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Issued in Kansas City, Missouri, on May 27, 2010.

**Steven W. Thompson,**

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

[FR Doc. 2010-13400 Filed 6-7-10; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0201; Directorate Identifier 2008-NE-47-AD; Amendment 39-16314; AD 2010-11-09]

RIN 2120-AA64

#### **Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125-01 and TAE 125-02-99 Reciprocating Engines Installed in, but Not Limited to, Diamond Aircraft Industries Model DA 42 Airplanes**

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

Engine in-flight shutdown incidents have been reported on Diamond Aircraft Industries DA 42 airplanes equipped with TAE 125 engines. The investigations showed that it was mainly the result of failure of the Proportional Pressure Reducing Valve (PPRV) (also known as Propeller Control Valve) due to high vibrations. This condition, if not corrected, could lead to further cases of engine in-flight shutdown, possibly resulting in reduced control of the aircraft.

Since the release of European Aviation Safety Agency (EASA) AD 2008-0145, the engine gearbox has been identified as the primary source of vibrations for the PPRV, and it has also been determined that failure of the electrical connection to the PPRV could have contributed to some power loss events or in-flight shutdowns.

We are issuing this AD to prevent engine in-flight shutdown, possibly resulting in reduced control of the aircraft.

**DATES:** This AD becomes effective July 13, 2010. The Director of the Federal

Register approved the incorporation by reference of certain publications listed in this AD as of July 13, 2010.

**ADDRESSES:** The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

**FOR FURTHER INFORMATION CONTACT:** Tara Chaidez, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [tara.chaidez@faa.gov](mailto:tara.chaidez@faa.gov); telephone (781) 238-7773; fax (781) 238-7199.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

We issued a notice of proposed rulemaking (NPRM) and a supplemental 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 April 17, 2009 (74 FR 17795) and that supplemental NPRM was published in the *Federal Register* on February 23, 2010 (75 FR 7996). That supplemental NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

Engine in-flight shutdown incidents have been reported on Diamond Aircraft Industries DA 42 airplanes equipped with TAE 125 engines. The investigations showed that it was mainly the result of failure of the Proportional Pressure Reducing Valve (PPRV) (also known as Propeller Control Valve) due to high vibrations. This condition, if not corrected, could lead to further cases of engine in-flight shutdown, possibly resulting in reduced control of the aircraft.

Since the release of European Aviation Safety Agency (EASA) AD 2008-0145, the engine gearbox has been identified as the primary source of vibrations for the PPRV, and it has also been determined that failure of the electrical connection to the PPRV could have contributed to some power loss events or in-flight shutdowns.

##### **Comments**

We gave the public the opportunity to participate in developing this AD. We received no comments on the supplemental NPRM or on the determination of the cost to the public.

##### **Conclusion**

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

##### **Differences Between This AD and the MCAI or Service Information**

We have reviewed the MCAs and, in general, agree with their substance. But

we have found it necessary to not reference the second paragraph of the unsafe condition from EASA AD 2009-0224. That sentence stated that the problem has only manifested itself on those Thielert engines installed on Diamond Aircraft Industries DA 42 aircraft. The affected engines which require a PPRV could be used on other make and model airplanes in the future.

We also did not incorporate the February 28, 2010 compliance date which is in EASA AD 2009-0193R1, or the January 31, 2010 compliance date which is in EASA AD 2009-0224.

##### **Costs of Compliance**

Based on the service information, we estimate that this AD will affect about 300 TAE 125-01 and TAE 125-02-99 reciprocating engines installed in Diamond Aircraft Industries Model DA 42 airplanes of U.S. registry. We also estimate that it will take about 0.25 work-hour per engine to replace a PPRV and install a vibration isolator to the gearbox assembly. The average labor rate is \$85 per work-hour. Required parts will cost about \$275 per product. Based on these figures, we estimate the cost of the AD on U.S. operators to be \$88,875.

##### **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 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.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone (800) 647-5527) is provided 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:

#### 2010-11-09 Thielert Aircraft Engines

**GmbH:** Amendment 39-16314. Docket No. FAA-2009-0201; Directorate Identifier 2008-NE-47-AD.

#### Effective Date

- (a) This airworthiness directive (AD) becomes effective July 13, 2010.

