

### Alternative Methods of Compliance (AMOCs)

(f) The Manager, Atlanta 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: Darby Mirocha, Aerospace Engineer, FAA, Atlanta ACO, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474-5573; fax: (404) 474-5606. 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.

Issued in Kansas City, Missouri, on February 9, 2010.

**Steven W. Thompson,**

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

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-0124; Directorate Identifier 2010-CE-002-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: A failure of fuel pump sealing, due to possible incorrect maintenance procedures and subsequent testing, caused a fuel leakage into the main landing gear bay. Presence of fuel vapours in that zone creates a risk of fire due to presence of potential ignition sources such as electrical equipment and connectors. The proposed AD actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by April 5, 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-2010-0124; Directorate Identifier 2010-CE-002-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 EASA AD No.:

2009-0228, dated October 26, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

A failure of fuel pump sealing, due to possible incorrect maintenance procedures and subsequent testing, caused a fuel leakage into the main landing gear bay. Presence of fuel vapours in that zone creates a risk of fire due to presence of potential ignition sources such as electrical equipment and connectors.

As a consequence, this new Airworthiness Directive (AD) requires a functional check of main and stand-by fuel pumps for absence of leakage and an update of the Aircraft Maintenance Manual (AMM).

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.: 80-0278, dated July 15, 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 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$10 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$11,340, or \$180 per product.

In addition, we estimate that any necessary follow-on actions would take about 40 work-hours and require parts costing \$7,349 for a cost of \$10,749 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 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-2010-0124; Directorate Identifier 2010-CE-002-AD.

#### Comments Due Date

- (a) We must receive comments by April 5, 2010.

#### Affected ADs

- (b) None.

#### Applicability

- (c) This AD applies to Model PIAGGIO P-180 airplanes, all serial numbers up to and including serial number 1192, certificated in any category.

#### Subject

- (d) Air Transport Association of America (ATA) Code 28: Fuel.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states: "A failure of fuel pump sealing, due to possible incorrect maintenance procedures and subsequent testing, caused a fuel leakage into the main landing gear bay. Presence of fuel vapours in that zone creates a risk of fire due to presence of potential ignition sources such as electrical equipment and connectors.

As a consequence, this new Airworthiness Directive (AD) requires a functional check of main and stand-by fuel pumps for absence of leakage and an update of the Aircraft Maintenance Manual (AMM)."

#### Actions and Compliance

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

(1) For all airplanes equipped with any main or standby fuel pump P/N 1C12-43 that has been replaced for any reason on or before doing the action in paragraph (f)(3) of this AD, within 150 hours time-in-service after the effective date of this AD do a functional inspection of the main and standby fuel pumps for leakage following steps 1 through 14 of the Accomplishment Instructions of PIAGGIO AERO INDUSTRIES S.p.A. Service

Bulletin (Mandatory) N.: 80-0278, dated July 15, 2009.

(2) If any leakage is found during the inspection required in paragraph (f)(1) of this AD, before further flight, replace the fuel pump with a serviceable unit following the Accomplishment Instructions in PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: 80-0278, dated July 15, 2009. For the purpose of this AD, a serviceable fuel pump is a pump where no leakage is found during the functional inspection as instructed in the Accomplishment Instructions of PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: 80-0278, dated July 15, 2009.

(3) For all airplanes, within 30 days after the effective date of this AD, incorporate PIAGGIO P.180 AVANTI MAINTENANCE MANUAL Temporary Revision (TR) No. 33 and 34, dated July 7, 2009, or PIAGGIO P.180 AVANTI II MAINTENANCE MANUAL TR No. 31 and 41, dated July 7, 2009, in the approved operator's airplane maintenance program, e.g. aircraft maintenance manual (AMM).

#### 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 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 EASA AD No.: 2009-0228, dated October 26, 2009; and PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N.: 80-0278, dated July 15, 2009, for related information.

Issued in Kansas City, Missouri, on February 8, 2010.

**Steven W. Thompson,**

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

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## DELAWARE RIVER BASIN COMMISSION

### 18 CFR Part 410

#### Schedule of Water Charges

**AGENCY:** Delaware River Basin Commission.

**ACTION:** Notice of proposed rulemaking and public hearing.

**SUMMARY:** The Delaware River Basin Commission will hold a public hearing to receive comments on proposed amendments to the Administrative Manual—Part III—Basin Regulations—Water Supply Charges to revise the schedule of water charges.

**DATES:** The Commission will hold a public hearing on Tuesday, April 13, 2010, beginning at 1:30 p.m. The hearing will continue until the later of 3:30 p.m. or such time as all those who wish to testify have been afforded an opportunity to do so. Written comments will be accepted until 5 p.m. on Friday, April 16, 2010.

**ADDRESSES:** The hearing will take place in the Goddard Room at the Commission's office building, located at 25 State Police Drive, West Trenton, New Jersey. Driving directions are available on the Commission's Web site—<http://www.drbc.net>. Please do not rely on Internet mapping services as they may not provide accurate directions to the DRBC.

