

**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 the Airworthiness Limitations (AWL) Section**

(f) Within 30 days after the effective date of this AD: Revise the Airworthiness Limitations section of the Instructions for

Continued Airworthiness of the Canadair Regional Jet Maintenance Requirements Manual (MRM), Part 2, Appendix B, "Structural Airworthiness Limitations" by incorporating the information specified in AWL Number 53-61-153 of the Canadair Regional Jet Temporary Revision (TR) 2B-2109, dated October 13, 2005, into the AWL section. Perform the applicable detailed and special detailed inspections for cracking of the aft pressure bulkhead, as specified in the

TR, at the applicable compliance time specified in Table 1 of this AD. Repeat the detailed inspection thereafter at intervals not to exceed 1,085 flight cycles, and repeat the special detailed inspection thereafter at intervals not to exceed 4,360 flight cycles, in accordance with the procedures specified in Structural Airworthiness Limitations, AWL Number 53-61-153, as introduced by the MRM.

TABLE 1.—COMPLIANCE TIMES FOR INITIAL INSPECTIONS

As of the effective date of this AD: If the total flight cycles accumulated on the airplane are—	Inspect before the airplane accumulates—
8,000 or fewer .....	12,000 total flight cycles.
More than 8,000 but fewer than 12,000 .....	15,000 total flight cycles or within 4,000 flight cycles after the effective date of this AD, whichever is first.
12,000 or more but fewer than 15,000 .....	17,000 total flight cycles or within 3,000 flight cycles after the effective date of this AD, whichever is first.
15,000 or more but fewer than 17,000 .....	18,500 total flight cycles or within 2,000 flight cycles after the effective date of this AD, whichever is first.
17,000 or more but fewer than 18,500 .....	19,500 total flight cycles or within 1,500 flight cycles after the effective date of this AD, whichever is first.
18,500 or more but fewer than 19,500 .....	20,000 total flight cycles or within 1,000 flight cycles after the effective date of this AD, whichever is first.
19,500 or more .....	500 flight cycles after the effective date of this AD.

(g) When the information in AWL Number 53-61-153 of the Canadair Regional Jet TR 2B-2109, dated October 13, 2005, is included in the general revisions of the MRM, the general revisions may be inserted into the AWL section of the Instructions for Continued Airworthiness, and this information may be removed from the MRM.

**Alternative Methods of Compliance (AMOCs)**

(h)(1) 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.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

**Related Information**

(i) Canadian airworthiness directive CF-2005-13R1, dated October 6, 2005, also addresses the subject of this AD.

**Material Incorporated by Reference**

(j) You must use Canadair Regional Jet Temporary Revision 2B-2109, dated October 13, 2005, to the Canadair Regional Jet Maintenance Requirements Manual, Part 2, Appendix B, "Airworthiness Limitations," to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada, for a copy of this service information. You may review copies at the Docket Management Facility, U.S.

Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the 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).

Issued in Renton, Washington, on October 31, 2005.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-22309 Filed 11-10-05; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA-2005-22910; Directorate Identifier 2005-NM-208-AD; Amendment 39-14372; AD 2005-23-14]**

**RIN 2120-AA64**

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 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

Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 airplanes. This AD requires repetitively replacing the low-stage check valve and associated seals of the right-hand engine bleed system. This AD results from a report that an engine shut down during flight due to the failure of the low-stage check valve to close. We are issuing this AD to prevent failure of the low-stage check valve, which could result in an engine shutting down during flight.

**DATES:** This AD becomes effective November 29, 2005.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 29, 2005.

We must receive comments on this AD by January 13, 2006.

**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.

Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:**

**Discussion**

The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified us that an unsafe condition may exist on all Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 airplanes. The DAC advises that there was an occurrence of an engine that shut down during flight. A low-stage check valve of the engine bleed system failed to close due to excessive wear. This condition, if not corrected, could result in an engine shutting down during flight.

**Relevant Service Information**

EMBRAER has issued Alert Service Bulletin 170-36-A004, dated September 28, 2005. The alert service bulletin describes procedures for repetitively replacing the low-stage check valve and associated seals of the engine bleed system on the right-hand engine with a new check valve and new seals. The alert service bulletin also describes procedures to send the removed check valve to the manufacturer. The DAC mandated the alert service bulletin and issued Brazilian emergency airworthiness directive 2005-09-03, dated September 29, 2005, to ensure the continued airworthiness of these airplanes in Brazil.