#### Affected ADs

- (b) None.

#### Applicability

(c) This AD applies to Thielert Aircraft Engines GmbH (TAE) models TAE 125-01 and TAE 125-02-99 reciprocating engines designated with part number (P/N) 05-7200-K000301 or 02-7200-1401R1. The engines are installed on, but not limited to, Diamond Aircraft Industries Model DA 42 airplanes.

#### Reason

(d) Engine in-flight shutdown incidents have been reported on Diamond Aircraft Industries DA 42 airplanes equipped with TAE 125 engines. The investigations showed that it was mainly the result of failure of the Proportional Pressure Reducing Valve (PPRV) (also known as Propeller Control Valve) due to high vibrations. This condition, if not corrected, could lead to further cases of engine in-flight shutdown, possibly resulting in reduced control of the aircraft.

Since the release of European Aviation Safety Agency (EASA) AD 2008-0145, the engine gearbox has been identified as the primary source of vibrations for the PPRV, and it has also been determined that failure of the electrical connection to the PPRV could have contributed to some power loss events or in-flight shutdowns.

We are issuing this AD to prevent engine in-flight shutdown, possibly resulting in reduced control of the aircraft.

#### Actions and Compliance

- (e) Unless already done, do the following actions:

#### TAE 125-02-99 Reciprocating Engines

(1) For TAE 125-02-99 reciprocating engines with engine P/N 05-7200-K000301, within 55 flight hours after the effective date of this AD:

(i) Replace the existing PPRV with PPRV, P/N 05-7212-E002801. Use paragraphs A. through B. of Thielert Service Bulletin (SB) No. TM TAE 125-1007 P1, Revision 2, dated April 29, 2009, to do the replacement.

(ii) Install a vibration isolator, P/N 05-7212-K022302, to the gearbox assembly. Use paragraphs 1 through 20 of Thielert SB No. TM TAE 125-1009 P1, Revision 3, dated October 14, 2009, to do the installation.

#### Repetitive PPRV Replacements

(2) Thereafter, within every 300 flight hours, replace the PPRV, P/N 05-7212-E002801, with the same P/N PPRV.

#### TAE 125-01 Reciprocating Engines

(3) For TAE 125-01 reciprocating engines with engine P/N 02-7200-1401R1, within 55 flight hours after the effective date of this AD:

(i) Replace the existing PPRV with a PPRV, P/N NM-0000-0124501 or P/N 05-7212-K021401. Use paragraph 1 of Thielert SB No. TM TAE 125-0018, Revision 1, dated November 12, 2008, to do the replacement.

(ii) Inspect the electrical connectors of the PPRV and replace the connectors if damaged, and install a vibration isolator, P/N 05-7212-K023801, to the gearbox assembly. Use paragraphs 1 through 27 of Thielert SB No.

TM TAE 125-0020, Revision 1, dated November 25, 2009, to do the inspection and installation.

#### Repetitive PPRV Replacements

(4) Thereafter, within every 300 flight hours, replace the PPRV with a PPRV, P/N NM-0000-0124501 or P/N 05-7212-K021401.

#### FAA Differences

(f) We have found it necessary to not reference the second paragraph of the unsafe condition from the MCAI EASA AD 2009-0224. That sentence stated that the problem has only manifested itself on those Thielert engines installed on Diamond Aircraft Industries DA 42 aircraft. The affected engines which require a PPRV could be used on other make and model airplanes in the future.

(g) We also did not reference the February 28, 2010 compliance date, which is in EASA AD 2009-0193R1, or the January 31, 2010 compliance date which is in EASA AD 2009-0224.

#### Alternative Methods of Compliance (AMOCs)

(h) The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(i) Refer to EASA AD 2009-0224, dated October 20, 2009 (TAE 125-02-99), and EASA AD 2009-0193R1, dated December 1, 2009 (TAE 125-01), for related information.

(j) Contact Tara Chaidez, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [tara.chaidez@faa.gov](mailto:tara.chaidez@faa.gov); telephone (781) 238-7773; fax (781) 238-7199, for more information about this AD.

