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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

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

**[Docket No. FAA-2009-0436; Directorate Identifier 2009-NM-005-AD; Amendment 39-16114; AD 2009-24-20]**

**RIN 2120-AA64**

**Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701) Airplanes and CL-600-2D24 (Regional Jet Series 900) Airplanes**

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

**ACTION:** Final rule.

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**SUMMARY:** We are adopting a new 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:

Frost, snow, slush or ice on the wing leading edges and upper wing surfaces may change the stall speeds, stall characteristics and the protection provided by the stall protection system, which could result in reduced controllability of the aircraft.

\* \* \* \* \*

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

**DATES:** This AD becomes effective January 8, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 8, 2010.

**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:** Bruce Valentine, Aerospace Engineer, Avionics 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:**

### **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 May 12, 2009 (74 FR 22123). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Frost, snow, slush or ice on the wing leading edges and upper wing surfaces may change the stall speeds, stall characteristics and the protection provided by the stall protection system, which could result in reduced controllability of the aircraft.

Transport Canada has \* \* \* approved temporary revisions to the Aircraft Flight Manuals (AFM), which emphasize the cold weather operational requirements to ensure that the wing leading edges and upper wing surfaces are free from frost, snow, slush or ice.

The corrective action is revising the AFMs to introduce procedures for cold weather operations. 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 Include Updated Temporary Revisions (TRs)**

Two commenters, Comair and Michael Donahue, request that we revise paragraph (f) of the NPRM to require inclusion of the updated TRs in the applicable AFM. The commenters both state that the TRs identified in the NPRM have been updated.

Comair states that Bombardier (Canadair) TR RJ 900/48-3, dated August 19, 2008, to the Bombardier (Canadair) Regional Jet Series 900 AFM, CSP C-012, was superseded by Bombardier (Canadair) TR RJ 900/75, dated November 20, 2008; which was superseded by Bombardier (Canadair) TR RJ 900/75-1, dated November 20, 2008; which was superseded by Bombardier (Canadair) TR RJ 900/75-2, dated April 22, 2009. Comair states that Bombardier (Canadair) TR RJ 900/75-2 needs to be inserted in the Bombardier (Canadair) Regional Jet Series 900 AFM, CSP C-012.

Comair also states that Bombardier (Canadair) TR RJ 700/87-3, dated August 19, 2008 (which was superseded by Bombardier (Canadair) TR RJ 700/107, dated November 20, 2008), to the Bombardier (Canadair) Regional Jet Series 700 and 701 AFM, CSP B-012, was superseded by Bombardier (Canadair) TR RJ 700/107-1, dated November 20, 2008; which needs to be inserted in the Bombardier (Canadair) Regional Jet Series 700 and 701 AFM, CSP B-012.

We agree that the latest TRs need to be included in the final rule. The new TRs introduce a new ozone converter option code and revise the applicability of the ozone concentration limitation. The new TRs do not add any new requirements. Paragraph (f) of this AD has been updated accordingly.

### **Updated Contact Information**

We have updated paragraph (g)(1) of this AD to provide the appropriate contact information to use when submitting requests for approval of an alternative method of compliance (AMOC).

## **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 336 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 \$26,880, 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 adding the following new AD:



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**2009-24-20 Bombardier, Inc. (Formerly Canadair):** Amendment 39-16114. Docket No. FAA-2009-0436; Directorate Identifier 2009-NM-005-AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective January 8, 2010.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to all Bombardier Model CL-600-2C10 (Regional Jet Series 700 and 701) airplanes and CL-600-2D24 (Regional Jet Series 900) airplanes, certificated in any category.

**Subject**

(d) Air Transport Association (ATA) of America Code 57: Wings.

**Reason**

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

Frost, snow, slush or ice on the wing leading edges and upper wing surfaces may change the stall speeds, stall characteristics and the protection provided by the stall protection system, which could result in reduced controllability of the aircraft.

Transport Canada has \* \* \* approved temporary revisions to the Aircraft Flight Manuals (AFM), which emphasize the cold weather operational requirements to ensure that the wing leading edges and upper wing surfaces are free from frost, snow, slush or ice.

