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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2012-1245; Directorate Identifier 2012-NE-41-AD; Amendment 39-17626; AD 2013-21-02]**

**RIN 2120-AA64**

### **Airworthiness Directives; Lycoming Engines and Continental Motors, Inc. Reciprocating Engines**

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

**ACTION:** Final rule; request for comments.

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**SUMMARY:** We are superseding airworthiness directive (AD) 2012-24-09 for Lycoming Engines TIO-540-AK1A, and Continental Motors, Inc. (CMI) TSIO-360-MB, TSIO-360-SB, and TSIO-360-RB reciprocating engines, with certain Hartzell Engine Technologies (HET) turbochargers, model TA0411, installed. AD 2012-24-09 required removing certain HET turbochargers from service before further flight. This AD also requires removing certain HET turbochargers from service before further flight. This AD was prompted by a report that an additional engine, the CMI LTSIO-360-RB, has the affected HET turbochargers installed. We are issuing this AD to prevent turbocharger turbine wheel failure, reduction or complete loss of engine power, loss of engine oil, oil fire, and damage to the airplane.

**DATES:** This AD is effective November 13, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 20, 2012 (77 FR 72203, December 5, 2012).

We must receive any comments on this AD by December 13, 2013.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, 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 Hartzell Engine Technologies, LLC, 2900 Selma Highway, Montgomery, AL 36108, phone: 334-386-5400; fax: 334-386-5450; Internet: <http://www.hartzellenginetech.com>. You may view this service information at the FAA, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

### **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 (phone: 800-647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Christopher Richards, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847-294-7156; fax: 847-294-7834; email: [christopher.j.richards@faa.gov](mailto:christopher.j.richards@faa.gov).

### **SUPPLEMENTARY INFORMATION:**

#### **Discussion**

On November 29, 2012, we issued AD 2012-24-09, Amendment 39-17279 (77 FR 72203, December 5, 2012), for Lycoming Engines TSIO-540-AK1A, and CMI TSIO-360-MB, TSIO-360-SB, and TSIO-360-RB reciprocating engines, with certain HET turbochargers, model TA0411, part numbers 466642-0001; 466642-0002; 466642-0006; 466642-9001; 466642-9002; or 466642-9006, or with certain HET model TA0411 turbochargers overhauled or repaired since August 29, 2012. On January 7, 2013, we issued a correction to AD 2012-24-09 (78 FR 2615, January 14, 2013), which corrected the affected Lycoming Engines engine model from "TSIO-540-AK1A" to "TIO-540-AK1A." AD 2012-24-09 required removing the affected turbochargers from service before further flight. AD 2012-24-09 resulted from a report of a turbocharger turbine wheel that failed a static strength test at the manufacturing facility. We issued AD 2012-24-09 to prevent turbocharger turbine wheel failure, reduction or complete loss of engine power, loss of engine oil, oil fire, and damage to the airplane.

#### **Actions Since AD 2012-24-09 Was Issued**

Since we issued AD 2012-24-09 (77 FR 72203, December 5, 2012; corrected January 14, 2013 (78 FR 2615)), we received a report that an additional engine, the CMI LTSIO-360-RB, has the affected HET turbochargers installed.

#### **FAA's Determination**

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

## **AD Requirements**

This AD requires removing the affected turbochargers from service before further flight.

## **FAA's Justification and 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 AD requires removal of the affected turbochargers before further flight. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

## **Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include "Docket No. FAA-2012-1245; Directorate Identifier 2012-NE-41-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 affects 56 engines of U.S. registry with affected turbochargers installed. We also estimate that it will take about 4 hours to remove a turbocharger from service. The average labor rate is \$85 per hour. Based on these figures, we estimate the total cost of this AD to U.S. operators to be \$19,040.

## **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**

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),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) 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.

### **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 part 39 of the Federal Aviation Regulations (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 airworthiness directive (AD) 2012-24-09, Amendment 39-17279 (77 FR 72203, December 5, 2012; corrected January 14, 2013 (78 FR 2615)) and adding the following new AD:



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**2013-21-02 Lycoming Engines and Continental Motors, Inc.:** Amendment 39-17626; Docket No. FAA-2012-1245; Directorate Identifier 2012-NE-41-AD.

**(a) Effective Date**

This AD is effective November 13, 2013.

**(b) Affected ADs**

This AD supersedes AD 2012-24-09, Amendment 39-17279 (77 FR 72203, December 5, 2012; corrected January 14, 2013 (78 FR 2615)).

**(c) Applicability**

This AD applies to certain Lycoming Engines TIO-540-AK1A, and Continental Motors, Inc. (CMI) LTSIO-360-RB, TSIO-360-MB, TSIO-360-SB, and TSIO-360-RB reciprocating engines with a Hartzell Engine Technologies (HET) turbocharger installed that has a model number, part number, and serial number identified in Tables 1 and 2 of HET Alert Service Bulletin (ASB) No. 048, dated November 16, 2012.

**(d) Unsafe Condition**

This AD was prompted by a report that an additional engine, the CMI LTSIO-360-RB, has the affected HET turbochargers installed. We are issuing this AD to prevent turbocharger turbine wheel failure, reduction or complete loss of engine power, loss of engine oil, oil fire, and damage to the airplane.

**(e) Compliance**

- (1) Comply with this AD within the compliance times specified, unless already done.
- (2) After the effective date of this AD and before further flight, remove from service any turbocharger identified in Tables 1 and 2 of HET ASB No. 048, dated November 16, 2012.

**(f) Prohibitions**

After the effective date of this AD, do not return to service, and do not operate without a special flight permit, any engine with an HET turbocharger installed that is identified in Tables 1 and 2 of HET ASB No. 048, dated November 16, 2012.

**(g) Special Flight Permits**

Special flight permits are limited to when:

- (1) Ferry flights do not exceed three hours duration;
- (2) The turbocharger boost is set to "Off" in the cockpit (if equipped); and
- (3) The wastegate for the turbocharger is safety wired in the locked open position.

**(h) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Chicago Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(2) AMOCs approved for AD 2012-24-09 (77 FR 72203, December 5, 2012; corrected January 14, 2013 (78 FR 2615)) remain in effect for this AD.

**(i) Related Information**

For more information about this AD, contact Christopher Richards, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847-294-7156; fax: 847-294-7834; email: christopher.j.richards@faa.gov.

**(j) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on December 20, 2012 (77 FR 72203, December 5, 2012; corrected January 14, 2013 (78 FR 2615)).

(i) Hartzell Engine Technologies Alert Service Bulletin No. 048, dated November 16, 2012.

(ii) Reserved.

(4) For service information identified in this AD, contact Hartzell Engine Technologies, LLC, 2900 Selma Highway, Montgomery, AL 36108, phone: 334-386-5400; fax: 334-386-5450; Internet: <http://www.hartzellenginetech.com>.

(5) You may view this service information at the FAA, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

(6) You may view this service information 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/cfr/ibr\\_locations.html](http://www.archives.gov/federal-register/cfr/ibr_locations.html).

Issued in Burlington, Massachusetts, on October 8, 2013.  
Colleen M. D'Alessandro,  
Assistant Directorate Manager, Engine & Propeller Directorate,  
Aircraft Certification Service.