

Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; e-mail [me.boecom@boeing.com](mailto: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 or 425-227-1152.

(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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, WA, on June 11, 2009.

**Ali Bahrami,**

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. E9-15405 Filed 7-7-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0446; Directorate Identifier 2009-CE-024-AD; Amendment 39-15960; AD 2009-14-10]

RIN 2120-AA64

#### Airworthiness Directives; EADS-PZL "Warszawa-Okęcie" S.A. Model PZL-104 WILGA 80 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding an existing 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:

An inspection of a PZL-104 aeroplane that had a relatively long operational background revealed a severe corrosion of the steel front fuselage structural elements.

It is likely that such corrosion can also be present on other aeroplanes of similar design and operational history.

If left uncorrected, this condition could lead to loss of strength of the structural front posts elements and consequent reduction of the structural strength of the aeroplane.

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective August 12, 2009.

On August 12, 2009, the Director of the Federal Register approved the incorporation by reference of PZL-104 Wilga 80 Maintenance Manual, pages 5-4 and 25-10, dated April 7, 2009, listed in this AD.

As of May 18, 2009 (74 FR 18979; April 27, 2009), the Director of the Federal Register approved the incorporation by reference of EADS-PZL "Warszawa-Okęcie" S.A. Mandatory Bulletin No. 10409036, dated March 18, 2009, listed in this AD.

**ADDRESSES:** 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:

Doug Rudolph, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; fax: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (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 May 12, 2009 (74 FR 22127), and proposed to supersede AD 2009-09-04, Amendment 39-15890 (74 FR 18979, April 27, 2009). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

An inspection of a PZL-104 aeroplane that had a relatively long operational background revealed a severe corrosion of the steel front fuselage structural elements.

It is likely that such corrosion can also be present on other aeroplanes of similar design and operational history.

If left uncorrected, this condition could lead to loss of strength of the structural front posts elements and consequent reduction of the structural strength of the aeroplane.

For the reason stated above, this Airworthiness Directive (AD) mandates inspecting the fuselage front posts, repairing any corrosion found and replacing pads made of foam rubber by pads made of Neoprene to prevent water ingress.

The Administrative Procedure Act does not permit including long-term requirements in an urgent safety of flight action where the rule becomes effective at the same time the public has

the opportunity to comment. We analyzed the short-term action and the long-term actions of the MCAI separately to determine the necessity of public notice. Therefore, AD 2009-09-04 addressed the initial short-term inspection requirement of the MCAI, but we did not include the required long-term repetitive inspections in the immediately adopted rule. We proposed the long-term repetitive inspections in the NPRM to allow public comment.

The NPRM retained the short-term initial inspection and proposed the mandatory long-term action of repetitively inspecting the fuselage front posts through a revision to the airplane maintenance program.

#### 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 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 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 required 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 AD.

#### Costs of Compliance

We estimate that this AD will affect 26 products of U.S. registry. We also estimate that it will take about 50 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$150 per product.

Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$107,900 or \$4,150 per product.

In addition, we estimate that any necessary follow-on actions would take about 10 work-hours and require parts costing \$0, for a cost of \$800 per product. We have no way of

determining the number of products that may need these actions.

### 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 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 Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, 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.

### 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 removing Amendment 39-15890 (74 FR 18979; April 27, 2009) and adding the following new AD:

**2009-14-10 EADS-PZL Warszawa-Okecie S.A.:** Amendment 39-15960; Docket No. FAA-2009-0446; Directorate Identifier 2009-CE-024-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective August 12, 2009.

#### Affected ADs

(b) This AD supersedes AD 2009-09-04, Amendment 39-15890.

#### Applicability

(c) This AD applies to Model PZL-104 WILGA 80 airplanes, all serial numbers, certificated in any category.

#### Subject

(d) Air Transport Association of America (ATA) Code 53: Fuselage.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

An inspection of a PZL-104 aeroplane that had a relatively long operational background revealed a severe corrosion of the steel front fuselage structural elements.

It is likely that such corrosion can also be present on other aeroplanes of similar design and operational history.

If left uncorrected, this condition could lead to loss of strength of the structural front posts elements and consequent reduction of the structural strength of the aeroplane.

For the reason stated above, this Airworthiness Directive (AD) mandates inspecting the fuselage front posts, repairing any corrosion found and replacing pads made of foam rubber by pads made of Neoprene to prevent water ingress.

#### Actions and Compliance

(f) Unless already done, do the following actions:

(1) Within 12 years from date of manufacture or within the next 2 months after May 18, 2009 (the effective date of AD 2009-09-04), whichever occurs later, inspect

the fuselage front posts for signs of corrosion following paragraph 6.A. of EADS PZL "Warszawa-Okecie" S.A. Mandatory Bulletin No. 10409036, dated March 18, 2009.

