

[Federal Register: June 12, 2009 (Volume 74, Number 112)]  
[Rules and Regulations]  
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[DOCID:fr12jn09-7]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

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

**[Docket No. FAA-2009-0323 Directorate Identifier 2009-CE-012-AD; Amendment 39-15937; AD 2009-12-14]**

**RIN 2120-AA64**

**Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT-200 and AMT-300 Series Gliders**

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

**ACTION:** Final rule.

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**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:

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.

**DATES:** This AD becomes effective July 17, 2009.

On July 17, 2009, 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://www.regulations.gov> or in person at 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:** 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:**

### **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 8, 2009 (74 FR 15894). That NPRM proposed 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.

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

### **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**

Based on the service information, we estimate that this AD will affect 55 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$30 per product.

Based on these figures, we estimate the cost of this AD to the 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 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://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 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:



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**2009-12-14 Aeromot-Industria Mecanico Metalurgica Ltda.:** Amendment 39-15937; Docket No. FAA-2009-0323; Directorate Identifier 2009-CE-012-AD.

**Effective Date**

- (a) This airworthiness directive (AD) becomes effective July 17, 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 July 17, 2009 (the effective date of this AD) or within the next 30 days after July 17, 2009 (the effective date of this AD), whichever occurs first, following AEROMOT Alert Service Bulletin No. 200-71-106, Rev. B, dated December 20, 2006; ROTAX Aircraft Engines Mandatory Service

Bulletin SB-912-043 R2/SB-914-029 R2, dated November 10, 2006; and ROTAX Aircraft Engines Service Instruction 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 degrees C/248 degrees 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 AFM Limitations section an amendment to include the new operation limit of the cylinder head temperature to 120 degrees C/248 degrees F by inserting a copy of AEROMOT Alert Service Bulletin No. 200-71-106, Rev. B, 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, Rev. B, dated December 20, 2006; ROTAX Aircraft Engines Mandatory Service Bulletin SB-912-043 R2/SB-914-029 R2, dated November 10, 2006; and ROTAX Aircraft Engines Service Instruction SI-912-016/SI-914-019, dated August 28, 2006, for related information.

## **Material Incorporated by Reference**

(i) You must use AEROMOT Alert Service Bulletin No. 200-71-106, Rev. B, dated December 20, 2006; ROTAX Aircraft Engines Mandatory Service Bulletin SB-912-043 R2/SB-914-029 R2, dated November 10, 2006; and ROTAX Aircraft Engines Service Instruction SI-912-016/SI-914-019, dated August 28, 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 Aeromot-Industria Mecanico Metalurgica Ltda., Av. das Industrias, 1210-Bairro Anchieta, Caixa Postal 8031, 90 200-290-Porto Alegre-RS-Brazil; telephone: +55 51 3357 8550; fax: +55 51 3371 1655; Internet: <http://www.aeromot.com.br>.

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329-3768.

(4) You may also review copies of the service information incorporated by reference for this AD 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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Kansas City, Missouri, on June 4, 2009.

Kim Smith,  
Manager, Small Airplane Directorate,  
Aircraft Certification Service.