actions specified in the Accomplishment Instructions of the service bulletin, except as provided by paragraphs (j), (k), (l), (m), and (n) of this AD.

Note 1: The inspection exceptions described in subparagraphs 1.a. through 1.f. in paragraph 1.E., “Compliance,” of Boeing Service Bulletin 737–53A1289, Revision 1, dated November 18, 2009, apply to this AD.

Credit for Actions Accomplished According to Previous Issue of Service Bulletin

(h) Actions accomplished before the effective date of this AD according to Boeing Alert Service Bulletin 737–53A1289, Revision 1, dated January 14, 2009, are considered acceptable for compliance with the corresponding actions specified in this AD.

Exceptions to Service Bulletin Specifications

(i) Where Boeing Service Bulletin 737–53A1289, Revision 1, dated November 18, 2009, specifies a compliance time after the date on the service bulletin, this AD requires compliance within the specified compliance time and after the effective date of this AD.

(j) Where Boeing Service Bulletin 737–53A1289, Revision 1, dated November 18, 2009, specifies to contact Boeing for appropriate action, accomplish applicable actions using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(k) Where Boeing Service Bulletin 737–53A1289, Revision 1, dated November 18, 2009, specifies to contact Boeing for instructions to repair scribe lines: Remove the scribe line damage and install a reinforcing repair using an FAA-approved method.

Note 2: Guidance for repairing scribe damage (e.g., nicks, gouges, scratches, and corrosion) may be found in the Allowable Damage section of the appropriate Boeing 737 Structural Repair Manual (SRM).

Note 3: Operators must obtain an approved damage tolerance evaluation for any repair installed per Appendix B of Boeing Service Bulletin 737–53A1289, Revision 1. The inspection exceptions specified in paragraph (p) of this AD do not apply to these repairs, and inspections are required by paragraph (g) of this AD.

(l) Inspections are not required in areas where an existing repair covers a potential scribe line or where the scribe line is within 10 inches of the repaired area. If a repair dolder does not span the potential scribe line location by 3 or more fastener rows, there is no evidence of scribe lines within 10 inches of the repair, then inspections under the repair are not required.

(m) Where Boeing Service Bulletin 737–53A1289, Revision 1, dated November 18, 2009, specifies a compliance time of “before further flights” for inspecting scribe lines less than 0.001 inch deep for cracks, no further inspections are required by paragraph (g) of this AD, provided that correct sealant removal procedures are used for future work at those locations.

(n) If records show that the airplane has never been stripped and repainted under the dorsal fin fairing since delivery from Boeing, then this AD does not require inspections specified in paragraph (g) of this AD for the butt joint, lap joint, and repairs in the areas under the dorsal fin fairing.

Report

(o) At the applicable time specified in paragraph (o)(1) or (o)(2) of this AD: Submit a report of positive findings of cracks found during the inspections required by paragraph (g) of this AD. You may use Appendix B of Boeing Service Bulletin 737–53A1289, Revision 1, dated November 18, 2009, Send the report to Boeing Commercial Airplanes, P.O. Box 737, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5688; e-mail 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.

(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/codes_of_federal_regulations/ibr_locations.html.


[FR Doc. 2010–31899 Filed 12–27–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Model PA–28–161 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above that are equipped with Thielert Aircraft Engine GmbH (TAE) Engine Model TAE–125–01 installed per Supplemental Type Certificate (STC) No. SA03303AT. This AD requires installing a full authority digital engine control (FADEC) backup battery, replacing the supplement pilot’s operating handbook and FAA approved airplane flight manual, and revising the limitations section of the supplemental airplane maintenance manual. This AD was prompted by an incident where an airplane experienced an in-flight engine shutdown caused by a momentary loss of propulsive thrust.
of electrical power to the FADEC. We are issuing this AD to prevent interruption of electrical power to the FADEC, which could result in an uncommanded engine shutdown. This failure could lead to a loss of engine power.

DATES: This AD is effective February 1, 2011.

The Director of the Federal Register approved the incorporation by reference of certain publication listed in the AD as of February 1, 2011.

ADDRESSES: For service information identified in this AD, contact Thielert Aircraft Engines Service GmbH, Platanenstraße 14, 09350 Lichtenstein, Deutschland; telephone: +49 (37204) 696–0; fax: +49 (37204) 696–1910; Internet: http://www.thielert.com/. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

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, 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 O. Young, Aerospace Engineer, Atlanta Aircraft Certification Office (ACO), FAA, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474–5585; fax: (404) 474–5606; e-mail: don.o.young@faa.gov.

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 the specified products. That NPRM published in the Federal Register on October 6, 2010 (75 FR 61655). That NPRM proposed to require installation of a FADEC backup battery, replacement of the supplement pilot’s operating handbook and FAA approved airplane flight manual, and revision of the limitations section of the supplement airplane maintenance manual.

Comments

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

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed—except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD affects zero airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

<table>
<thead>
<tr>
<th>Action</th>
<th>Labor cost</th>
<th>Parts cost</th>
<th>Cost per product</th>
<th>Cost on U.S. operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation of a FADEC backup battery</td>
<td>7 work-hours × $85 per hour = $595 .....</td>
<td>$780</td>
<td>$1,375</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

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

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 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),
(3) Will not affect intrastate aviation in Alaska, and
(4) 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.

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):

This AD is effective February 1, 2011.

(b) None.

(c) This AD applies to Model PA–28–161 airplanes, all serial numbers, that are:

(1) Equipped with Thielert Aircraft Engine GmbH (TAE) Engine Model TAE–125–01

 installed per Supplemental Type Certificate (STC) No. SA03303AT; and
 (2) Certified in any category.

(d) Air Transport Association of America (ATA) Code 72: Engine.

(e) This AD results from an incident where an airplane experienced an in-flight engine shutdown caused by a momentary loss of electrical power to the FADEC. We are issuing this AD to prevent interruption of electrical power to the FADEC, which could result in an uncommanded engine shutdown. This failure could lead to a loss of engine power.

(f) To address this problem, you must do the following, unless already done:

(1) Modify the engine electrical system by installing a backup battery system and associated wiring and circuitry.

(2) Revise the airworthiness limitations section to require repetitive replacement of the FADEC backup battery every 12 calendar months. Thereafter, except as provided in paragraph (g) of this AD, no alternative replacement times may be approved for this part.


Not applicable.

(g)(1) The Manager, Atlanta Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

(2) Before using any approved AMOC, notify your Principal Maintenance Inspector or Principal Avionics Inspector, as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

(h) For more information about this AD, contact Don O. Young, Aerospace Engineer, FAA, Atlanta ACO, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474–5585; fax: (404) 474–5606; e-mail: don.o.young@faa.gov.

Table 1—All Material Incorporated by Reference

<table>
<thead>
<tr>
<th>Document</th>
<th>Revision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thielert Aircraft Engines GmbH Service Bulletin TM TAE 651–0007</td>
<td>7</td>
<td>July 30, 2010</td>
</tr>
<tr>
<td>Thielert Aircraft Engines GmbH Supplement Pilot’s Operating Handbook and FAA Approved Airplane Flight Manual, TAE-No.: 40–0310–40042, issue 2</td>
<td>0</td>
<td>June 1, 2010</td>
</tr>
</tbody>
</table>

Issued in Kansas City, Missouri on December 13, 2010.

William J. Timberlake,
Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–31905 Filed 12–27–10; 8:45 am]

BILLING CODE 4910–13–P