

(3) Once review is final, OPM or an agency will determine whether the action taken is appropriate based on the sustained charges and this determination will be final without any further appeal to the Board.

(c) *Appeal procedures.* The procedures for filing an appeal with the Board are found at part 1201 of this title.

## Subpart F—Savings Provision

### § 731.601 Savings provision.

No provision of the regulations in this part is to be applied in such a way as to affect any administrative proceeding pending on June 16, 2008. An administrative proceeding is deemed to be pending from the date of the agency or OPM “notice of proposed action” described in §§ 731.302 and 731.402.

[FR Doc. E8–7964 Filed 4–14–08; 8:45 am]

BILLING CODE 6326–39–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2008–0304; Directorate Identifier 2008–NE–08–AD; Amendment 39–15470; AD 2008–06–52]

RIN 2120–AA64

#### Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Model TAE 125–02–99 Engines

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting emergency airworthiness directive (AD) 2008–06–52 that was sent previously to all known U.S. owners and operators of certain TAE Model TAE 125–02–99 engines. This AD requires, before further flight, replacing the high-pressure fuel line and installing a high-pressure fuel line support. This AD results from reports of in-flight engine shutdown incidents on airplanes equipped with TAE 125–02–99 engines. We are issuing this AD to prevent an in-flight engine shutdown or engine fire due to a cracked fuel line.

**DATES:** This AD becomes effective April 30, 2008 to all persons except those persons to whom it was made immediately effective by emergency AD 2008–06–52, issued on March 12, 2008, which contained the requirements of this amendment. The Director of the

Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 30, 2008.

We must receive any comments on this AD by June 16, 2008.

**ADDRESSES:** Use one of the following addresses to comment on this AD.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493–2251.

Contact Thielert Aircraft Engines GmbH, Platanenstrasse 14 D–09350, Lichtenstein, Germany, telephone: +49–37204–696–0; fax: +49–37204–696–55; e-mail: [info@centurion-engines.com](mailto:info@centurion-engines.com), for the service information identified in this AD.

#### FOR FURTHER INFORMATION CONTACT:

Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail [jason.yang@faa.gov](mailto:jason.yang@faa.gov); telephone (781) 238–7747; fax (781) 238–7199.

**SUPPLEMENTARY INFORMATION:** On March 12, 2008, the FAA issued emergency AD 2008–06–52, that applies to TAE model TAE 125–02–99 engines with a serial number from 02–02–1500 through 02–02–2279. That AD requires, before further flight, replacing the high-pressure fuel line and installing a high-pressure fuel line support. That AD resulted from reports of in-flight engine shutdown incidents on airplanes equipped with TAE 125–02–99 engines. This was found to be the result of a cracked high-pressure fuel line between the high-pressure pump and fuel rail. These cracks were caused by excessive vibration of the fuel line. This condition, if not corrected, could result in an in-flight engine shutdown or engine fire due to a cracked fuel line.

#### Relevant Service Information

We have reviewed and approved the technical contents of TAE Service Bulletin (SB) No. TM TAE 125–1005 P1, Revision 1, dated February 11, 2008, and SB No. TM TAE 125–1005 P1, Revision 2, dated March 6, 2008. Those SBs describe procedures for installing a new high-pressure fuel line and a high-pressure fuel line bracket.

#### FAA’s Determination and Requirements of This AD

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, we issued emergency AD 2008–06–52 to prevent an in-flight engine shutdown or engine fire due to a cracked fuel line. This AD requires, before further flight, replacing the high-pressure fuel line and installing a high-pressure fuel line support. You must use the service information described previously to perform the actions required by this AD.

#### FAA’s Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause existed to make the AD effective immediately on March 12, 2008, to all known U.S. owners and operators of certain TAE 125–02–99 engines. These conditions still exist, and we are publishing the AD in the **Federal Register** as an amendment to Section 39.13 of part 39 of the Code of Federal Regulations (14 CFR part 39) to make it effective to all persons.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include “AD Docket No. FAA–2008–0304; Directorate Identifier 2008–NE–08–AD” in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

We will post all comments we receive, without change, to <http://www.regulations.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 the Web site, anyone can find and read the comments in any of our dockets, including, if provided, 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).

**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 (telephone (800) 647-5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**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 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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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:

**2008-06-52 Thielert Aircraft Engines GmbH:** Amendment 39-15470. Docket No. FAA-2008-0304; Directorate Identifier 2008-NE-08-AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective April 30, 2008, to all persons except those persons to whom it was made immediately effective by emergency AD 2008-06-52, issued March 12, 2008, which contained the requirements of this amendment.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Thielert Aircraft Engines GmbH (TAE) model TAE 125-02-99 engines with a serial number (SN) from 02-02-1500 through 02-02-2279. These engines are installed on, but not limited to, Cessna 172 and (Reims-built) F172 series (STC No. SA01303WI); and Diamond DA42 airplanes.

