

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

[Docket No. FAA-2011-0504; Directorate Identifier 2011-CE-014-AD; Amendment 39-16702; AD 2011-11-03]

RIN 2120-AA64

**Airworthiness Directives; Various Aircraft Equipped With Rotax Aircraft Engines 912 A Series Engine**

**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. 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:

During a production process review, a deviation in hardening of certain Part Number (P/N) 944072 washers has been detected, which exceeds the hardness of the design specification.

The affected washers are part of the magneto ring flywheel hub installation and have been installed on a limited number of engines. No defective washers have been shipped as spare parts.

This condition, if not corrected, could lead to cracks in the washer, loosening of the magneto flywheel hub and consequent ignition failure, possibly resulting in damage to the engine, in-flight engine shutdown and forced landing, damage to the aeroplane and injury to occupants.

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

**DATES:** This AD becomes effective June 16, 2011.

On June 16, 2011, 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 July 18, 2011.

**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.

For service information identified in this AD, contact BRP-Rotax GmbH & Co. KG, Welser Strasse 32, A-4623 Gunskirchen, Austria; phone: +43 7246 601 0; fax: +43 7246 601 9130; Internet: <http://www.rotax-aircraft-engines.com>. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

**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:**

Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090; e-mail: [sarjapur.nagarajan@faa.gov](mailto:sarjapur.nagarajan@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2011-0067-E, dated April 15, 2011 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

During a production process review, a deviation in hardening of certain Part Number (P/N) 944072 washers has been detected, which exceeds the hardness of the design specification.

The affected washers are part of the magneto ring flywheel hub installation and have been installed on a limited number of engines. No defective washers have been shipped as spare parts.

This condition, if not corrected, could lead to cracks in the washer, loosening of the magneto flywheel hub and consequent ignition failure, possibly resulting in damage to the engine, in-flight engine shutdown and forced landing, damage to the aeroplane and injury to occupants.

For the reasons described above, this AD requires, for the affected engines, the

replacement of the P/N 944072 washer and associated gasket ring P/N 950141 with serviceable parts, having the same P/N.

This AD also prohibits installation of an affected engine on an aeroplane, unless the washer on that engine has been replaced as required by this AD.

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

**Relevant Service Information**

Rotax Aircraft Engines has issued Mandatory Service Bulletin SB-912-058 and SB-914-041 (same document), dated April 15, 2011. 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 cracks in the washer of the magneto ring flywheel hub could cause loosening of the magneto flywheel hub. This failure could result in ignition

failure and/or damage to the engine, causing in-flight engine shutdown leading to a forced landing. A forced landing could result in damage to the airplane and injury to the occupants. 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-2011-0504; Directorate Identifier 2011-CE-014-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.

Costs of Compliance

We estimate that this AD will affect 475 products of U.S. registry. We also estimate that it would take about 24 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$20 per product.

Based on these figures, we estimate the cost of the AD on U.S. operators to be \$978,500, or \$2,060 per product. According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

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 adding the following new AD:

2011-11-03 Various Aircraft: Amendment 39-16702; Docket No. FAA-2011-0504; Directorate Identifier 2011-CE-014-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective June 16, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all serial numbers of the following aircraft, equipped with a Rotax Aircraft Engines 912 A series engine, serial number 4,410.888 through 4,410.899, installed and certificated in any category:

Type certificate holder	Aircraft model	Engine model
Aeromot-IndustriaMecanico Metalurgica Ltda .....	AMT-200 and AMT-300 .....	912 A2
Diamond Aircraft Industries GmbH .....	H-36 "DIMONA" and HK 36 R "SUPER DIMONA" .....	912 A
Diamond Aircraft Industries Inc. ....	DA20-A1 .....	912 A3
HOAC-Austria .....	DV 20 KATANA .....	912 A3
Iniziativa Industriali Italiane S.p.A .....	Sky Arrow 650 TC, Sky Arrow 650 TCN, and Sky Arrow 650TCNS.	912 A2 or 912 A3
SCHEIBE-Flugzeugbau GmbH .....	SF 25C .....	912 A2

Subject

(d) Air Transport Association of America (ATA) Code 74: Ignition.

Reason

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

During a production process review, a deviation in hardening of certain Part Number (P/N) 944072 washers has been detected, which exceeds the hardness of the design specification.

The affected washers are part of the magneto ring flywheel hub installation and

have been installed on a limited number of engines. No defective washers have been shipped as spare parts.

