

been authorized by the Manager, Seattle ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

#### Material Incorporated by Reference

(k) You must use Boeing Alert Service Bulletin 747-53A2696, dated October 16, 2008, as applicable, 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 Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; e-mail [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.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).

Issued in Renton, Washington, on January 21, 2010.

**Ali Bahrami,**

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 2010-1690 Filed 2-3-10; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-1116; Directorate Identifier 2009-CE-061-AD; Amendment 39-16193; AD 2010-03-09]

RIN 2120-AA64

#### Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI)

issued 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:

Cracks have been detected on the upper flange (cap) of several "0" pressure bulkheads on the production line; none of the cracks had spread across the thickness of material.

Investigation revealed that all "0" pressure bulkheads installed on aircraft from MSN 1106 up to 1189 could have the same cracks.

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

**DATES:** This AD becomes effective March 11, 2010.

On March 11, 2010, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090.

#### 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 November 30, 2009 (74 FR 62516). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Cracks have been detected on the upper flange (cap) of several "0" pressure bulkheads on the production line; none of the cracks had spread across the thickness of material.

Investigation revealed that all "0" pressure bulkheads installed on aircraft from MSN 1106 up to 1189 could have the same cracks.

Although calculations confirm the low stress level in that area, a reinforcement of the "0" pressure bulkhead is suggested to avoid crack growth and the eventual failure of the bulkhead.

For the reasons stated above, this new Airworthiness Directive (AD) mandates a non-destructive inspection and a reinforcement—by installation of doublers—of the "0" pressure bulkhead. This AD also includes a reporting requirement of the inspection results.

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 comment received.

Mr. Carlo Cardu of Piaggio Aero Industries states that he understands owners/operators may comply with an AD before the specified compliance time; however, he also states it would be best for the owners/operators of the airplanes affected by this AD to do the inspection and modification of the pressure bulkhead during a D inspection, which is at 3,000 hours time-in-service (TIS).

Mr. Cardu requests changing the compliance time for the inspection and modification from "when the airplane reaches a total of 3,600 hours TIS \* \* \*" to "before the airplane reaches a total of 3,600 hours TIS \* \* \*."

We agree with the intent of the commenter. To make it clear that the owners/operators of the airplanes affected by this AD may comply with the AD before their airplane reaches 3,600 hours TIS, we will change the compliance time in the final rule AD action to allow the inspection and modification to be done before or when the airplane reaches a total of 3,600 hours TIS or within the next 30 days after the effective date of the AD, whichever occurs later.

#### Conclusion

We reviewed the available data, including the comment 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 FAA policies. Any such differences are highlighted in a NOTE within the AD.

#### Costs of Compliance

We estimate that this AD will affect 63 products of U.S. registry. We also estimate that it would take about 120

work-hours per product to comply with the basic requirements of this AD. The design approval holder is providing warranty credit for parts and up to 120 work-hours of labor.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$0.

#### 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 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 Management Facility 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 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:

**2010-03-09 Piaggio Aero Industries S.p.A.:**  
Amendment 39-16193; Docket No. FAA-2009-1116; Directorate Identifier 2009-CE-061-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective March 11, 2010.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Model PIAGGIO P-180 airplanes, manufacturer's serial numbers 1106 through 1189, certificated in any category.

#### Subject

(d) Air Transport Association of America (ATA) Code 53: Fuselage.

#### Reason

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

Cracks have been detected on the upper flange (cap) of several "0" pressure bulkheads on the production line; none of the cracks had spread across the thickness of material.

Investigation revealed that all "0" pressure bulkheads installed on aircraft from MSN 1106 up to 1189 could have the same cracks.

Although calculations confirm the low stress level in that area, a reinforcement of the "0" pressure bulkhead is suggested to avoid crack growth and the eventual failure of the bulkhead.

For the reasons stated above, this new Airworthiness Directive (AD) mandates a non-destructive inspection and a reinforcement—by installation of doublers—of the "0" pressure bulkhead. This AD also includes a reporting requirement of the inspection results.

#### Actions and Compliance

(f) Unless already done, do the following actions:

(1) As of March 11, 2010 (the effective date of this AD), before or when the airplane reaches a total of 3,600 hours time-in-service or within the next days 30 after the effective date of the AD, whichever occurs later, inspect the "0" pressure bulkhead for cracks using a dye-penetrant inspection method. Do the inspection in accordance with Part A of the Accomplishment Instructions in PIAGGIO AERO INDUSTRIES S.p.A Service Bulletin (Mandatory) N.: SB-80-0267Rev.0, dated May 19, 2009; or PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: SB-80-0267Rev.1, dated June 16, 2009.