Written comments may be submitted at the hearing and may also be sent as follows: via e-mail to [Paula.Schmitt@drbc.state.nj.us](mailto:Paula.Schmitt@drbc.state.nj.us); otherwise, to the attention of the Commission Secretary, DRBC, either by fax to (609) 883-9522; U.S. Mail to P.O. Box 7360, West Trenton, NJ 08628-0360; or delivery service to 25 State Police Drive, West Trenton, NJ 08628-0360. Regardless of the method of submission, written comments should include the name, affiliation (if any) and address of the commenter and the subject line "Schedule of Water Charges."

**FOR FURTHER INFORMATION, CONTACT:** Please contact Paula Schmitt at 609-477-7224 or Katharine O'Hara at 609-477-7205 with questions about the public hearing.

#### SUPPLEMENTARY INFORMATION:

**Background.** In response to the need to fund certain water supply storage facility projects, the Commission between 1964 and 1974 established a system of water supply charges pursuant to section 3.7 of the Delaware River Basin Compact. In December of 1964, it adopted Resolution 64-16A, "A Resolution to establish policy concerning water supply in federal projects authorized in the Comprehensive Plan." This resolution established a revenue stream to repay the obligations the Commission eventually assumed to purchase capacity at the federal government's Beltzville and Blue Marsh water storage facilities. The resolution specifically provided that the debt for DRBC's share of storage in these facilities would be repaid through the sale of water (or other products and services) and through an apportionment of the costs to the states benefiting from those projects. *See* Resolution No. 64-16A, adopted December 29, 1964 (adding to the Comprehensive Plan a "Section IX—Water Supply Policy", par. 3.a. and b. of which establish the described debt repayment mechanisms).

The Commission subsequently adopted Resolution No. 71-4, "A Resolution to amend and supplement the Comprehensive Plan by the addition of a new article on policy for water supply charges." This resolution established a schedule of rates for basin water withdrawals and provided that the "charges for water supplied will include all costs associated with making basin water supply available and maintaining its continued availability in adequate quantity and quality over time." Res. No. 71-4, adopted April 7, 1971, par. A.2. Resolution No. 71-4 requires the Commission to collect sufficient annual revenue to meet all annual project costs, "including debt service, operation, maintenance, replacement, reserves, and associated administrative costs." Res. No. 71-4, par. A.2.b. The Commission recognized that the waters of the basin formed a "unitary system" and thus applied the charges to water withdrawals made throughout the basin, including upstream of Commission facilities. *See* Res. No. 71-4, preamble. The unitary system is sometimes referred to as the "pooled water" theory. *See, for example, Delaware River Basin Commission v. Bucks County Water & Sewer Authority*, 641 F. 2d 1087, 1094 (3rd Cir. 1982) (citing *Borough of Morrisville v. Delaware River Basin Comm'n*, 399 F.Supp. 469, 471 (E.D. Pa. 1975), *aff'd per curiam*, 532 F.2d 745 (3d Cir. 1976)).

Resolution No. 71-4 imposed charges only on withdrawals from surface waters of the basin. In accordance with Section 15.1(b) of the Compact, it limited charges to the amounts of water withdrawn in excess of those "that could lawfully have been made without charge on the effective date of the Compact." Compact § 15.1(b).

The Commission has historically placed the revenues generated through the sale of water in an account called the "Water Supply Storage Facilities Fund" ("Storage Fund"). The Storage Fund holds funds dedicated to pay the costs of project construction, operation, maintenance, and replacement, as well as associated administrative costs. *See* Res. No. 71-4, par. A.2. The estimated balance in the Storage Fund as of June 30, 2009 was \$12.1M. A snapshot of the Storage Fund at the close of fiscal year ending July 31, 2009 shows the following: The Storage Fund received approximately \$2.6M in water sale revenue. It disbursed or incurred approximately \$2.2M in expenses, consisting of approximately \$483K in interest paid to the U.S. Treasury, \$423K in asset depreciation, \$310K for operations and maintenance of the Blue Marsh and Beltzville projects, \$86K for contractual services from the U.S. Geological Survey for operation and maintenance of stream gauges, and \$933K associated with Commission administration. The fund lost \$153K on investments (the sole Storage Fund investment loss in 35 years). The approximately \$204K difference between the annual costs and revenue is retained in the Storage Fund as a reserve against the future costs of expected significant repair to the facilities.

Historically, the Commission has not charged its full administrative cost against the Storage Fund. Periodic reviews of the charges have shown that the costs involved in Commission activities properly chargeable to the Storage Fund have exceeded the amounts actually charged for many years. To the extent that the Storage Fund has not been charged its full allocable costs, contributions by the signatory parties of the Delaware River Basin Compact (the states of Delaware, New Jersey, New York, Pennsylvania and the federal government) have made up the difference. In extremely challenging economic times, however, the signatories find themselves less capable of assuming this burden. In fiscal year 2010, an adjustment was made to better align charges to the Storage Fund with actual costs. Even absent this adjustment, the trend evident since 2008 is that retained Storage Fund earnings have leveled off.