**Unsafe Condition**

(d) This AD results from reports of in-flight engine shutdown incidents on airplanes equipped with TAE 125-02-99 engines. This was found to be the result of a cracked high-pressure fuel line between the high-pressure pump and fuel rail. These cracks were caused by excessive vibration of the fuel line. We are

issuing this AD to prevent an in-flight engine shutdown or engine fire due to a cracked fuel line.

**Compliance**

(e) You are responsible for having the actions required by this AD performed before the next flight after the effective date of this AD, unless the actions have already been done.

**Corrective Action**

(f) Before the next flight, install a new high-pressure fuel line and a high-pressure fuel line bracket using TAE Service Bulletin (SB) No. TM TAE 125-1005 P1, Revision 2, dated March 6, 2008, or TAE SB No. TM TAE 125-1005 P1, Revision 1, dated February 11, 2008.

**Alternative Methods of Compliance**

(g) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

**Special Flight Permits**

(h) We are limiting special flight permits to relocating the airplane to the next maintenance station, to a maximum flight duration of 2 hours, and to visual flight rules.

**Related Information**

(i) EASA Emergency Airworthiness Directive (EAD) No. 2008-0056R1-E, dated March 11, 2008, and EASA EAD No. 2008-0027-E, dated February 13, 2008, also address the subject of this AD.

(j) Contact Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [jason.yang@faa.gov](mailto:jason.yang@faa.gov); telephone: (781) 238-7747; 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 perform the actions required by this AD. The Director of the Federal Register approved the incorporation by reference of the documents listed in Table 1 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You can get a copy from Thielert Aircraft Engines GmbH, Platanenstrasse 14 D-09350, Lichtenstein, Germany, telephone: +49-37204-696-0; fax: +49-37204-696-55; e-mail: [info@centurion-engines.com](mailto:info@centurion-engines.com). 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.—INCORPORATION BY REFERENCE

Service Bulletin No.	Page	Revision	Date
TM TAE 125-1005 P1, Total Pages—6 .....	ALL .....	1	February 11, 2008.
TM TAE 125-1005 P1, Total Pages—6 .....	ALL .....	2	March 6, 2008.

Issued in Burlington, Massachusetts, on April 10, 2008.

Peter A. White,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E8-8118 Filed 4-14-08; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2007-29057; Airspace Docket 07-ASO-20]

#### Amendment of Class D Airspace; Jacksonville NAS, FL

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

**ACTION:** Final rule.

**SUMMARY:** This action amends the Class D airspace at Jacksonville NAS, FL. An evaluation determined the Class D airspace should be modified and extended to join the Jacksonville Cecil Field Class D airspace area. This rule increases the safety, efficiency and management of the National Airspace System at Jacksonville NAS.

**DATES:** Effective 0901 UTC, June 05, 2008. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Daryl Daniels, System Support, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5581.

#### SUPPLEMENTARY INFORMATION:

##### History

On December 10, 2007, the FAA published in the **Federal Register** a NPRM to amend the Class D at Jacksonville NAS, FL (72 FR 69639). The current Class D airspace supporting IFR operations must be extended to contain operations at Jacksonville NAS. This action provides the additional controlled airspace, extending upward from the surface of the Earth to support IFR operations between Jacksonville NAS and Jacksonville Cecil Field. The airspace is also adjusted to allow neighboring Jacksonville Herlong Airport adequate airspace for its operation.

Interested parties were invited to participate in this proposed rulemaking

by submitting such written data, views or arguments, as they may have desired on the proposal to the FAA. Minor adjustments were made to the airspace's description to enhance charting. No comments objecting to the proposal were received.

#### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class D airspace at Jacksonville NAS, FL, by providing the additional controlled airspace, extending upward from the surface of the Earth to support IFR operations between Jacksonville NAS and Jacksonville Cecil Field excluding that airspace within a 1.8-mile radius of the Jacksonville Herlong Airport.

Class D airspace designations for airspace areas extending upwards from the surface of the Earth are published in Paragraph 5000 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designations listed in this document will be published subsequently in the Order.

#### Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the Class D airspace at Jacksonville NAS.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, dated August 15, 2007, and effective September 15, 2007, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

#### ASO FL D Jacksonville NAS, FL [Revised]

Jacksonville NAS, FL  
(Lat. 30°14'09" N., long. 81°40'50" W.)  
Jacksonville TACAN  
(Lat. 30°14'05" N., long. 81°40'30" W.)  
Herlong Airport  
(Lat. 30°16'40" N., long. 81°48'21" W.)

That airspace extending upward from the surface of the Earth, to and including 2,600 feet MSL, within a 5.3-mile radius of Jacksonville NAS and within 1 mile north and 2.5 miles south of the Jacksonville TACAN 270 radial, extending from the 5.3-mile radius to 6.5 miles west of the TACAN; excluding that airspace within a 1.8-mile radius of the Herlong Airport.

\* \* \* \* \*

Issued in College Park, Georgia, on March 27, 2008.

Mark D. Ward,

Manager, System Support Group, Eastern Service Center.

[FR Doc. E8-7671 Filed 4-14-08; 8:45 am]

BILLING CODE 4910-13-P