

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

[Docket No. FAA-2009-0323; Directorate Identifier 2009-CE-012-AD]

RIN 2120-AA64

Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT-100 Gliders as Modified to AMT-200 and Models AMT-200, AMT-200S, and AMT-300 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:

It has been found that the coolant liquid EVANS NPG + is a flammable fluid. The engine liquid cooling system of the affected Aeromot aircrafts is not designed to operate with flammable liquids. Therefore, there is an unacceptable engine fire risk associated with the use of Evans NPG + fluid.

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 May 8, 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-2009-0323; Directorate Identifier 2009-CE-012-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 Agência Nacional De Aviação Civil—Brasil (ANAC), which is the airworthiness authority for Brazil, has issued Brazilian Airworthiness Directive AD No. 2007-01-01, dated January 29, 2007 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

It has been found that the coolant liquid EVANS NPG + is a flammable fluid. The engine liquid cooling system of the affected Aeromot aircrafts is not designed to operate with flammable liquids. Therefore, there is an unacceptable engine fire risk associated with the use of Evans NPG + fluid.

Since this condition may occur in other aircraft of the same type and affects flight safety, an immediate corrective action is required. Thus, sufficient reason exists to request compliance with this AD in the indicated time limit without prior notice.

The MCAI requires replacement of the EVANS NPG + coolant liquid, application of new red lines on the engine cylinder head temperature gauge, replacement of the engine radiator cap,

and insertion of information into the limitations section of the airplane flight manual (AFM). You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Aeromot has issued Aeromot Service Bulletin No. 200-71-106, dated December 20, 2006. 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 55 products of U.S. registry. We also estimate that it would take about 1 work-hour 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 \$30 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$6,050, or \$110 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:

Aeromot-Industria Mecanico Metalurgica Ltda.: Docket No. FAA-2009-0323; Directorate Identifier 2009-CE-012-AD.

Comments Due Date

(a) We must receive comments by May 8, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all serial numbers of the following gliders that are certificated in any category:

- (1) Model AMT-100 gliders as modified to Model AMT-200 gliders; and
- (2) Models AMT-200, AMT-200S, and AMT-300 gliders.

Subject

(d) Air Transport Association of America (ATA) Code 73: Engine Fuel & Control.

Reason

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

It has been found that the coolant liquid EVANS NPG + is a flammable fluid. The engine liquid cooling system of the affected Aeromot aircrafts is not designed to operate with flammable liquids. Therefore, there is an unacceptable engine fire risk associated with the use of Evans NPG + fluid.

Since this condition may occur in other aircraft of the same type and affects flight safety, an immediate corrective action is required. Thus, sufficient reason exists to request compliance with this AD in the indicated time limit without prior notice.

The MCAI requires replacement of the EVANS NPG + coolant liquid, application of new red lines on the engine cylinder head temperature gauge, replacement of the engine radiator cap, and insertion of information into the airplane flight manual (AFM).

Actions and Compliance

(f) Unless already done, do the following actions within the next 20 hours time-in-service after the effective date of this AD or within the next 30 days after the effective date of this AD, whichever occurs first, following Aeromot Alert Service Bulletin No. 200-71-106, dated December 20, 2006; Service Bulletin Revision 2 (SB) SB-912-043 R2/SB-914-029 R2, dated November 10, 2006; and ROTAX Service Instruction (SI) SI-912-016/SI-914-019, dated August 28, 2006:

- (1) Replace the EVANS NPG + cooling liquid with a conventional, FAA-approved coolant for the ROTAX 912 and 914 series engines.
- (2) Apply a new red line marking on the engine cylinder head temperature gauge at 120 [deg] C/248 [deg] F.
- (3) Replace the radiator cap part number (P/N) 922075 from the affected engines with a new radiator cap P/N 922070.
- (4) Insert into the airplane flight manual (AFM) Limitations section an amendment to include the new operation limit of the cylinder head temperature to 120 [deg] C/248 [deg] F by inserting a copy of Aeromot Alert Service Bulletin No. 200-71-106, dated

December 20, 2006, into the AFM, Limitations section, Section 2 on item 2.4, power plant, fuel and oil limitations and item 2.5, power plant instrument markings.

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 ANAC Brazilian Airworthiness Directive AD No. 2007-01-01, dated January 29, 2007; AEROMOT Alert Service Bulletin No. 200-71-106, dated December 20, 2006; ROTAX Service Bulletin Revision 2 SB-912-043 R2/SB-914-029 R2, dated November 10, 2006; and ROTAX Service Instruction SI-912-016/SI-914-019, dated August 28, 2006, for related information.

Issued in Kansas City, Missouri, on April 2, 2009.

John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-7932 Filed 4-7-09; 8:45 am]

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