#### Material Incorporated by Reference

(k) You must use the service information specified in Table 1 of this AD 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 Thielert Aircraft Engines GmbH, Platanenstrasse 14 D-09350, Lichtenstein, Germany, telephone: +49-37204-696-0; fax: +49-37204-696-2912; e-mail: [info@centurion-engines.com](mailto:info@centurion-engines.com).

(3) You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; 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/cfr/ibr-locations.html>.

TABLE 1—MATERIAL INCORPORATED BY REFERENCE

Thielert Service Bulletin No.	Page	Revision	Date
TM TAE 125–1007 P1 ..... Total Pages: 4	ALL .....	2	April 29, 2009.
TM TAE 125–1009 P1 ..... Total Pages: 26	ALL .....	3	October 14, 2009.
TM TAE 125–0018 ..... Total Pages: 2	ALL .....	1	November 12, 2008.
TM TAE 125–0020, including Annexes A and B ..... Total Pages: TM TAE 125–0020, 42; Annex A, 3; Annex B, 4	ALL .....	1	November 25, 2009.

Issued in Burlington, Massachusetts, on May 19, 2010.

**Tracy Murphy,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 2010–12540 Filed 6–7–10; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2009–0495; Directorate Identifier 2009–NM–049–AD; Amendment 39–16316; AD 2010–11–11]

RIN 2120–AA64

#### Airworthiness Directives; Learjet Inc. Model 60 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Model 60 airplanes. This AD requires revising the Tire-Servicing section of the airplane maintenance manual and revising the Tires Limitation section of the airplane flight manual to incorporate revised procedures for servicing tires and checking for proper tire inflation. This AD results from a report of the main landing gear tires blowing out during a takeoff roll. We are issuing this AD to prevent tire failure, which could result in failures of the braking and thrust reverser systems. In a critical phase of operation such as takeoff, loss of airplane control may result.

**DATES:** This AD is effective July 13, 2010.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of July 13, 2010.

**ADDRESSES:** For service information identified in this AD, contact Learjet, Inc., One Learjet Way, Wichita, Kansas 67209–2942; telephone 316–946–2000; fax 316–946–2220; e-mail

*ac.ict@aero.bombardier.com*; Internet *http://www.bombardier.com*.

#### 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 this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the 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:** Don Ristow, Aerospace Engineer, Mechanical Systems and Propulsion Branch, ACE–116W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4120; fax (316) 946–4107.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to certain Model 60 airplanes. That NPRM was published in the **Federal Register** on May 29, 2009 (74 FR 25682). That NPRM proposed to require revising the Tire-Servicing section of the airplane maintenance manual (AMM) and revising the Tires Limitation section of the airplane flight manual (AFM) to incorporate revised procedures for servicing tires and checking for proper tire inflation.

##### Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received from the 10 commenters.

#### Support for the NPRM

The National Transportation and Safety Board (NTSB), and Mike Waggoner, a private citizen, support the NPRM. The NTSB states that it would prefer that the tires be checked daily for proper pressure, but that 96 hours between pressure checks specified in the Tires Limitations section of the AFM (specified in paragraph (h) of the NPRM) allows for recognition of an under-inflated tire before it reaches a point where the tire would need to be changed. Mr. Waggoner agrees that a means of bringing attention to the importance of checking tire pressures at a minimum of 96 hours before flight is mandatory.

#### Request To Extend the Comment Period of the Proposed AD

Aviation Properties requests that we extend the comment period an additional 45 days following the release of the NTSB final report on the September 19, 2008, accident of a Model 60 airplane. The commenter states that all of the relevant information concerning that accident has not been determined and made public, and that extending the comment period would allow comments to be made with all the data being available to everyone.

We do not agree to extend the comment period and thereby delay the AD. While it is true that the final NTSB report is not published, the analysis determined with certainty that the tires were subject to internal heat damage resulting from under-inflation, overloading, or a combination of both. As a result of the tire blow-out, other airplane systems were compromised. Based on the design of the Model 60 airplanes in particular, we decided to act now to address the unsafe condition. If at a later date additional action is deemed appropriate, we might consider further rulemaking, which would allow for public comment at that time. We have not changed the AD in this regard.