(2) If corrosion or any corrosion damage is found during the inspection required in paragraph (f)(1) of this AD, before further flight, repair or replace any parts where corrosion or corrosion damage was found in accordance with an FAA-approved repair solution obtained from EADS-PZL "Warszawa-Okecie" S.A., Aleja Krakowska 110/114, 00-971 Warszawa, Poland; telephone: +48 22 577 22 11; fax: +48 22 577 22 03; e-mail: [eadsplz@plz.eads.net](mailto:eadsplz@plz.eads.net).

(3) Within 12 years from date of manufacture or within the next 2 months after May 18, 2009 (the effective date of AD 2009-09-04), whichever occurs later, replace the rear glass padding following paragraph 6.C. of EADS PZL "Warszawa-Okecie" S.A. Mandatory Bulletin No. 10409036, dated March 18, 2009.

(4) Within 2 months after August 12, 2009 (the effective date of this AD), amend the approved operator's airplane maintenance program to incorporate the applicable tasks as described in PZL-104 Wilga 80 Maintenance Manual, pages 5-4 and 25-10, dated April 7, 2009.

#### 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:* Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; 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 assure 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) MCAI European Aviation Safety Agency (EASA) AD No.: 2009-0072, dated March 31, 2009, EADS PZL "Warszawa-

Okęcie” S.A. Mandatory Bulletin No. 10409036, dated March 18, 2009; and PZL–104 Wilga 80 Maintenance Manual, pages 5–4 and 25–10, dated April 7, 2009, for related information.

#### Material Incorporated by Reference

(h) You must use EADS PZL “Warszawa-Okęcie” S.A. Mandatory Bulletin No. 10409036, dated March 18, 2009; and PZL–104 Wilga 80 Maintenance Manual, pages 5–4 and 25–10, dated April 7, 2009, 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 PZL–104 Wilga 80 Maintenance Manual, pages 5–4 and 25–10, dated April 7, 2009, under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On May 18, 2009 (74 FR 18979; April 27, 2009), the Director of the Federal Register previously approved the incorporation by reference of EADS PZL “Warszawa-Okęcie” S.A. Mandatory Bulletin No. 10409036, dated March 18, 2009.

(3) For service information identified in this AD, contact EADS–PZL “Warszawa-Okęcie” S.A., Aleja Krakowska 110/114, 00–971 Warszawa, Poland; telephone: +48 22 577 22 11; fax: +48 22 577 22 03; e-mail: eadsplz@plz.eads.net; Internet: [http://www.eads.net/1024/en/businet/airbus/airbus\\_military/pzl/pzl.html](http://www.eads.net/1024/en/businet/airbus/airbus_military/pzl/pzl.html).

(4) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329–3768.

(5) You may also review copies of the service information incorporated by reference for this AD 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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Kansas City, Missouri, on June 30, 2009.

Scott A. Horn,

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

[FR Doc. E9–15917 Filed 7–7–09; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG–2009–0302]

RIN 1625–AA08

### Special Local Regulation, Maggie Fischer Memorial Great South Bay Cross Bay Swim, Great South Bay, NY

AGENCY: Coast Guard, DHS.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Coast Guard is establishing a permanent Special Local Regulation on Great South Bay, NY between Gilbert Park, Brightwaters, NY and Fire Island Lighthouse Dock, Fire Island, NY due to the annual Maggie Fischer Memorial Great South Bay Cross Bay Swim. This Special Local Regulation is necessary to provide for the swimmers’ safety of life on the navigable waters of Great South Bay, NY. Entry into this regulated area is prohibited unless authorized by the Captain of the Port Long Island Sound, New Haven, CT.

**DATES:** This interim rule is effective July 23, 2009. Comments and related material must reach the Coast Guard on or before September 8, 2009.

**ADDRESSES:** You may submit comments identified by docket number USCG–2009–0302 using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this interim rule, call or e-mail: MSTC Christie Dixon, Prevention Department, USCG Sector Long Island Sound at 203–468–4459, [christie.m.dixon@uscg.mil](mailto:christie.m.dixon@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

#### SUPPLEMENTARY INFORMATION:

#### Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

#### Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2009–0302), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand delivery, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, select the Advanced Docket Search option on the right side of the screen, insert “USCG–2009–0302” in the Docket ID box, press Enter, and then click on the balloon shape in the Actions column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

#### Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, select the Advanced Docket Search option on the right side of the screen, insert USCG–2009–0302 in the Docket ID box, press Enter, and then click on the item in the Docket ID column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.