

Issued in Renton, Washington, on June 1, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate,
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-27533 Directorate Identifier 2007-CE-022-AD; Amendment 39-15102; AD 2007-12-24]

RIN 2120-AA64

Airworthiness Directives; Diamond Aircraft Industries Model DA 42 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

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 an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Shortly after an engine change, the aluminium fitting attached to the engine gearbox holding lines and fittings of the propeller control system was found to be cracked. This led to a pressure loss in the propeller control system following a control system malfunction and led to an in-flight engine shutdown.

The broken fitting is part of the engine installation and was initially a steel part. It was later modified by the engine manufacturer to an aluminium design.

Investigation determined that the area is critical for cracks due to combination of mass, material and installation torque values.

Diamond Aircraft Industries incorporated with Design Change MAM 42-184 an additional bracket into production airplanes to improve the installations and prevent vibration cracks.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective July 19, 2007.

On July 19, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the

Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

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:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. The streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

This AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on April 13, 2007 (72 FR 18598). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

Shortly after an engine change, the aluminium fitting attached to the engine gearbox holding lines and fittings of the propeller control system was found to be cracked. This led to a pressure loss in the propeller control system following a control system malfunction and led to a in-flight engine shutdown.

The broken fitting is part of the engine installation and was initially a steel part. It was later modified by the engine manufacturer to an aluminium design.

Investigation determined that the area is critical for cracks due to combination of mass, material and installation torque values.

Diamond Aircraft Industries incorporated with Design Change MAM 42-184 an additional bracket into production airplanes to improve the installations and prevent vibration cracks.

This airworthiness directive requires the retroactive installation of this bracket for all

airplanes, including the airplanes with steel fittings.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

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 also have required 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 AD.

Costs of Compliance

We estimate that this AD will affect 70 products of U.S. registry. We also estimate that it will take about 1.0 work-hour per product to comply with basic requirements of this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$208 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here.

Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$20,160 or \$ 288 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 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 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.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://dms.dot.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 the NPRM, 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.

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:

2007-12-24 Diamond Aircraft Industries:
Amendment 39-15102; Docket No. FAA-2007-27533; Directorate Identifier 2007-CE-022-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective July 19, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to DA 42 airplanes, serial numbers 42.004 through 42.129, 42.177, and 42.AC001, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 72: Engine.

Reason

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

Shortly after an engine change, the aluminium fitting attached to the engine gearbox holding lines and fittings of the propeller control system was found to be cracked. This led to a pressure loss in the propeller control system following a control system malfunction and led to an in-flight engine shutdown.

The broken fitting is part of the engine installation and was initially a steel part. It was later modified by the engine manufacturer to an aluminium design.

Investigation determined that the area is critical for cracks due to combination of mass, material and installation torque values.

Diamond Aircraft Industries incorporated with Design Change MAM 42-184 an additional bracket into production airplanes to improve the installations and prevent vibration cracks.

This airworthiness directive requires the retroactive installation of this bracket for all airplanes, including the airplanes with steel fittings.

Actions and Compliance

(f) Unless already done, within the next 50 hours time-in-service after July 19, 2007 (the effective date of this AD) or within the next 30 days after July 19, 2007 (the effective date of this AD), whichever occurs first, install the additional steel bracket following Diamond Aircraft Industries GmbH Mandatory Service Bulletin NO. MSB-42-024/3, dated September 19, 2006, which references Diamond Aircraft Industries GmbH Work Instruction WI-MSB-42-024, Revision 2, dated September 19, 2006.

Note 1: If the above action was accomplished following the procedures described in Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB-42-024/2, dated August 31, 2006, you may take "unless already done" credit, and no further action per this AD is necessary.

FAA AD Differences

Note 2: 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 Staff, FAA, 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, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. 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: 2006-0277, dated September 06, 2006; and Diamond Aircraft Industries GmbH, Mandatory Service Bulletin No. MSB-42-024/3, dated September 19, 2006, which references Diamond Aircraft Industries GmbH Work Instruction WI-MSB-42-024, Revision 2, dated September 19, 2006, for related information.

Material Incorporated by Reference

(i) You must use Diamond Aircraft Industries GmbH, Mandatory Service Bulletin No. MSB-42-024/3, dated September 19, 2006, which references Diamond Aircraft Industries GmbH Work Instruction WI-MSB-42-024, Revision 2, dated September 19, 2006, 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 Diamond Aircraft Industries GmbH, N.A. Otto-Strabe 5, A-2700 Wiener Neustadt; Fax: **43-2622-26620; or e-mail: support@diamond-air.at.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or 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>.

