which describes procedures for installing new vent tube assemblies for the main fuel tanks to prevent fuel escaping from the tank vent lines and spilling. The service bulletin also describes procedures for inspecting certain airplanes to measure the clearance between the vent system tubing and the applicable wing ribs, and installing bracket assemblies on those airplanes to provide the proper clearance, if necessary.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. TCCA classified this service bulletin as mandatory and issued Canadian airworthiness directive CF-2001-31, dated August 7, 2001, to ensure the continued airworthiness of these airplanes in Canada.

##### **FAA's Conclusions**

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

##### **Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

##### **Changes to 14 CFR part 39/Effect on the Proposed AD**

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, only the office authorized to approve AMOCs is identified in each individual AD.

## Cost Impact

The FAA estimates that the proposed installation would be required to be accomplished on 45 Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes of U.S. registry, that it would take approximately 15 work hours per airplane to accomplish the proposed installation, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$10,273 per airplane. Based on these figures, the cost impact of the proposed installation on U.S. operators is estimated to be \$502,785, or \$11,173 per airplane.

The FAA estimates that the proposed inspection would be required to be accomplished on 43 Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes of U.S. registry, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be \$2,580, or \$60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

## Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that 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) if promulgated, 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. A copy of the draft

regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding the following new airworthiness directive:

**Bombardier, Inc. (Formerly Canadair):**  
Docket 2001-NM-328-AD.

**Applicability:** Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes having serial numbers 7003 through 7067 inclusive and 7069 through 7109 inclusive, certificated in any category; excluding those airplanes on which the actions specified in Bombardier Service Bulletin 601R-28-024, dated May 21, 1996, have been accomplished. (This applicability includes airplanes informally identified as "Series 200.")

**Compliance:** Required as indicated, unless accomplished previously.

To prevent a fire hazard due to fuel spillage, accomplish the following:

### Installation

(a) Within 180 days after the effective date of this AD, install new vent tube assemblies for the main fuel tanks, per Part A of paragraph 2.B. of the Accomplishment Instructions of Bombardier Service Bulletin 601R-28-024, Revision 'A', dated November 11, 1998.

### Inspection and Corrective Action

(b) For airplanes having serial numbers 7003 through 7035 inclusive, and 7048 through 7057 inclusive: Before further flight after installing the vent tube assemblies as required by paragraph (a) of this AD, perform a general visual inspection to measure the clearance between the vent system tubing and the applicable wing rib, per Part B of paragraph 2.B. of the Accomplishment Instructions of Bombardier Service Bulletin 601R-28-024, Revision 'A', dated November 11, 1998.

**Note 1:** For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect

obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

(1) If the clearance between the vent system tubing and the applicable wing rib is 0.125 inch or more, no further action is required by this paragraph.

(2) If the clearance between the vent system tubing and the applicable wing rib is less than 0.125 inch, prior to further flight, install the bracket assemblies in accordance with paragraphs B.(8) through B.(10) of the Accomplishment Instructions of the service bulletin.

## Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, New York Aircraft Certification Office (ACO), FAA, is authorized to approve alternative methods of compliance for this AD.

**Note 2:** The subject of this AD is addressed in Canadian airworthiness directive CF-2001-31, dated August 7, 2001.

Issued in Renton, Washington, on June 11, 2003.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 2001-NM-246-AD]

RIN 2120-AA64

## Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, and -500 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737-200, -200C, -300, -400, and -500 series airplanes. This proposal would require repetitive inspections to find fatigue cracking of certain upper and lower skin panels of the fuselage, and follow-on and corrective actions, if necessary. This proposal also includes terminating action for the repetitive inspections of