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

This airplane model is manufactured in Brazil 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, the DAC has kept the FAA informed of the situation described above. We have examined the DAC'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 failure of the low-stage check valve, which could result in an engine shutting down during flight. This AD requires accomplishing the actions specified in the service information described previously, except as described below in "Difference Between this AD and the Alert Service Bulletin."

The manufacturer is developing further action on the check valves and the supply of check valves. Further action may involve action on the left-hand engine's check valve. We may consider further rulemaking to require actions on the left-hand engine in addition to the actions required for the right-hand engine.

**Clarification of AD and Brazilian Airworthiness Directive Requirements**

The FAA recognizes that the unsafe condition could occur on both engines. Based on the most recent parts supply information from the manufacturer, there are not enough replacement check valves available to mandate actions on both engines without grounding airplanes for an indeterminate amount of time. However, there are enough check valves available to require action on one engine, which would reduce the possibility that both engines could have a failed check valve during a flight. We have considered the risks of a one-engine failure in comparison to a dual-engine failure, and the efforts by the manufacturer to produce more replacement parts. Based on this assessment, we have determined that modifying one engine reduces the risk of a dual-engine failure to the level that such action is sufficient at this time to produce an acceptable level of safety.

**Difference Between This AD and the Alert Service Bulletin**

Operators should note that, although the Accomplishment Instructions of the referenced alert service bulletin describes procedures for sending removed check valves to the manufacturer, this AD does not require that action.

**Interim Action**

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

**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 in the **ADDRESSES** section. Include "Docket No. FAA-2005-22910; Directorate Identifier 2005-NM-208-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD that might suggest a need to modify it.

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 that 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 may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

**Examining the Docket**

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

**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 and placed it in the AD docket. 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

**2005-23-14 Empresa Brasileira de Aeronautica S.A. (EMBRAER):**  
Amendment 39-14372. Docket No. FAA-2005-22910; Directorate Identifier 2005-NM-208-AD.

### Effective Date

(a) This AD becomes effective November 29, 2005.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to all EMBRAER Model ERJ 170-100LR, -100 STD, -100SE, and -100 SU airplanes, certificated in any category.

### Unsafe Condition

(d) This AD results from a report that an engine shut down during flight due to the failure of the low-stage check valve to close. We are issuing this AD to prevent failure of the low-stage check valve, which could result in an engine shutting down during flight.

### 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.

### Replacement

(f) Within 100 flight hours after the effective date of this AD or prior to the accumulation of 3,000 total flight hours, whichever occurs later, replace the low-stage check valve and associated seals of the right-hand engine's engine bleed system with a new check valve and new seals in accordance with the Accomplishment Instructions of EMBRAER Alert Service Bulletin 170-36-A004, dated September 28, 2005. Repeat the replacement thereafter at intervals not to exceed 3,000 flight hours.

### Parts Installation

(g) As of the effective date of this AD, no engine may be installed in the right-hand position unless the low-stage check valve has been replaced in accordance with the actions required by paragraph (f) of this AD.

### Removed Check Valves

(h) Although EMBRAER Alert Service Bulletin 170-36-A004, dated September 28, 2005, specifies to send removed check valves to the manufacturer, this AD does not include that requirement.

### Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

### Related Information

(j) Brazilian emergency airworthiness directive 2005-09-03, dated September 29, 2005, also addresses the subject of this AD.

### Material Incorporated by Reference

(k) You must use EMBRAER Alert Service Bulletin 170-36-A004, dated September 28, 2005, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance

with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343-CEP 12.225, Sao Jose dos Campos-SP, Brazil, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the 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).

Issued in Renton, Washington, on November 2, 2005.

**Ali Bahrami,**

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

[FR Doc. 05-22442 Filed 11-10-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 05-AWP-12]

### Establishment of a Class E Enroute Domestic Airspace Area, San Luis Obispo, CA

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

**ACTION:** Direct final rule, request for comments.

**SUMMARY:** This action establishes a Class E enroute domestic airspace area west of San Luis Obispo, CA, to replace existing Class G uncontrolled airspace.

**DATES:** 0901 UTC April 13, 2006.

**Comment date:** Comments for inclusion in the Rules Docket must be received on or before December 14, 2005.

**ADDRESSES:** Send comments on the direct final rule in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 05-AWP-12, Western Terminal Operations, PO Box 92007, Worldway Postal Center, Los Angeles, California 90009. The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Western Terminal Operations at the above address.

**FOR FURTHER INFORMATION CONTACT:** Francie Hope, Western Terminal