

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2004-18993; Directorate Identifier 2004-NM-125-AD; Amendment 39-13781; AD 2004-18-03]

RIN 2120-AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an error in an existing airworthiness directive (AD) that was published in the **Federal Register** on September 2, 2004 (69 FR 53609). The error resulted in inadvertent reference to inappropriate service information. We are also clarifying reference to a compliance threshold. This AD applies to certain Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701), and CL-600-2D24 (Regional Jet Series 900) series airplanes. This AD requires revising the airplane flight manual to advise the flightcrew to monitor the fuel quantity in the center fuel tank throughout the flight. This AD also requires repetitive tests to detect a fuel leak between the wing fuel tanks and the center fuel tank; and further related investigative and corrective actions, if necessary. For certain airplanes, this AD also requires installation of flexible hoses and brackets in the fuel feed system. This AD also reduces the compliance times for the repetitive checks, requires replacement of primary fuel feed ejectors with new ejectors, and provides an optional center fuel tank empty procedure.

DATES: Effective September 17, 2004.

ADDRESSES: You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Technical information: James Delisio, 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) 228-7321; fax (516) 794-5531.

Plain language information: Marcia Walters, marcia.walters@faa.gov.

Docket Management System (DMS)

The FAA has implemented new procedures for maintaining AD dockets electronically. As of May 17, 2004, new AD actions are posted on DMS and assigned a docket number. We track each action and assign a corresponding directorate identifier. The DMS AD docket number is in the form "Docket No. FAA-2004-99999." The Transport Airplane Directorate identifier is in the form "Directorate Identifier 2004-NM-999-AD." Each DMS AD docket also lists the directorate identifier ("Old Docket Number") as a cross-reference for searching purposes.

Examining the Docket

You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: On August 25, 2004, the FAA issued AD 2004-18-03, amendment 39-13781 (69 FR 53609, September 2, 2004), for certain Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701), and CL-600-2D24 (Regional Jet Series 900) series airplanes. The AD requires revising the airplane flight manual to advise the flightcrew to monitor the fuel quantity in the center fuel tank throughout the flight. This AD also requires repetitive tests to detect a fuel leak between the wing fuel tanks and the center fuel tank; and further related investigative and corrective actions, if necessary. For certain airplanes, this AD also requires installation of flexible hoses and brackets in the fuel feed system. This AD also reduces the compliance times for the repetitive checks, requires replacement of primary fuel feed ejectors with new ejectors, and provides an optional center fuel tank empty procedure.

As published, the requirements of paragraph (j) of the AD specify that "Within three days after the effective date of this AD, determine the number of total flight hours on each of the two primary fuel feed ejectors having part number (P/N) T99A38-603." Paragraph (j) is not clear with respect to the action required for an airplane on which fuel feed ejectors having part number T99A38-603 are not installed. Paragraph (j) has been clarified to state that if there are no fuel feed ejectors installed having P/N T99A38-603, no further action is required by the AD.

As published, the compliance time for the requirements of paragraph (k) of the

AD specifies a compliance time of "before accumulating 2,000 total flight hours or within 14 days after the effective date of this AD, whichever occurs later, * * *." To clarify that the threshold compliance time is for the fuel feed ejectors, we have added the words "on the fuel feed ejectors" after the words "before accumulating 2,000 total flight hours."

As published, the requirements of paragraph (m) of the AD inadvertently specify performing certain requirements in accordance with Part A of the Accomplishment Instructions of CRJ 700/900 Regional Jet (Bombardier) ASB 670BA-28-025, Revision A, dated December 15, 2003. Reference to that service information in paragraph (m) of the AD is incorrect and has been removed. As discussed in the "Differences" section of the AD, the Canadian airworthiness directive specifies that the pilots receive a briefing on the procedure in use for the leak check. The AD does not require a pilot briefing, since the pre-flight procedures associated with performing the leak check should be accomplished by appropriate maintenance personnel. We have received reports that the intent of paragraph (m) of the AD is not clear. To provide clarification of paragraph (m) of the AD, a statement has been added to specify that the requirements of paragraph (m) must be performed by appropriate maintenance personnel.

No other part of the regulatory information has been changed; therefore, the final rule is not republished in the **Federal Register**.

The effective date of this AD remains September 17, 2004.

§ 39.13 [Corrected]

■ On page 53612, in the third column, paragraph (j) of AD 2004-18-03 is corrected to read as follows:

* * * * *

(j) Within three days after the effective date of this AD, determine the number of total flight hours on each of the two primary fuel feed ejectors having part number (P/N) T99A38-603. If no primary fuel feed ejector having P/N T99A38-603 is installed, no further action is required by this AD.

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■ On page 53613, in the first column, paragraph (k) of AD 2004-18-03 is corrected to read as follows:

* * * * *

(k) Except as stated in paragraph (l) of this AD, before accumulating 2,000 total flight hours on the fuel feed ejector, or within 14 days after the effective date of this AD, whichever occurs later, begin doing the actions specified in paragraph

(m) or (p) of this AD. Accomplishing the actions specified in paragraph (m) or (p) of this AD ends the leak test (check) requirements of paragraph (h) of this AD.

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■ On page 53613 in the first column, paragraph (m) of AD 2004-18-03 is corrected to read as follows:

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(m) Once a day, before the first flight of the day: With both engines operating at ground idle or taxi thrust, open both L&R XFER SOV circuit breakers, 1N9 and 2P8, and monitor the fuel quantity of the center fuel tank for five minutes. For the daily check, the fuel quantity in the center fuel tank must be 4,000 pounds or less. This daily check must be performed by appropriate maintenance personnel.

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Issued in Renton, Washington, on October 15, 2004.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-23927 Filed 10-25-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2004-19327; Airspace Docket No. 04-ACE-56]

Modification of Class E Airspace; Scribner, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Scribner, NE. A review of the Class E airspace area extending upward from 700 feet above the surface at Scribner, NE revealed it does not reflect the current Scribner State Airport airport reference point (ARP) and its legal description is not in compliance with established airspace criteria. This airspace area is modified to conform to FAA Orders.

DATES: This direct final rule is effective on 0901 UTC, January 20, 2005. Comments for inclusion in the Rules Docket must be received on or before November 30, 2004.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of

Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2004-19327/Airspace Docket No. 04-ACE-56, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT:

Brenda Memper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 modifies the Class E airspace area extending upward from 700 feet above the surface at Scribner, NE. An examination of controlled airspace for Scribner, NE revealed that the Scribner State Airport ARP used in the legal description for this Class E airspace area is incorrect. The examination also identified that the format of the legal description does not comply with FAA Order 7400.2E, Procedures for Handling Airspace Matters.

This action corrects the Scribner State Airport ARP in the legal description, eliminates reference to Freemont, NE in the legal and brings the legal description of the Scribner, NE Class E airspace area into compliance with FAA Order 7400.2E. This area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit

an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2004-19327/Airspace Docket No. 04-ACE-56." The postcard will be date/time stamped and returned to the commenter.

Agency Findings

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034,