

rate of the battery automatically, so as to prevent battery overheating or overcharging, and

(i) A battery temperature sensing and over-temperature warning system with a means for automatically disconnecting the battery from its charging source in the event of an over-temperature condition, or,

(ii) A battery failure sensing and warning system with a means for automatically disconnecting the battery from its charging source in the event of battery failure.

(8) Any Li-Poly battery installation whose function is required for safe operation of the airplane, must incorporate a monitoring and warning feature that will provide an indication to the appropriate flight crewmembers, whenever the capacity and state of charge of the batteries have fallen below levels considered acceptable for dispatch of the airplane.

(9) The Instructions for Continued Airworthiness (ICAW) must contain recommended manufacturer's maintenance and inspection requirements to ensure that batteries, including single cells, meet a safety function level essential to the aircraft's continued airworthiness.

(i) The ICAW must contain operating instructions and equipment limitations in an installation maintenance manual.

(ii) The ICAW must contain installation procedures and limitation in a maintenance manual, sufficient to ensure that cells or batteries, when installed according to the installation procedures, still meet safety functional levels, essential to the aircraft's continued airworthiness. The limitation must identify any unique aspects of the installation.

(iii) The ICAW must contain corrective maintenance procedures to functionally check battery capacity at manufacturers recommended inspection intervals.

(iv) The ICAW must contain scheduled servicing information to replace batteries at manufacturers recommended replacement time.

(v) The ICAW must contain maintenance inspection requirements to visually check for a battery and/or charger degradation.

(10) The ICAW must contain maintenance procedures to check, at manufacturer's recommended inspection intervals, the function of any batteries in a rotating stock (spares) that experience degraded charge retention capability or other damage due to prolonged storage.

(11) System Safety Assessment process should address the software and complex hardware levels for the

sensing, monitoring and warning systems, if these systems contain complex devices. The functional hazard assessment (FHA) for the system is required based on the intended functions described. The criticality of the specific functions will be determined by the safety assessment process for compliance with 14 CFR part 23, § 23.1309, and Advisory Circular 23.1309-1C contains acceptable means for accomplishing this requirement. For determining the failure condition, the criticality of a function will include the mitigating factors. The failure conditions must address the loss of function and improper operations.

It should be noted that these special conditions are not intended to replace 14 CFR part 23, § 23.1353 in the certification basis of the Spectrum model S-40 airplanes. The special conditions apply only to Li-Poly batteries and battery installations. The battery requirements of 14 CFR part 23, § 23.1353 would remain in effect for batteries and battery installations on the Spectrum airplane that do not utilize Li-Poly chemistry.

Issued in Kansas City, Missouri on April 7, 2009.

John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-8582 Filed 4-14-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-0347; Directorate Identifier 2009-CE-022-AD; Amendment 39-15883; AD 2009-08-10]

RIN 2120-AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-12/47E Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above that will supersede an existing AD. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Field reports have indicated that the possibility exists that both Primary Flight Displays (PFDs) could indicate a roll attitude offset of up to 10 degrees in the same direction if an accelerated turn onto the active runway is performed immediately followed by take-off. This condition has been reported to correct itself after several minutes.

This situation, if not corrected, could result in an undesired bank angle, which would constitute an unsafe condition.

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective April 20, 2009.

On April 20, 2009, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

We must receive comments on this AD by May 15, 2009.

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 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:

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

SUPPLEMENTARY INFORMATION:

Discussion

On February 12, 2009, we issued AD 2009-04-14, Amendment 39-15820 (74 FR 7810; February 20, 2009). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2009–04–14, we have received new MCAI that requires a revision of the operational procedures to be inserted into the pilot's operating handbook (POH).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued Emergency AD No. 2009–0080–E, dated April 3, 2009 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Field reports have indicated that the possibility exists that both Primary Flight Displays (PFDs) could indicate a roll attitude offset of up to 10 degrees in the same direction if an accelerated turn onto the active runway is performed immediately followed by take-off. This condition has been reported to correct itself after several minutes.

This situation, if not corrected, could result in an undesired bank angle, which would constitute an unsafe condition.

As an interim measure, EASA Emergency AD 2009–0028–E required the introduction of a maximum bank angle during climb. As a result of the ongoing investigation, the problem can be temporarily solved with some limitations in the take-off procedure.

For the reason described above, this AD supersedes EASA AD 2008–0028–E and requires a revision of the operational procedures to be inserted into the POH. This action is still considered to be an interim solution and further AD action is likely to follow.

