Actions	Compliance	Procedures
(4) If cracks are found during any inspection required in paragraph (e)(1), (e)(2), and (e)(3) of this AD, replace the MLG actuator with one of the following: (i) MLG actuator P/N 114–380041–15 (or FAA-approved equivalent P/N) or 114–380041–15OVH that is new or has been inspected following paragraphs (e)(1), (e)(2), and (e)(3) of this AD and has been found to not have cracks; or (ii) An FAA-approved actuator. Installation of an MLG actuator P/N other than 114–380041–11 (or FAA-approved equivalent P/N), 114–380041–13 (or FAA-approved equivalent P/N), 114–380041–15 (or FAA-approved equivalent P/N), or 114–380041–15OVH terminates the inspection requirements of paragraphs (e)(1), (e)(2), and (e)(3) of this AD.	Before further flight after the inspection where the cracks are found.	(A) *For Hawker Beechcraft parts:* Follow Hawker Beechcraft Mandatory Service Bulletin SB 32–3870, dated April 2008. (B) *For PMA by identicality:* Either contact the ACO using the contact information in paragraph (g)(2) of this AD for FAA–approved procedures provided by the PMA holder; or install Hawker Beechcraft parts and follow Hawker Beechcraft Mandatory Service Bulletin SB 32–3870, dated April 2008, and follow any inspection required by this AD.
(5) Do not install any MLG actuator P/N 114–380041–11 (or FAA-approved equivalent P/N) or 114–380041–13 (or FAA-approved equivalent P/N).	As of the effective date of this AD.	Not applicable.

(f) If the number of cycles is unknown, calculate the compliance times of cycles in this AD by using hours time-in-service (TIS). Multiply the number of hours TIS on the MLG actuator by 4 to come up with the number of cycles. For the purposes of this AD:

(1) 600 cycles equals 150 hours TIS; and

(2) 1,200 cycles equals 300 hours TIS.

(g) If cracks are found during any inspection required in paragraphs (e)(1), (e)(2), or (e)(3) of this AD, report the size and location of the cracks to the FAA within 10 days after the cracks are found or within 10 days after the effective date of this AD, whichever occurs later.

(1) Send report to Don Ristow, Aerospace Engineer, Wichita ACO, 1801 Airport Road, Room 100, Wichita, Kansas 67209; e-mail: *donald.ristow@faa.gov.*

(2) The Office of Management and Budget (OMB) approved the information collection requirements contained in this regulation under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and assigned OMB Control Number 2120–0056.

Alternative Methods of Compliance (AMOCs)

(h) The Manager, Wichita Aircraft Certification Office (ACO), 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: Don Ristow, Aerospace Engineer, 1801 Airport Road, Room 100, Wichita, Kansas 67209; *telephone:* (316) 946–4120; *fax:* (316) 946–4107. 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.

Related Information

(i) To get copies of the service information referenced in this AD, contact Hawker Beechcraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085; *telephone:* (800) 429–5372 or (316) 676–3140; *Internet: http://pubs.hawkerbeechcraft.com.* To view the AD docket, go to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at *http://dms.dot.gov.* The docket number is Docket No. FAA–2008–1312; Directorate Identifier 2008–CE–065–AD.

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

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–20866 Filed 8–28–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0800; Directorate Identifier 2009–CE–041–AD]

RIN 2120–AA64

Airworthiness Directives; Scheibe-Flugzeugbau GmbH Models Bergfalke-III, Bergfalke-II/55, SF 25C, and SF–26A Standard Gliders

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:

The manufacturer has advised of receiving a report of looseness of the drive arm of the mechanical elevator trim tab, found during an annual inspection. This kind of damage is likely caused by penetrated humidity over the years.

If left uncorrected, this condition could lead to the separation of the drive arm which could result in flutter of the elevator and possible loss of control of the aircraft.

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 October 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 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: Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4130; *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–2009–0800; Directorate Identifier 2009–CE–041–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.: 2009–0132, dated June 23, 2009 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The manufacturer has advised of receiving a report of looseness of the drive arm of the mechanical elevator trim tab, found during an annual inspection. This kind of damage is likely caused by penetrated humidity over the years.
>
> If left uncorrected, this condition could lead to the separation of the drive arm which could result in flutter of the elevator and possible loss of control of the aircraft.
>
> For the reasons stated above, this new Airworthiness Directive mandates repetitive inspections for solid fixation of the drive arms of the mechanical elevator trim tabs.

