

Air-cooled products	Efficiency standards
	3.2 COP @47°F for Heat Pumps.

The Joint Stakeholders Comments further ask DOE to adopt January 1, 2010, as the effective date for compliance with the recommended minimum efficiency standards. The Comments state that this date was chosen to coincide with a change in the refrigerant used in these systems mandated by the Clean Air Act, as amended. (42 U.S.C. 7401 *et seq.*) The Joint Stakeholders urge DOE to issue a notice of proposed rulemaking (NPR) or a direct final rule that would adopt the Joint Stakeholders' recommended minimum efficiency standards. The Joint Stakeholders Comments are available for review on the Internet at [http://www.eere.energy.gov/buildings/appliance\\_standards/commercial/cuac\\_anopr.html](http://www.eere.energy.gov/buildings/appliance_standards/commercial/cuac_anopr.html), or from Ms. Brenda Edwards-Jones, U.S. Department of Energy, Building Technologies Program, EE-2J, Room 1J-018, 1000 Independence Ave., SW., Washington, DC 20585, or by telephone (202) 586-2945.

### 1. The Efficiency Standards

Because of the diversity of interests represented by the Joint Stakeholders, the minimum efficiency standards they have recommended may be acceptable to stakeholders who were not parties to the Joint Stakeholders Comments. DOE is interested in other stakeholders' reactions to the recommended minimum efficiency standards and whether stakeholders who did not sign the joint comments believe the recommended standards are appropriate and could or should be adopted.

### 2. Rulemaking Procedure

The Joint Stakeholders urge DOE to adopt the recommended standards by issuing either a standard Notice of Proposed Rulemaking (NPR) or a direct final rule.

If DOE were to proceed with the NPR process, it would issue a standard NPR and accept comments from interested members of the public. After considering the comments and possibly conducting further analyses, DOE would publish a notice of final rulemaking with a preamble that responded to major issues that emerge from the comments. This procedure would be the more time consuming of the two alternatives suggested by the Joint Stakeholders because, based on DOE's experience, it believes the two notices would require long preparation times; moreover, the two notices would be published

separately with a wide interval between publication dates.

The direct final rulemaking procedure would involve simultaneous publication of both a direct final rule, and a NPR that incorporates by reference the text of the direct final rule. The preamble of the direct final rule would include a statement that the agency would publish a timely notice of withdrawal in the **Federal Register** before the effective date established for purposes of modifying the Code of Federal Regulations and proceed with the NPR if it receives significant adverse public comments. If significant adverse comments are not received, the direct final rule would become effective without any other action by the agency. This procedure is appropriate only for rules for which significant adverse comment is considered unlikely.

DOE is interested in stakeholder comments on these alternative procedures and whether the public would benefit by implementing minimum energy efficiency standards for commercial package air conditioners and heat pumps in an expedited manner. If public comments in response to today's notice of availability indicate that there is no significant opposition to DOE promulgating a direct final rule establishing the standards recommended by the Joint Stakeholders Comments, DOE would strongly consider doing so if DOE concluded that such standards meet EPCA requirements.

All persons interested in submitting comments on the Joint Stakeholders Comments must submit their comments to DOE by the date specified in the **DATES** section of this notice; after that date, no further submissions will be entertained. Comments must be submitted to one of the addresses listed in the **ADDRESSES** section of this notice. DOE will consider all comments received by the specified deadline.

Issued in Washington, DC, on February 9, 2005.

**David K. Garman,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 05-2875 Filed 2-14-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-20353; Directorate Identifier 2004-NM-255-AD]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes. This proposed AD would require installing additional shielding of the hydraulic lines in the wing box area. This proposed AD is prompted by the determination that the additional hydraulic line shields will protect the lines from possible impact by tire debris if the tire tread fails. We are proposing this AD to prevent damage to the hydraulic lines and subsequent leakage from the two hydraulic systems, which could result in loss of braking capability on the affected side of the airplane, asymmetrical braking, and reduced directional control—particularly during a rejected takeoff.

**DATES:** We must receive comments on this proposed AD by March 17, 2005.

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

- By 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 service information identified in this proposed AD, contact Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada.

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-2005-20353; the directorate identifier for this docket is 2004-NM-255-AD.