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

Relevant Service Information

Pilatus Aircraft Ltd. has issued Temporary Revision No. 11 to PC–12/47E Pilot's Operating Handbook, Report No. 02277, dated March 18, 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 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 issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

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 have also required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the AD. These requirements take precedence over those copied from the MCAI.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the current FAA AD and the previous EASA emergency AD are not satisfying the unsafe condition. Operators must follow the new procedures to assure the unsafe condition is adequately addressed. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2009–0347; Directorate Identifier 2009–CE–022–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

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 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); 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.

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 39–15820 (74 FR 7810; February 20, 2009), and adding the following new AD:

2009–08–10 Pilatus Aircraft Ltd:

Amendment 39–15883; Docket No. FAA–2009–0347; Directorate Identifier 2009–CE–022–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective April 20, 2009.

Affected ADs

(b) This AD supersedes AD 2009–04–14, Amendment 39–15820.

Applicability

(c) This AD applies to Models PC–12/47E airplanes, manufacturer serial numbers (MSN) 545 and MSN 1001 and subsequent, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 34: Navigation.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states: Field reports have indicated that the possibility exists that both Primary Flight Displays (PFDs) could indicate a roll attitude offset of up to 10 degrees in the same direction if an accelerated turn onto the active runway is performed immediately followed by take-off. This condition has been reported to correct itself after several minutes.

This situation, if not corrected, could result in an undesired bank angle, which would constitute an unsafe condition.

As an interim measure, EASA Emergency AD 2009–0028–E required the introduction of a maximum bank angle during climb. As a result of the ongoing investigation, the problem can be temporarily solved with some limitations in the take-off procedure.

For the reason described above, this AD supersedes EASA AD 2008–0028–E and requires a revision of the operational procedures to be inserted into the POH. This action is still considered to be an interim solution and further AD action is likely to follow.

Actions and Compliance

(f) Unless already done, before further flight as of April 20, 2009 (the effective date of this AD), do the following actions:

(1) Incorporate Pilatus Aircraft Ltd. Temporary Revision No. 11 to PC–12/47E Pilot's Operating Handbook, Report No. 02277, dated March 18, 2009, into the Pilatus PC–12/47E POH.

(2) Remove the information and/or the copy of AD 2009–04–14 required by AD 2009–04–14 to be inserted in the POH.

(3) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations 14 CFR 43.7 may do the actions required in this AD. Make an entry in the aircraft records showing compliance with this portion of the AD following 14 CFR 43.9.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows:

(1) Since we never allowed incorporating Temporary Revision No. 9, dated January 30, 2009, into the POH, we are not requiring the removal of Temporary Revision No. 9, dated January 30, 2009, as the MCAI requires.

(2) Current regulations (1 CFR 51.7) do not allow us to both incorporate by reference a service document and write the provisions of that document in the AD. We have chosen to incorporate by reference the temporary revision.

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) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2009–0080–E, dated April 3, 2009, and Pilatus Aircraft Ltd. Temporary Revision No. 11 to PC–12/47E Pilot's Operating Handbook, Report No. 02277, dated March 18, 2009, for related information.

Material Incorporated by Reference

(i) You must use Pilatus Aircraft Ltd. Temporary Revision No. 11 to PC–12/47E Pilot's Operating Handbook, Report No. 02277, dated March 18, 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 this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Pilatus Aircraft Ltd., Customer Service Manager, CH–6371 STANS, Switzerland; *telephone:* +41 (0)41 619 62 08; *fax:* +41 (0)41 619 73 11; *Internet:*

www.pilatus-aircraft.com/, or e-mail: *SupportPC12@pilatus-aircraft.com*. You may get Pilatus Aircraft Ltd. Temporary Revision No. 11 to PC–12/47E Pilot's Operating Handbook, Report No. 02277, dated March 18, 2009, from the Web site of the Swiss Federal Office of Civil Aviation (FOCA): *http://www.bazl.admin.ch/fachleute/lufttechnik/entwicklung/00677/index.html?lang=en*.

(3) 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.

(4) 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*.

Issued in Kansas City, Missouri on April 8, 2009.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–8516 Filed 4–14–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2009–0124 Directorate Identifier 2009–CE–004–AD; Amendment 39–15882; AD 2009–08–09]

RIN 2120–AA64

Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new 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:

A damaged wiring harness which caused the air conditioning system circuit breaker to trip and evidencing a local overheating has been found on an in-service aircraft.

The investigation revealed that the damage (chafed wires) found on the wiring harness resulted from an interference with the under-floor attachment fittings of the cabin partition