The corrective action is revising the AFMs to introduce procedures for cold weather operations.

**Actions and Compliance**

(f) Unless already done, within 14 days after the effective date of this AD, revise the Limitations–Operating Limitations section of the Bombardier (Canadair) Regional Jet Series 900 Airplane Flight Manual (AFM), CSP C-012; and the Bombardier (Canadair) Regional Jet Series 700 and 701 AFM, CSP B-012; to include the information in the Bombardier (Canadair) temporary revisions identified in Table 1 and Table 2 of this AD, as applicable. For Model CL-600-2D24 (Regional Jet Series 900) airplanes, include the information in any one of the TRs in Table 1 of this AD; for Model CL-600-2C10 (Regional Jet Series 700 and 701) airplanes, include the information in any one of the TRs in Table 2 of this AD. These TRs introduce procedures for cold weather

operations to ensure that the wing leading edges and upper wing surfaces are free from frost, snow, slush, and ice. Operate the airplane according to the limitations and procedures in the applicable TRs.

Note 1: This may be done by inserting a copy of the applicable TR into the applicable AFM. When the TR has been included in general revision of the applicable AFM, the general revision may be inserted into the AFM, provided the relevant information in the general revision is identical to the applicable AFM.

**Table 1 – Temporary Revisions for Bombardier (Canadair) Regional Jet Series 900 AFM, CSP C-012**

<b>Bombardier (Canadair) TR –</b>	<b>Dated –</b>
RJ 900/48-3	August 19, 2008
RJ 900/75	November 20, 2008
RJ 900/75-1	November 20, 2008
RJ 900/75-2	April 22, 2009

**Table 2 – Temporary Revisions for Bombardier (Canadair) Regional Jet Series 700 and 701 AFM, CSP B-012**

<b>Bombardier (Canadair) TR –</b>	<b>Dated –</b>
RJ 700/87-3	August 19, 2008
RJ 700/107	November 20, 2008
RJ 700/107-1	November 20, 2008

**FAA AD Differences**

Note 2: 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, ANE-170, 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: Program Manager, Continuing Operational Safety, 1600 Stewart Avenue, Suite 41, Westbury, New York 11590; telephone (516) 228-7300; 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 (44 U.S.C. 3501 et seq.), 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-2005-02 dated February 2, 2005; and the Bombardier (Canadair) TRs identified in Tables 1 and 2 of this AD; for related information.

## Material Incorporated by Reference

(i) You must use the applicable service information contained in Table 3 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this 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](mailto:thd.crj@aero.bombardier.com); Internet <http://www.bombardier.com>.

(3) You may review copies of the 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.

(4) You may also review copies of the service information that is incorporated by reference 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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Table 3 – Material Incorporated by Reference**

<b>Bombardier (Canadair) Temporary Revision –</b>	<b>Dated –</b>	<b>To the –</b>
RJ 700/87-3	August 19, 2008	Bombardier (Canadair) Regional Jet Series 700 and 701 Aircraft Flight Manual (AFM), CSP B-012
RJ 700/107	November 20, 2008	Bombardier (Canadair) Regional Jet Series 700 and 701 AFM, CSP B-012
RJ 700/107-1	November 20, 2008	Bombardier (Canadair) Regional Jet Series 700 and 701 AFM, CSP B-012
RJ 900/48-3	August 19, 2008	Bombardier (Canadair) Regional Jet Series 900 AFM, CSP C-012
RJ 900/75	November 20, 2008	Bombardier (Canadair) Regional Jet Series 900 AFM, CSP C-012
RJ 900/75-1	November 20, 2008	Bombardier (Canadair) Regional Jet Series 900 AFM, CSP C-012
RJ 900/75-2	April 22, 2009	Bombardier (Canadair) Regional Jet Series 900 AFM, CSP C-012

Issued in Renton, Washington, on November 19, 2009.  
Stephen P. Boyd,  
Acting Manager, Transport Airplane Directorate,  
Aircraft Certification Service.