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

Relevant Service Information

Scheibe-Flugzeugbau GmbH has issued Service Bulletin No. 104–24/1; No. 232–6/1; and No. 653–91/1 (same document), dated June 25, 2009; and Scheibe-Flugzeugbau GmbH Work Instruction No. 104–24; No. 232–6; and No. 653–91 (same document), dated March 23, 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 5 products of U.S. registry. We also estimate that it would take about 8 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $14 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $3,270, or $654 per product.

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:

Scheibe-Flugzeugbau GmbH: Docket No. FAA–2009–0800; Directorate Identifier 2009–CE–041–AD.

Comments Due Date

(a) We must receive comments by October 15, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Models Bergfalke-III, Bergfalke-II/55, SF 25C, and SF–26A Standard gliders, all serial numbers, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 27: Flight Controls.

Reason

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

The manufacturer has advised of receiving a report of looseness of the drive arm of the mechanical elevator trim tab, found during an annual inspection. This kind of damage is likely caused by penetrated humidity over the years.

If left uncorrected, this condition could lead to the separation of the drive arm which could result in flutter of the elevator and possible loss of control of the aircraft.

For the reasons stated above, this new Airworthiness Directive mandates repetitive inspections for solid fixation of the drive arms of the mechanical elevator trim tabs.

Actions and Compliance

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

(1) At the next scheduled maintenance inspection after the effective date of this AD or within the next 12 months after the effective date of this AD, whichever occurs first, inspect the drive arm of the mechanical elevator trim tab for separation of the drive arm following Scheibe Flugzeugbau GmbH Service Bulletin No. 104–24/1; No. 232–6/1; and No. 653–91/1 (same document), dated June 25, 2009. If any looseness is found, before further flight, repair the drive arm of the mechanical elevator trim tab following Scheibe-Flugzeugbau GmbH Work Instruction No. 104–24; No. 232–6; and No. 653–91 (same document), dated March 23, 2009.

(2) Repetitively thereafter, at intervals not to exceed every 12 months, inspect the drive arm of the mechanical elevator trim tab and do all corrective actions following Scheibe-Flugzeugbau GmbH Service Bulletin No. 104–24/1; No. 232–6/1; and No. 653–91/1 (same document), dated June 25, 2009; and Scheibe-Flugzeugbau GmbH Work Instruction No. 104–24; No. 232–6; and No. 653–91 (same document), dated March 23, 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:* Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4130; *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.: 2009–0132, dated June 23, 2009; Scheibe-Flugzeugbau GmbH Service Bulletin No. 104–24/1; No. 232–6/1; and No. 653–91/1 (same document), dated June 25, 2009; and Scheibe-Flugzeugbau GmbH Work Instruction No. 104–24; No. 232–6; and No. 653–91 (same document), dated March 23, 2009, for related information.

Issued in Kansas City, Missouri, on August 25, 2009.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–20968 Filed 8–28–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61, 91, and 141

[Docket No. FAA–2008–0938; Notice No. 09–08]

RIN 2120–AJ18

Pilot in Command Proficiency Check and Other Changes to the Pilot and Pilot School Certification Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA is proposing several changes to our pilot, flight instructor, and pilot school certification rules. The proposals include requiring pilot-in-command (PIC) proficiency checks for pilots who act as PIC of single piloted, turbojet-powered airplanes; allowing pilot applicants to apply for a private pilot certificate and an instrument rating concurrently; and making allowance in the rule to provide for the issuance of standard U.S. pilot certificates on the basis of an international licensing agreement between the FAA and a foreign civil aviation authority. The FAA has recently entered into such an agreement with the civil aviation authority of Canada. The FAA is also proposing to allow pilot schools to use Internet-based training programs without requiring schools to have a physical ground training facility. The FAA is proposing to allow pilot schools and provisional pilot schools to apply for a combined private pilot certification and instrument rating course. The FAA is also proposing to revise the definition of ''complex airplane.'' Because of changing technology in aviation, the results of successful research, and an international agreement, the FAA has determined these proposed changes to the pilot, flight instructor, and pilot school certification rules are necessary to ensure pilots are adequately trained and qualified to operate safely in the National Airspace System. The FAA has determined these proposals are needed to respond to changes in the aviation industry and to further reduce unnecessary regulatory burdens.

DATES: Send your comments to reach us on or before November 30, 2009.

ADDRESSES: You may send comments identified by Docket Number FAA–2008–0938 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.