

(i) If a crack is found, replace the blade with an airworthy blade before further flight.

(ii) If no crack is found in the blade surface, refinish the blade by applying one coat of epoxy polyamide primer, MIL-P-23377 or MIL-P-85582, so that the primer overlaps the existing coats just beyond the abraded area. Let the area dry for 30 minutes to 1 hour. Then, apply one sealer coat of polyurethane, MILC85285 TYI CL2, color number 27925 (semi-gloss white), per Fed. Std. 595. Reinstall the blade.

**Note 3:** BHT-ALL-SPM, chapter 4, pertains to painting the blade.

(d) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Safety Management Group, FAA, for information about previously approved alternative methods of compliance.

(e) Special flight permits may be issued by following 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished provided you do not find a crack in the blade paint during a check or inspection.

(f) This amendment becomes effective March 4, 2005.

**Note 4:** The subject of this AD is addressed in Transport Canada (Canada) Airworthiness Directive CF-2004-21R1, dated December 9, 2004.

Issued in Fort Worth, Texas, on February 10, 2005.

**Kim Smith,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 05-3049 Filed 2-16-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-20276; Directorate Identifier 2005-NM-023-AD; Amendment 39-13979; AD 2005-04-07]

RIN 2120-AA64

#### **Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes and Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Series Airplanes**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes and Model CL-600-1A11 (CL-600), CL-

600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) series airplanes. This AD requires revising the airplane flight manuals to include a new cold weather operations limitation. This AD is prompted by a report that even small amounts of frost, ice, snow, or slush on the wing leading edges or forward upper wing surfaces can cause an adverse change in the stall speeds, stall characteristics, and the protection provided by the stall protection system. We are issuing this AD to prevent possible loss of control on take-off resulting from even small amounts of frost, ice, snow, or slush on the wing leading edges or forward upper wing surfaces.

**DATES:** Effective February 22, 2005.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of February 22, 2005.

We must receive comments on this AD by April 18, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this AD.

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL-401, Washington, DC 20590.

- Fax: (202) 493-2251.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the temporary revisions identified in this AD, contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. You can examine this information 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).

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. This docket number is FAA-2005-20276; the directorate identifier for this docket is 2005-NM-023-AD.

### 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 office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

#### 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:** Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist under certain operating conditions on all Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes and Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) series airplanes. TCCA advises that even small amounts of frost, ice, snow, or slush on the wing leading edges or forward upper wing surfaces of these airplanes can cause an unsafe condition where an adverse change in the stall speeds, stall characteristics, and the protection provided by the stall protection system may result in reduced controllability of the airplane. TCCA advises that cold weather operational requirements for the subject airplane flight manuals should include wing leading edge and upper wing surface inspections using visual and tactile means in identifying potential contamination by frost, ice, snow, or slush.

#### Relevant Temporary Revision Information

Bombardier has issued temporary revisions (TRs) to the applicable Bombardier airplane flight manuals (AFMs) as listed in the following table. The TRs include a new take-off limitation to emphasize the requirement for an aerodynamically clean airplane during cold weather operations. The TRs specify that, in addition to a visual check, a tactile check must be done to determine that the wing is free from frost, ice, snow, or slush when certain weather conditions exist.

TABLE—TRS

Bombardier model	TR	AFM
CL-600-1A11 (CL-600) series airplanes .....	600/21, February 4, 2005 .....	PSP 600 (US)
CL-600-1A11 (CL-600) series airplanes .....	600-1/16, February 4, 2005 .....	PSP 600-1 (US)
CL-600-2A12 (CL-601) series airplanes .....	601/13, February 4, 2005 .....	PSP 601-1B-1
CL-600-2A12 (CL-601) series airplanes .....	601/14, February 4, 2005 .....	PSP 601-1A-1
CL-600-2A12 (CL-601) series airplanes .....	601/18, February 4, 2005 .....	PSP 601-1B
CL-600-2A12 (CL-601) series airplanes .....	601/26, February 4, 2005 .....	PSP 601-1A
CL-600-2B16 (CL-601-3A and CL-601-3R) series airplanes	601/24, February 4, 2005 .....	PSP 601A-1
CL-600-2B16 (CL-601-3A and CL-601-3R) series airplanes	601/25, February 4, 2005 .....	PSP 601A-1-1
CL-600-2B16 (CL-604) series airplanes .....	604/17, February 4, 2005 .....	PSP 604-1
CL-600-2B19 (Regional Jet Series 100 & 440) .....	RJ/149-1, February 1, 2005 .....	CSP A-012

Accomplishing the actions specified in the TRs is intended to ensure the applicable airplane is operated in a safe condition. TCCA mandated the TRs and issued Canadian airworthiness directives CF-2005-01, dated February 2, 2005, and CF-2005-03, dated February 8, 2005, to ensure the continued airworthiness of these airplanes in Canada.