This condition, if not corrected, could lead to cracks in the washer, loosening of the magneto flywheel hub and consequent ignition failure, possibly resulting in damage

to the engine, in-flight engine shutdown and forced landing, damage to the aeroplane and injury to occupants.

For the reasons described above, this AD requires, for the affected engines, the replacement of the P/N 944072 washer and associated gasket ring P/N 950141 with serviceable parts, having the same P/N.

This AD also prohibits installation of an affected engine on an aeroplane, unless the washer on that engine has been replaced as required by this AD.

#### Actions and Compliance

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

(1) Within the next 10 hours time-in-service (TIS) after June 16, 2011 (the effective date of this AD) or within 4 months after June 16, 2011 (the effective date of this AD), whichever occurs first, replace washer, part number (P/N) 944072, and associated gasket ring, P/N 950141, on the magneto ring flywheel hub with FAA-approved serviceable parts with the same P/Ns. Do the replacements following the Accomplishment Instructions in Rotax Aircraft Engines Mandatory Service Bulletin SB-912-058 and SB-914-041 (same document), dated April 15, 2011.

(2) As of June 16, 2011 (the effective date of this AD), do not install a Rotax Aircraft Engines 912 A series engine listed in paragraph (c) of this AD unless the washer, P/N 944072, and the gasket ring, P/N 950141, have been replaced as required in paragraph (f)(1) of this AD.

#### FAA AD Differences

**Note:** This AD differs from the MCAI and/or service information as follows: EASA AD 2011-0067-E, dated April 15, 2011, requires returning the removed P/N 944072 to Rotax Aircraft Engines. We are not requiring this because FAA regulation, specifically 14 CFR 43.10, already requires disposition of unairworthy parts.

#### 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 assure the product is airworthy before it is returned to service.

(3) **Reporting Requirements:** For any reporting requirement in this AD, a federal

agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave., SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

#### Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2011-0067-E, dated April 15, 2011, and Rotax Aircraft Engines Mandatory Service Bulletin SB-912-058 and SB-914-041 (same document), dated April 15, 2011, for related information.

#### Material Incorporated by Reference

(i) You must use Rotax Aircraft Engines Mandatory Service Bulletin SB-912-058 SB-914-041, dated April 15, 2011, 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 BRP-Rotax GmbH & Co. KG, Welser Strasse 32, A-4623 Gunskirchen, Austria; phone: +43 7246 601 0; fax: +43 7246 601 9130; Internet: <http://www.rotax-aircraft-engines.com>.

(3) You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

(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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Kansas City, Missouri, on May 10, 2011.

#### Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011-13336 Filed 5-31-11; 8:45 am]

**BILLING CODE 4910-13-P**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 259

#### Guide Concerning Fuel Economy Advertising for New Automobiles

**AGENCY:** Federal Trade Commission.

**ACTION:** Postponement of amendment of guide.

**SUMMARY:** The Federal Trade Commission (“FTC” or “Commission”) gives notice that it is postponing any amendments to its Guide Concerning Fuel Economy Advertising for New Automobiles (“Fuel Economy Guide” or “Guide”) pending completion of ongoing review by the Environmental Protection Agency (“EPA”) and the National Highway Traffic Safety Administration (“NHTSA”) of current fuel economy labeling requirements and the Commission’s accelerated regulatory review of its own Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles Rule (“Alternative Fuels Rule”).

**DATES:** This action is effective as of June 1, 2011.

**ADDRESSES:** Requests for copies of this notice should be sent to the Consumer Response Center, Room 113, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580. The notice is also available on the Internet at the Commission’s Web site, <http://www.ftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Hampton Newsome at (202) 326-2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** The Commission adopted the Fuel Economy Guide<sup>1</sup> in 1975 to prevent deceptive fuel economy advertising for new automobiles and to facilitate the use of fuel economy information in such advertising. The Guide helps advertisers of new automobiles avoid making unfair or deceptive claims.<sup>2</sup> To accomplish this goal, the Fuel Economy Guide advises marketers to disclose established fuel economy estimates (e.g.,

<sup>1</sup> 16 CFR part 259.

<sup>2</sup> The Commission issues industry guides, such as the Fuel Economy Guide, to help marketers avoid making advertising claims that are unfair or deceptive under Section 5 of the FTC Act, 15 U.S.C. 45. Guides such as these are administrative interpretations of the law. Therefore, they do not have the force and effect of law and are not independently enforceable. The Commission, however, can take action under the FTC Act if a marketer makes a fuel economy claim inconsistent with the Guide. In any such enforcement action, the Commission must prove that the challenged act or practice is unfair or deceptive.