

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-1116; Directorate Identifier 2009-CE-061-AD]

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:** 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) originated 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.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by January 14, 2010.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### 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 proposed AD, 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.

#### 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:

##### 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-2009-1116; Directorate Identifier 2009-CE-061-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 because of 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 we receive about this proposed AD.

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2009-0211, dated October 6, 2009 (referred to after this as "the MCAI"), 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.

#### Relevant Service Information

PIAGGIO AERO INDUSTRIES S.p.A. has issued Service Bulletin (Mandatory) N.: SB-80-0267Rev.0, dated May 19, 2009; and Service Bulletin (Mandatory) N.: SB-80-0267Rev.1, dated June 16, 2009. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of the Proposed AD

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

#### Differences Between This Proposed 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 proposed 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 proposed AD.

### Costs of Compliance

We estimate that this proposed 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 proposed 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 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, Incorporation by reference, 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:

#### PIAGGIO AERO INDUSTRIES S.p.A.:

Docket No. FAA-2009-1116; Directorate Identifier 2009-CE-061-AD.

#### Comments Due Date

(a) We must receive comments by January 14, 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 the effective date of this AD, when the airplane reaches a total of 3,600 hours time-in-service or within the next 30 days 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 ensure 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.

Issued in Kansas City, Missouri, on November 20, 2009.

**Margaret Kline,**

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

[FR Doc. E9-28585 Filed 11-27-09; 8:45 am]

BILLING CODE 4910-13-P

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

[Docket No. SSA-2009-0037]

RIN 0960-AG91

#### Revised Medical Criteria for Evaluating Skin Disorders

**AGENCY:** Social Security Administration.  
**ACTION:** Advance Notice of Proposed Rulemaking; Correction.

**SUMMARY:** This document corrects the Docket No. to the Advance Notice of Proposed rulemaking that published in the **Federal Register** on November 10, 2009, regarding the request for comments on whether and how we should revise the criteria in our Listing of Impairments for evaluating skin disorders in adults and children. In that document, we cited the incorrect docket number for the Advance Notice of Proposed Rulemaking.

**DATES:** To be sure that we consider your comments, we must receive them by no later than January 11, 2010.

**FOR FURTHER INFORMATION CONTACT:** Jane Deweib, Social Insurance Specialist, Office of Medical Listings Improvement, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, (410) 965-1020.

#### SUPPLEMENTARY INFORMATION:

##### Correction

The Advance Notice of Proposed Rulemaking published on November 10, 2009 (74 FR 57972) showed a Docket No. of SSA-2009-0057. The correct Docket No. is SSA-2009-0037.

In FR Doc. E9-27033 appearing on page 57972 in the **Federal Register** of Tuesday, November 10, 2009, make the following corrections in the Headings and the Addresses sections. On page

57972, in the second column, in the Headings section change "Docket No. SSA-2009-0057" to "Docket No. SSA-2009-0037." In the third column, the eighth line of the first paragraph under "Addresses" change "Docket No. SSA-2009-0057" to "Docket No. SSA-2009-0037." In the third column, the seventh line of the third paragraph titled "1. Internet" change "Docket No. SSA-2009-0057" to "Docket No. SSA-2009-0037."

Dated November 20, 2009.

**Dean Landis,**

*Associate Commissioner for Regulations, Social Security Administration.*

[FR Doc. E9-28367 Filed 11-27-09; 8:45 am]

BILLING CODE 4191-02-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 669

[FHWA Docket No. FHWA-2009-0098]

RIN 2125-AF32

#### Certification of Enforcement of the Heavy Vehicle Use Tax

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); request for comments.

**SUMMARY:** This notice sets forth updated FHWA procedures for enforcement of the State registration of vehicles subject to the Heavy Vehicle Use Tax (HVUT). The intent of these actions is to bring FHWA's HVUT regulations up-to-date to be consistent with many changes that have impacted the regulation over the last two decades.

**DATES:** Comments must be received on or before March 1, 2010.

**ADDRESSES:** Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or submit electronically at <http://www.regulations.gov>. All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal Holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically.

#### FOR FURTHER INFORMATION CONTACT:

Ralph Erickson, Highway Funding and Motor Fuels Team Leader, Office of Policy, HPPI-10, (202) 366-9235, or Raymond W. Cuprill, Office of the Chief Counsel, (202) 366-0791, Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access and Filing

You may submit or retrieve comments online through the Federal Docket Management System at: <http://www.regulations.gov>. Regulations.gov is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site.

An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at: <http://www.gpoaccess.gov/fr/index.html> and the Government Printing Office's Web page at: <http://www.gpoaccess.gov>.

##### Background

In the Surface Transportation Assistance Act of 1982, Congress established the HVUT. The purpose of the tax is to impose a road use charge that has some relation to the costs occasioned by the vehicle (heavier vehicles cause more road damage than light vehicles, and therefore should pay a higher highway funding contribution). The FHWA Cost Allocation studies<sup>1</sup> demonstrated that damage to the roadway resulting from a doubling of the weight of a vehicle caused an exponential increase in the amount of damage to the roadway than would have been caused by the lower weight. To compensate for this additional damage (costs occasioned), Congress established the HVUT as a way to recover from those vehicles the additional costs they impose. Very briefly, the HVUT imposes a tax on vehicles with a gross vehicle weight of 55,000 pounds and over using a sliding scale up to \$550 per year payable to the Internal Revenue Service (IRS). When the HVUT has been paid the vehicle is eligible to be registered by the State. Provisions allow for

<sup>1</sup> Final Report on the Federal Highway Cost Allocation Study: Report of the Secretary of Transportation to the United States Congress Pursuant to Section 506 Public Law 95-599, Surface Transportation Assistance Act of 1978: U.S. Department of Transportation, May, 1982. Federal Highway Cost Allocation Study: U.S. Department of Transportation, August, 1997.