**FOR FURTHER INFORMATION CONTACT:** Daniel Parillo, 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) 228-7305; fax (516) 794-5531.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-20353; Directorate Identifier 2004-NM-255-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed 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 proposed 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>.

**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 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 DMS receives them.

**Discussion**

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified us that an unsafe condition may exist on certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes. TCCA advises that additional shielding of the hydraulic lines in the wing box area is necessary to protect the lines from possible impact by tire debris if the tire tread fails. If both lines have enough damage to cause leakage from the two hydraulic systems, braking capability on the affected side of the airplane would be lost, resulting in asymmetrical braking and reduced directional control—particularly during a rejected takeoff.

**Relevant Service Information**

The manufacturer has issued Bombardier Service Bulletin 601R-57-

021, Revision "C," dated February 23, 2004. The service bulletin describes procedures for installing additional hydraulic line shields to cover exposed hydraulic lines on both sides of the wing box area. The procedures also include replacing the left and right inboard brake lines with new lines to eliminate fouling of the lines with the shield. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. TCCA mandated the service information and issued Canadian airworthiness directive CF-2004-20, dated October 5, 2004, to ensure the continued airworthiness of these airplanes in Canada.

**FAA's Determination and Requirements of the Proposed AD**

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 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 proposing this AD, which would require accomplishing the actions specified in the service information described previously.

**Costs of Compliance**

The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Shield installation .....	16	\$65	\$0	\$1,040	91	\$94,640

**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 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 that the 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. 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, 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 airworthiness directive (AD):

#### **Bombardier, Inc. (Formerly Canadair):**

Docket No. FAA-2005-20353;  
Directorate Identifier 2004-NM-255-AD.

#### Comments Due Date

(a) The Federal Aviation Administration must receive comments on this AD action by March 17, 2005.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Bombardier Model CL-600-2B19 (Regional Jet series 100 & 440) airplanes, certificated in any category, serial numbers 7003 through 7067 inclusive, 7069 through 7165 inclusive, 7167 through 7169 inclusive, and 7171 through 7188 inclusive.

#### Unsafe Condition

(d) This AD was prompted by the determination that additional shielding of the hydraulic lines in the wing box area will protect the lines from possible impact by tire

debris if the tire tread fails. We are proposing this AD to prevent damage to the hydraulic lines and subsequent leakage from the two hydraulic systems, which could result in loss of braking capability on the affected side of the airplane, asymmetrical braking, and reduced directional control—particularly during a rejected takeoff.

#### 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.

#### Installation of Hydraulic Line Shields

(f) Within 24 months after the effective date of this AD, install additional shielding of the hydraulic lines in the wing box area, by doing all the actions specified in the Accomplishment Instructions of Bombardier Service Bulletin 601R-57-021, Revision 'C,' dated February 23, 2004.

(g) We also consider the requirements of paragraph (f) of this AD to be met if the installation is done before the effective date of this AD in accordance with Bombardier Service Bulletin 601R-57-021, Revision 'B,' dated July 18, 2001.

#### Alternative Methods of Compliance (AMOCs)

(h) 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

(i) Canadian airworthiness directive CF-2004-20, dated October 5, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on February 6, 2005.

**Ali Bahrami,**

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

[FR Doc. 05-2841 Filed 2-14-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-20352; Directorate Identifier 2004-NM-214-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes and Model 767 Series Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for

certain Boeing Model 757-200 and -300 series airplanes and Model 767 series airplanes. This proposed AD would require replacing the existing operational software of the Pegasus flight management computer (FMC) system with new, improved operational software. This proposed AD is prompted by reports of "old" or expired air traffic control (ATC) clearance messages being displayed on the control display unit (CDU) of the FMC system during subsequent flights. We are proposing this AD to prevent display of "old" or expired clearance messages on the CDU of subsequent flights, which could result in the airplane entering unauthorized airspace or following a flight path that does not provide minimum separation requirements between aircraft, and a consequent near miss or a mid-air collision.

**DATES:** We must receive comments on this proposed AD by April 1, 2005.

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

- By 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 service information identified in this proposed AD, contact Boeing Commercial Airplanes, PO Box 3707, Seattle, Washington 98124-2207.

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-2005-20352; the directorate identifier for this docket is 2004-NM-214-AD.

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

Samuel Slentz, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6483; fax (425) 917-6590.

#### **SUPPLEMENTARY INFORMATION:**