(2) Before further flight after the inspection required in paragraph (f)(1) of this AD (whether or not cracks were found), install doublers on the "0" pressure bulkhead. Do the modification in accordance with Part B and Part C of the Accomplishment Instructions in PIAGGIO AERO INDUSTRIES S.p.A Service Bulletin (Mandatory) N.: SB-80-0267Rev.0, dated May 19, 2009; or PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: SB-80-0267Rev.1, dated June 16, 2009.

(3) Within 30 days after doing the inspection required in paragraph (f)(1) of this AD, report all inspection results, negative or positive, to Piaggio Aero Industries S.p.a., Via Cibrario, 4—16154 Genoa, Italy; fax: +39 010 6481 881; e-mail: [airworthiness@piaggioaero.it](mailto:airworthiness@piaggioaero.it).

#### FAA AD Differences

**Note:** 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, Standards Office, 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: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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 European Aviation Safety Agency (EASA) AD No. 2009-0211, dated October 6, 2009; PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: SB-80-0267Rev.0, dated May 19, 2009; and PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: SB-80-0267Rev.1, dated June 16, 2009, for related information.

#### Material Incorporated by Reference

(i) You must use PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: SB-80-0267Rev.0, dated May 19, 2009; and PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: SB-80-0267Rev.1, dated June 16, 2009, 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 Piaggio Aero Industries S.p.a., Via Cibrario, 4—16154 Genoa, Italy; fax: +39 010 6481 881; e-mail: [airworthiness@piaggioaero.it](mailto:airworthiness@piaggioaero.it).

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329-3768.

(4) You may also review copies of the service information incorporated by reference for this AD 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).

Issued in Kansas City, Missouri, on January 26, 2010.

#### John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-2001 Filed 2-3-10; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Part 314

RIN 2105-AD94

#### Employee Protection Program; Removal

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This rule removes the procedural regulations of the Department of Transportation Employee

Protection Program. These regulations are removed because the underlying program was repealed by an act of Congress and the program has been terminated.

**DATES:** *Effective Date:* February 4, 2010.

**FOR FURTHER INFORMATION CONTACT:** Bernard Diederich, Office of the General Counsel, 1200 New Jersey Ave., SE., Washington, DC 20590, (202) 366-9159.

**SUPPLEMENTARY INFORMATION:** The Congress in 1978 established the Employee Protection Program, to be administered by the U.S. Department of Transportation. Section 43 of the Airline Deregulation Act of 1978, Public Law 95-504, 92 Stat. 1750, codified at 49 U.S.C. App. 1552 (1991).

The Program was intended to compensate covered airline employees who might have lost their employment or had their compensation reduced as a result of a bankruptcy or major employment contraction, if the major cause of the bankruptcy or major contraction was the change in regulatory structure provided by the Airline Deregulation Act. DOT established regulations to support the Program, based on the regulations previously established by the Civil Aeronautics Board, which previously handled the Program. 45 FR 49,291 (July 24, 1980); 47 FR 9,744 (March 5, 1982); 50 FR 2,426 (January 16, 1985). The regulations were codified at 14 CFR Part 314. DOT conducted hearings under the regulations and issued a final DOT order with findings in initial selected cases, finding no basis to support any compensation under the Program. DOT Order 91-9-20, dated September 18, 1991, in DOT dockets 40201, 39783, 38978, 38883, and 38571.

While appeals and processing of the Program were underway, the Program was repealed by Act of Congress, effective August 7, 1998. Section 199(a)(6) of the Workforce Investment Act of 1998, Public Law 105-220, 112 Stat. 1059. The Program was codified as subchapter I of chapter 421 of title 49, United States Code, which was repealed at subsection (a)(6) of the Workforce Investment Act. See also 144 Cong. Rec. H6689 (daily ed. July 29, 1998).

Accordingly, DOT has halted all action in the Program and is removing the Program regulations. DOT lacks a statutory basis for any further action on the Program.

#### Regulatory Analyses and Notices

##### A. Administrative Procedure Act

The Department has determined that this rule may be issued without a prior opportunity for notice and comment

because providing prior notice and comment would be unnecessary, impracticable, or contrary to the public interest. The Program was repealed by an Act of Congress in 1998, thus there would not be any harm to any identifiable beneficiary by repealing the rule. The Department has ceased all actions under the regulations. Thus, this rule should be rescinded. For the same reasons, the Department finds that there is good cause to make the rule effective immediately.

##### B. Executive Order 12866 and Regulatory Flexibility Act

The Department has determined that this action is not considered a significant regulatory action for purposes of Executive Order 12866 or the Department's regulatory policies and procedures. This rule is being adopted solely to rescind a rule that is no longer necessary due to the Congress repealing the program's statutory authority. Given the absence of compliance costs to anyone, I certify that final rule does not have a significant economic impact on a substantial number of small entities.

##### C. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the consultation requirements of Executive Order 13132 do not apply.

##### D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

##### E. Paperwork Reduction Act

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

##### F. Unfunded Mandates Reform Act

The Department of Transportation has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.