

stakeholders of the current status of this proposed rulemaking. The NRC is inviting stakeholders to comment on the draft preliminary language. This preliminary draft rule language may be subject to significant revisions during the rulemaking process. Public input at this stage will help inform the development of the proposed rule.

The NRC will review and consider any comments received; however, the NRC will not respond to any comments received at this pre-rulemaking stage. As appropriate, the Statements of Consideration for the proposed rule will briefly discuss any substantive changes made to the preliminary draft proposed rule language as a result of comments received on this preliminary version. Stakeholders will also have an opportunity to comment on the rule language when it is published as a proposed rule in accordance with the provisions of the Administrative Procedure Act. The NRC will respond to any such comments in the Statements of Consideration for the final rule.

The NRC may post updates to the preliminary draft proposed rule language on the Federal eRulemaking Portal under Docket # NRC-2008-0120. Regulations.gov allows members of the public to set-up notifications so that they may be alerted when documents are added to a docket. Users are notified via e-mail at an e-mail address provided at the time of registration for the notification. Directions for signing up for the automatic notifications can be found at <http://www.regulations.gov>. To do so, search for the docket you are interested in and then choose "Notification," found under the title of each action.

Dated at Rockville, Maryland, this 10th day of April 2009.

For the Nuclear Regulatory Commission.

**Mark R. Shaffer,**

*Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. E9-8830 Filed 4-16-09; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0201; Directorate Identifier 2008-NE-47-AD]

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 DA42 Airplanes**

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed 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:

In-flight shutdown incidents have been reported on Diamond Aircraft Industries DA42 aircraft equipped with TAE 125 engines. Preliminary investigations showed that it was mainly the result of failure of the propeller control valve. This condition, if not corrected, could lead to further cases of engine in-flight shutdown, possibly resulting in reduced control of the aircraft.

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

**DATES:** We must receive comments on this proposed AD by May 18, 2009.

**ADDRESSES:** You may send comments by any of the following methods:

- *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.

#### **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 proposed 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.

#### **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:**

##### **Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2009-0201; Directorate Identifier 2008-NE-47-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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 proposed 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).

##### **Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008-0145, dated August 1, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products.] The MCAI states:

In-flight shutdown incidents have been reported on Diamond Aircraft Industries DA42 aircraft equipped with TAE 125 engines. Preliminary investigations showed

that it was mainly the result of failure of the propeller control valve. This condition, if not corrected, could lead to further cases of engine in-flight shutdown, possibly resulting in reduced control of the aircraft.

You may obtain further information by examining the MCAI in the AD docket.

**Differences Between This Proposed AD and the MCAI**

We have reviewed the MCAI and, in general, agree with its substance. But we have found it necessary to not reference the last sentence of the unsafe condition from the MCAI. 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 propeller control valve, could be used on other make and model airplanes in the future.

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

This product has been approved by the aviation authority of Germany and is approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA has notified us of the unsafe condition described in the MCAI. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

**Costs of Compliance**

Based on the service information, we estimate that this proposed AD would affect about 300 TAE 125-01 and TAE 125-02-99 reciprocating engines installed in Diamond Aircraft Industries Model DA42 airplanes of U.S. registry. We also estimate that it would take about 0.2 work-hour per engine to comply with this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$275 per product. Based on these figures, we estimate the cost of the proposed AD on U.S. operators for one replacement of the propeller control valve, to be \$87,300.

**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 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 this 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 and placed it in the AD docket.

**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 AD:

**Thielert Aircraft Engines GmbH:** Docket No. FAA-2009-0201; Directorate Identifier 2008-NE-47-AD.

**Comments Due Date**

(a) We must receive comments by May 18, 2009.

**Affected Airworthiness Directives (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 installed in, but not limited to, Diamond Aircraft Industries Model DA42 airplanes.

**Reason**

(d) In-flight shutdown incidents have been reported on Diamond Aircraft Industries DA42 aircraft equipped with TAE 125 engines. Preliminary investigations showed that it was mainly the result of failure of the propeller control valve. This condition, if not corrected, could lead to further cases of engine in-flight shutdown, possibly resulting in reduced control of the aircraft.

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.

(1) If the engine is installed with propeller control valve, part number (P/N) NM-0000-0124501, replace the propeller control valve no later than the following times:

TABLE 1—COMPLIANCE TIMES

If the gearbox accumulated time-since-new on the effective date of this AD is:	Then:
(i) 400 or more flight hours (FH) .....	Replace within 55 FH or during the next scheduled maintenance, whichever occurs first, after the effective date of this AD.
(ii) Fewer than 400 FH .....	Initially replace upon accumulating 300 FH (first scheduled maintenance), or within 110 FH, whichever occurs later, after the effective date of this AD.

TABLE 1—COMPLIANCE TIMES—Continued

If the gearbox accumulated time-since-new on the effective date of this AD is:	Then:
<b>Repetitive Replacements</b>	
(iii) After completing (i) or (ii) above .....	Replace the propeller control valve at intervals not to exceed 300 FH.

(2) If the engine is not installed with propeller control valve, P/N NM-0000-0124501, no action is required.

#### Alternative Methods of Compliance (AMOCs)

(f) 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

(g) Refer to MCAI EASA Airworthiness Directive 2008-0145, dated August 1, 2008.

(h) Refer to Thielert Service Bulletin TM TAE 125-0018, dated June 19, 2008 (TAE 125-01), and Thielert Service Bulletin TM TAE 125-1007 P1, dated July 11, 2008 (TAE 125-02-99) for related information.

(i) 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 a copy of this service information.

(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.

Issued in Burlington, Massachusetts, on April 13, 2009.

**Peter A. White,**

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

[FR Doc. E9-8785 Filed 4-16-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0348; Directorate Identifier 2008-NE-39-AD]

RIN 2120-AA64

#### Airworthiness Directives; Turbomeca S.A. ARRIUS 1A Turboshaft Engines

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed 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:

Cycle life limit value for ARRIUS 1A balancing piston Part Number (P/N) 0 319 20 152 0, initially set at 40 000 cycles, has been reduced to 16 000 cycles, following the discovery of a calculation error during a recent review of the ARRIUS 1 engine family files.

We are proposing this AD to prevent failure of the balancing piston, which could result in an engine in-flight-shutdown and the release of high-energy debris and damage to the helicopter.

**DATES:** We must receive comments on this proposed AD by May 18, 2009.

**ADDRESSES:** You may send comments by any of the following methods:

- **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.

#### 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 proposed 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.

#### FOR FURTHER INFORMATION CONTACT:

James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [james.lawrence@faa.gov](mailto:james.lawrence@faa.gov);

telephone (781) 238-7176; fax (781) 238-7199.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2009-0348; Directorate Identifier 2008-NE-39-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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 proposed 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).

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008-0133, dated July 17, 2008, [(referred to after this as "the MCAI"), to correct an unsafe condition for the specified products]. The MCAI states:

Cycle life limit value for ARRIUS 1A balancing piston Part Number (P/N) 0 319 20 152 0, initially set at 40 000 cycles, has been reduced to 16 000 cycles, following the discovery of a calculation error during a recent review of the ARRIUS 1 engine family files.

As of the publication date of this Airworthiness Directive, no ARRIUS 1A engines in service are fitted with a balancing piston that has logged more than 16 000 cycles, and the outlook for the consumption