

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

Ali Bahrami,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. E9-3778 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-2009-0005; Directorate Identifier 2008-NM-164-AD]

RIN 2120-AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CB, C-212-CC, C-212-CD, C-212-CE, C-212-CF, and C-212-DE 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:

Incidents have been reported on Britten-Norman BN-2 aircraft, where cracks were found in the inner shell of the pitot/static pressure heads. The investigation concluded that these pitot tubes, supplied by Thales Optronics, could be operated outside their voltage specification. On December 15th, 2005, CAA [Civil Aviation Authority] United Kingdom issued AD G-2005-0034 (EASA approval number 2005-6447), later superseded by EASA AD 2006-0143, to require inspections and leak tests on Britten-Norman aircraft. Subsequently, it has been discovered that the same tubes are supplied to EADS-CASA for installation on C-212 aircraft, one for the pilot side and one for the co-pilot side. So far, EADS-CASA has not received any report of cracked pitot tubes from C-212 operators.

This condition, if not corrected, could result in incorrect readings on the pressure instrumentation, e.g., altimeters, vertical speed indicators (rate of climb) and airspeed indicators, potentially leading to navigational errors.

The unsafe condition could reduce the ability of the flightcrew to maintain the safe flight and landing 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 EADS-CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 55 05; e-mail MTA.TechnicalService@casa.eads.net; Internet <http://www.eads.net>. 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:

Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1112; 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-2009-0005; Directorate Identifier 2008-NM-164-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 2008-0155, dated August 11, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Incidents have been reported on Britten-Norman BN-2 aircraft, where cracks were found in the inner shell of the pitot/static pressure heads. The investigation concluded that these pitot tubes, supplied by Thales Optronics, could be operated outside their voltage specification. On December 15th, 2005, CAA [Civil Aviation Authority] United Kingdom issued AD G-2005-0034 (EASA approval number 2005-6447), later superseded by EASA AD 2006-0143, to require inspections and leak tests on Britten-Norman aircraft. Subsequently, it has been discovered that the same tubes are supplied to EADS-CASA for installation on C-212 aircraft, one for the pilot side and one for the co-pilot side. So far, EADS-CASA has not received any report of cracked pitot tubes from C-212 operators.

This condition, if not corrected, could result in incorrect readings on the pressure instrumentation, e.g., altimeters, vertical speed indicators (rate of climb) and airspeed indicators, potentially leading to navigational errors.

For the reasons described above, this EASA AD requires the inspection of the affected pitot tubes, and, if cracks are found, replacement of those tubes with the new P/N [part number] 212-A0150-0001 and 212-A0150-0002 pitot tubes.

The unsafe condition could reduce the ability of the flightcrew to maintain the safe flight and landing of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

CASA has issued Chapter 5 of the C-212 Series 100/200 Maintenance Manual, Revision 2, dated June 11, 2002; and Service Bulletin SB-212-34-11, Revision 1, dated February 27, 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 32 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 \$2,560, 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:

Construcciones Aeronauticas, S.A. (CASA):
Docket No. FAA-2009-0005; Directorate Identifier 2008-NM-164-AD.

Comments Due Date

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

Affected ADs

- (b) None.

Applicability

(c) This AD applies to CASA Model C-212-CB, C-212-CC, C-212-CD, C-212-CE, C-212-CF, and C-212-DE airplanes, all serial numbers; certificated in any category; on which pitot tubes having part number 212-61105.1 or 212-61105.2 are installed.

Subject

(d) Air Transport Association (ATA) of America Code 34: Navigation.

Reason

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

Incidents have been reported on Britten-Norman BN-2 aircraft, where cracks were found in the inner shell of the pitot/static pressure heads. The investigation concluded that these pitot tubes, supplied by Thales Optronics, could be operated outside their voltage specification. On December 15th, 2005, CAA [Civil Aviation Authority] United Kingdom issued AD G-2005-0034 (EASA approval number 2005-6447), later superseded by EASA AD 2006-0143, to require inspections and leak tests on Britten-Norman aircraft. Subsequently, it has been discovered that the same tubes are supplied to EADS-CASA for installation on C-212 aircraft, one for the pilot side and one for the co-pilot side. So far, EADS-CASA has not received any report of cracked pitot tubes from C-212 operators.

This condition, if not corrected, could result in incorrect readings on the pressure instrumentation, e.g., altimeters, vertical speed indicators (rate of climb) and airspeed indicators, potentially leading to navigational errors.

For the reasons described above, this EASA AD requires the inspection of the affected pitot tubes, and, if cracks are found, replacement of those tubes with the new P/N [part number] 212-A0150-0001 and 212-A0150-0002 pitot tubes.

The unsafe condition could reduce the ability of the flightcrew to maintain the safe flight and landing of the airplane.

Actions and Compliance

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

(1) Within 1 month or 300 flight hours after the effective date of this AD, whichever occurs first: Perform a detailed inspection of the affected pitot tubes and static inlets for radial cracking around the top lip of the dynamic port in accordance with the instructions of Chapter 5 of the CASA C-212 Series 100/200 Maintenance Manual, Revision 2, dated June 11, 2002. Repeat the inspection thereafter at intervals not to exceed 300 flight hours.

(2) If any crack is found during any inspection required by paragraph (f)(1) of this AD, before further flight, replace the pitot tube with a new pitot tube having P/N 212-A0150-0001 or 212-A0150-0002 in accordance with the instructions of CASA Service Bulletin SB-212-34-11, Revision 1, dated February 27, 2008. Replacement of both pitot tubes having part number 212-61105.1 and 212-61105.2 with new tubes terminates the repetitive inspections required by paragraph (f)(1) of this AD.

FAA AD Differences

Note: 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, 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: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1112; 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 2008-0155, dated August 11, 2008; Chapter 5 of the CASA C-212 Series 100/200 Maintenance Manual, Revision 2, dated June 11, 2002; and CASA Service Bulletin SB-212-34-11, Revision 1, dated February 27, 2008, for related information.

Issued in Renton, Washington, on December 29, 2008.

Linda Navarro,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. E9-3780 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-2009-0138; Directorate Identifier 2008-NM-216-AD]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model BD-700-1A10 and BD-700-1A11 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 that would supersede an existing AD. 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:

During scheduled maintenance inspection, a bolt which connects the PCU (power control unit) to the elevator surface was found fractured in the assembly. Further inspection of the assembly revealed that the bearing on the PCU rod end had seized, which resulted in damage to the attachment fitting bushing and fracture of the bolt. Inspection of other in-service airplanes revealed two more seized PCU attachment joints. However, except seizure, no fractured bolt was found on these airplanes. Failure of the bolts in both PCUs on one side could result in disconnection of the elevator control surface which would lead to flutter and loss of the 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 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:

Pong K. Lee, 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) 228-7324; 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-2009-0138; Directorate Identifier 2008-NM-216-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

On November 16, 2008, we issued AD 2008-24-12, Amendment 39-15753 (73 FR 72316, November 28, 2008). That AD required actions intended to address an unsafe condition on the products listed above. AD 2008-24-12 was issued as an Immediately Adopted Rule; therefore,