**FAA’s Determination and Requirements of This AD**

These airplane models are manufactured in Canada and are 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. We have examined TCCA’s findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Therefore, we are issuing this AD to prevent possible loss of control on take-off resulting from even small amounts of frost, ice, snow, or slush on the wing leading edges or forward upper wing surfaces. This AD requires revising the airplane flight manuals to include a new cold weather operations limitation.

**Differences Between This AD and the Canadian Airworthiness Directives**

Due to the degree of urgency associated with the subject unsafe condition, this AD specifies a compliance time of within 5 days after the effective date of this AD in order to closely coincide with the compliance times specified in the Canadian airworthiness directives. Canadian airworthiness directive CF-2005-01 specifies a compliance time of within 14 days after February 2, 2005 (the effective date of Canadian airworthiness directive CF-2005-01). Canadian airworthiness directive CF-2005-03 specifies a

compliance time of within 14 days after February 8, 2005 (the effective date of Canadian airworthiness directive CF-2005-03).

**FAA’s Determination of the Effective Date**

An unsafe condition exists that requires the immediate adoption of this AD; therefore, providing notice and opportunity for public comment before the AD is issued is impracticable, and good cause exists to make this AD effective in less than 30 days.

**Comments Invited**

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2005-20276; Directorate Identifier 2005-NM-023-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of our docket web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review the DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you can visit <http://dms.dot.gov>.

**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 have 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 that the 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 AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**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 airworthiness directive (AD):

**2005-04-07 Bombardier, Inc. (Formerly Canadair):** Amendment 39-13979. Docket No. FAA-2005-20276; Directorate Identifier 2005-NM-023-AD.

**Effective Date**

(a) This AD becomes effective February 22, 2005.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to all Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes and Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, & CL-604) series airplanes; certificated in any category.

**Unsafe Condition**

(d) This AD was prompted by a report that even small amounts of frost, ice, snow, or slush on the wing leading edges or forward upper wing surfaces can cause an adverse change in the stall speeds, stall

characteristics, and the protection provided by the stall protection system. The FAA is issuing this AD to prevent possible loss of control on take-off resulting from even small amounts of frost, ice, snow, or slush on the wing leading edges or forward upper wing surfaces.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Revision to Airplane Flight Manual (AFM)**

(f) Within 5 days after the effective date of this AD, revise the applicable Bombardier AFMs, Chapter 2 Limitations—Operating Limitations section, by inserting a copy of the new cold weather operations limitation specified in the Canadair (Bombardier) temporary revisions (TRs) listed in Table 1 of this AD. Thereafter, operate the airplanes per the limitation specified in the applicable TR, except as provided by paragraph (g) of this AD.

TABLE 1.—TRs

Bombardier model	TR	AFM
CL-600-1A11 (CL-600) series airplanes .....	600/21, February 4, 2005 .....	PSP 600 (US)
CL-600-1A11 (CL-600) series airplanes .....	600-1/16, February 4, 2005 .....	PSP 600-1 (US)
CL-600-2A12 (CL-601) series airplanes .....	601/13, February 4, 2005 .....	PSP 601-1B-1
CL-6002A12 (CL-601) series airplanes .....	601/14, February 4, 2005 .....	PSP 601-1A-1
CL-600-2A12 (CL-601) series airplanes .....	601/18, February 4, 2005 .....	PSP 601-1B
CL-600-2A12 (CL-601) series airplanes .....	601/26, February 4, 2005 .....	PSP 601-1A
CL-600-2B16 (CL-601-3A and CL-601-3R) series airplanes	601/24, February 4, 2005 .....	PSP 601A-1
CL-600-2B16 (CL-601-3A and CL-601-3R) series airplanes	601/25, February 4, 2005 .....	PSP 601A-1-1
CL-600-2B16 (CL-604) series airplanes .....	604/17, February 4, 2005 .....	PSP 604-1
CL-600-2B19 (Regional Jet Series 100 & 440) .....	RJ/149-1, February 1, 2005 .....	CSP A-012

**Note 1:** When information identical to that in a TR specified in paragraph (f) of this AD has been included in the general revisions of the applicable AFM, the general revisions may be inserted into the AFM, and the TR may be removed from that AFM.

**Alternative Methods of Compliance (AMOCs)**

(g) The Manager, New York Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

**Related Information**

(h) Canadian airworthiness directives CF-2005-01, dated February 2, 2005, and CF-2005-03, dated February 8, 2005, also address the subject of this AD.

**Material Incorporated by Reference**

(i) You must use the Canadair (Bombardier) temporary revisions to the applicable Bombardier airplane flight manuals specified in Table 2 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document in accordance

with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the temporary revisions, contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. You can review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC; or 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 2.—MATERIAL INCORPORATED BY REFERENCE

Temporary revision	Airplane flight manual
RJ/149-1, February 1, 2005 .....	CL-600-2B19 (Regional Jet Series 100 & 440), CSP A-012
600/21, February 4, 2005 .....	CL-600-1A11 (CL-600), PSP 600 (US)
600-1/16, February 4, 2005 .....	CL-600-1A11 (CL-600), PSP 600-1 (US)
601/13, February 4, 2005 .....	CL-600-2A12 (CL-601), PSP 601-1B-1
601/14, February 4, 2005 .....	CL-600-2A12 (CL-601), PSP 601-1A-1
601/18, February 4, 2005 .....	CL-600-2A12 (CL-601), PSP 601-1B
601/24, February 4, 2005 .....	CL-600-2B16 (CL-601-3A and CL-601-3R), PSP 601A-1
601/25, February 4, 2005 .....	CL-600-2B16 (CL-601-3A and CL-601-3R), PSP 601A-1-1
601/26, February 4, 2005 .....	CL-600-2A12 (CL-601), PSP 601-1A
604/17, February 4, 2005 .....	CL-600-2B16 (CL-604), PSP 604-1

Issued in Renton, Washington, on February 10, 2005.