Issued in Kansas City, Missouri, on June 6, 2007.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2005-20863; Directorate Identifier 2004-SW-36-AD; Amendment 39-15100; AD 2007-12-22]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Model AS350B, BA, B1, B2, B3, D, and AS355E Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for the specified Eurocopter France (ECF) model helicopters that requires replacing the hydraulic fluid at a specified time interval when operating in cold weather. This amendment is prompted by reports of ice forming due to condensation in some parts of the hydraulic system during cold weather operation. The actions specified by this AD are intended to prevent ice from forming in the hydraulic system resulting in an unintended movement of the flight controls and subsequent loss of control of the helicopter.

DATES: Effective July 19, 2007.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 19, 2007.

ADDRESSES: You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527.

Examining the Docket: You may examine the docket that contains this AD, any comments, and other information on the Internet at <http://dms.dot.gov>, or at the Docket Management System (DMS), U.S. Department of Transportation, 400 Seventh Street SW., Room PL-401, on the plaza level of the Nassif Building, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ed Cuevas, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193-0111, telephone (817) 222-5355, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 to include an AD for the specified model helicopters was published in the **Federal Register** on April 7, 2005 (70 FR 17621). That action proposed replacing the hydraulic fluid at a specified time interval when operating in cold weather.

The Direction Generale de l'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on the specified ECF Model AS350 and AS355 helicopters. The DGAC advises of the formation of ice in some parts of the hydraulic system during flights in cold weather and when the hydraulic fluid is highly contaminated by water.

ECF has issued Alert Service Bulletin Nos. 05.00.43 and 05.00.45, both dated April 8, 2004, which specify provisions for replacing hydraulic fluid in cold weather. The DGAC classified these service bulletins as mandatory and issued AD Nos. F-2004-055 and F-2004-056, both dated April 28, 2004, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, the DGAC has kept us informed of the situation described above. We have examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received.

The one commenter states that the ASB is adequate until Eurocopter sorts out the moisture problem, and changing the fluid every 100 hours or 30 days is wasteful and not necessary, and such action will not get all the moisture out of the system. Therefore, an AD should not be issued.

The FAA does not agree. The ASB is not adequate until Eurocopter sorts out the moisture problem. Generally, part 91 operators are not required to follow an ASB; however, they are required to follow an AD. An AD is issued to

address an unsafe condition. This AD requires replacing the hydraulic fluid at the specified intervals to prevent ice from forming in the hydraulic system resulting in an unintended movement of the flight controls and subsequent loss of control of the helicopter. The ASB was written in association with the airworthiness authority in France (DGAC) to address the problem of moisture in the hydraulic fluid resulting in feedback in the system during operations in cold temperatures in Canada. Moisture that is absorbed into the hydraulic fluid is not a function of the type of fluid. Moisture is absorbed into the hydraulic fluid due to heating and cooling of the fluid in the reservoir because the reservoir is vented to atmospheric pressure (humidity). It is not a closed system. Moisture may occur with either MIL-H-83282 or MIL-H-5606 fluid. Normally, there is not enough moisture in the system to cause any problems but occasionally there is enough to cause some feedback in the cyclic control (due to ice crystals forming in cold weather). MIL-H-83282 hydraulic fluid is the preferred fluid and MIL-H-5606 is an alternate. In many climates, the operator cannot use the MIL-H-5606 fluid because it has a lower flash point than the MIL-H-83282 fluid. Therefore, MIL-H-5606 fluid can only be used in colder environments. As a result, the option for the alternate fluid is limited to colder environments.

An ECF ASB is written in association with an AD issued by a foreign authority (European Aviation Safety Agency (EASA) or DGAC). The foreign ASB is in place when the AD is published to require that operators comply with the manufacturer's ASB. The FAA AD follows the requirements placed on other parts of the world by the foreign authority (state of design) if the FAA agrees with those requirements.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for a change in paragraph (b) of the AD to add additional contact information and to revise the total cost impact; we have used a labor rate of \$80 instead of \$65. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

We estimate that this AD will affect 556 helicopters of U.S. registry, and the required actions will take about:

- 2 work hours to replace the hydraulic fluid per helicopter at an average labor rate of \$80 per work hour; and