**Kalene C. Yanamura,**

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

[FR Doc. 05-2964 Filed 2-16-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003-NM-237-AD; Amendment 39-13977; AD 2005-04-05]

RIN 2120-AA64

#### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB-135 and -145 series airplanes. This AD requires repetitive detailed inspections of the oil in the air turbine starter (ATS) to determine the quantity of the oil and the amount of debris contamination in the oil. If the oil quantity is incorrect or if excessive debris is found in the oil, this AD requires replacement of the ATS with a new or serviceable ATS, and continued repetitive detailed inspections. This AD also requires eventual replacement of each ATS with a new, improved ATS, which constitutes terminating action for the repetitive detailed inspections. This action is necessary to prevent a flash fire in the nacelle, which would result in the flightcrew shutting down the engine during flight, and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective March 24, 2005.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 24, 2005.

**ADDRESSES:** The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket,

1601 Lind Avenue, SW., Renton, Washington; or 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).

#### **FOR FURTHER INFORMATION CONTACT:**

Todd Thompson, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, WA 98055-4056; telephone (425) 227-1175; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-135 and -145 series airplanes was published in the **Federal Register** on February 19, 2004 (69 FR 7707). That action proposed to require repetitive detailed inspections of the oil in the air turbine starter (ATS) to determine the quantity of the oil and the amount of debris contamination in the oil. If the oil quantity was incorrect or if excessive debris was found in the oil, that proposal would have required replacement of the ATS with a new or serviceable ATS having the same part number, and continued repetitive detailed inspections. That proposal would also have required eventual replacement of each ATS with a new improved ATS having a new part number, which would constitute terminating action for the repetitive detailed inspections.

#### **Actions Since Proposed AD Was Issued**

Since we issued the proposed AD, we have determined that the Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, issued two Brazilian airworthiness directives that address that same unsafe condition. The DAC issued Brazilian airworthiness directive 2001-09-04, dated October 10, 2001. The DAC also issued Brazilian airworthiness directive 2003-07-01, Revision 01, dated December 23, 2003. We issued a parallel proposed AD for each Brazilian airworthiness directive. One proposed AD, Directorate Identifier 2002-NM-352-AD, was published in the **Federal Register** on December 18, 2003 (68 FR 243). The other proposed AD, Directorate Identifier 2003-NM-237-AD, was published in the **Federal Register** on February 19, 2004 (69 FR 7707).

Upon further evaluation, and based on comments received in response to

the proposed AD with Directorate Identifier 2002-NM-352-AD, we have determined that it is in the best interest of the FAA and the U.S. operators to combine the requirements of both of our proposed ADs into this AD. The requirements in this AD adequately address the identified unsafe condition specified in 2002-NM-352-AD. Accordingly, the proposed AD with Directorate Identifier 2002-NM-352-AD will be withdrawn after this AD is issued. The DAC and the airplane manufacturer support our decision.

#### **Comments**

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

#### **Request To Allow Part Number (P/N) 3505910-6 as a Replacement Part**

Three commenters request that air turbine starter (ATS) P/N 3505910-6 be included in the proposed AD as an acceptable replacement part. (The proposed AD states that an affected ATS should be replaced with a new or serviceable ATS having P/N 3505910-4 or P/N 3505910-5.)

We agree with the commenters' requests. We have revised the Summary section of this AD by deleting the text that states that the ATS should be replaced with an ATS having the same part number. Paragraph (d) of this AD has been revised to include P/N 3505910-6 as an additional acceptable replacement part.

#### **Request To Allow Replacement of ATS Within 50 Hours Instead of Before Further Flight**

Two commenters request that the proposed AD be revised so that, if the results of an inspection of the oil indicate that the ATS should be replaced, operators may continue to use that ATS for an additional 50 flight hours before doing the replacement. (Paragraph (d) of the proposed AD specifies that the ATS should be replaced prior to further flight.) One commenter states that the 50-hour grace period should be acceptable because Brazilian airworthiness directive 2003-07-01R1, dated December 23, 2003, allows ATS units that don't show evidence of wear or failure to go back into service for 50 flight hours before replacement. The commenter also states that, based on service history, the additional 50 flight hours is very conservative. The other commenter states that EMBRAER Service Bulletin 145-80-0005, Revision 02, dated September 16, 2003, allows a grace