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[Page 3345-3347]
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-26920; Directorate Identifier 2006-NM-244-AD; Amendment 39-14897; AD 2007-02-10]

RIN 2120-AA64

Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Airplanes

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

ACTION: Final rule; request for comments.

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 smoke or fire, which could be fanned by oxygen leakage from the third crew member oxygen mask box. This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective February 9, 2007.

The Director of the Federal Register approved the incorporation by reference of Dassault Service Bulletins F900-366 and F900EX-277, both dated July 19, 2006, listed in this AD as of February 9, 2007.

We must receive comments on this AD by March 26, 2007.

ADDRESSES: You may send comments by any of the following methods:

- DOT Docket Web Site: Go to http://dms.dot.gov and follow the instructions for sending your comments electronically.
- Fax: (202) 493-2251.
- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

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 this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5227) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. This 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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Emergency Airworthiness Directive 2006-0330-E, dated October 25, 2006 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states that a drawing review and further associated inspections on aircraft have highlighted a potential chafing risk between the third crew member oxygen mask box, optionally installed in the cockpit ceiling, and feeder cables routed in the area. This situation, if not corrected, could generate smoke or fire, which could be fanned by oxygen leakage from the box. The MCAI requires a modification (application of epoxy resin to the oxygen box nuts and rivets), after a detailed inspection of the feeder cables and wiring for damage and correct location and corrective actions (repairing the feeder cable, re-routing certain wiring, or installing a protective plate), if necessary. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Dassault has issued Service Bulletins F900-366 and F900EX-277, both dated July 19, 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 This 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 issuing this AD because we evaluated all the information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between the 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 described in a separate paragraph of the AD. These requirements take precedence over the actions copied from the MCAI.

FAA's 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 manufacturer has identified a potential chafing risk between the third crew member oxygen mask box, which may optionally be installed in the cockpit ceiling, and the feeder cables routed in the area. This could lead to smoke and fire, which could be fanned by oxygen leakage from the oxygen mask box. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA-2007-26920; Directorate Identifier 2006-NM-244-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://dms.dot.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

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 would not have federalism implications under Executive Order 13132. This 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 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 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.

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:

2007-02-10 Dassault Aviation: Amendment 39-14897. Docket No. FAA-2007-26920; Directorate Identifier 2006-NM-244-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective February 9, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Dassault Model Mystere-Falcon 900 airplanes, certificated in any category, ranging from serial number (s/n) 1 through s/n 202 inclusive, without modification M5213 or M5236, and equipped with a third crew member passenger-type oxygen mask on the cockpit ceiling; and Dassault Model Falcon 900EX airplanes, certificated in any category, ranging from s/n 1 through s/n 156 inclusive, without modification M5213 or M5236, and equipped with a third crew member passenger-type oxygen mask on the cockpit ceiling.

Reason

(d) The mandatory continuing airworthiness information (MCAI) states that a drawing review and further associated inspections on aircraft have highlighted a potential chafing risk between the third crew member oxygen mask box, optionally installed in the cockpit ceiling, and feeder cables routed in the area. This situation, if not corrected, could generate smoke or fire, which could be fanned by oxygen leakage from the box. The MCAI requires a modification (application of epoxy resin to the oxygen box nuts and rivets), after a detailed inspection of the feeder cables and wiring for damage and correct location and corrective actions (repairing the feeder cable, re-routing certain wiring, or installing a protective plate), if necessary.

Actions and Compliance

(e) Unless already done, within one month or 30 flight cycles, whichever occurs first, after the effective date of this AD: Do a modification (application of epoxy resin to the oxygen box nuts and rivets), after doing a detailed inspection of the feeder cables and wiring for damage and correct location and all applicable corrective actions (repairing the feeder cable, re-routing certain wiring, or installing a protective plate), as instructed in Dassault Service Bulletin F900-366 or F900EX-277, both dated July 19, 2006, as applicable. Before further flight, do all applicable corrective actions.

Note 1: The aforementioned service bulletins cover Dassault Aviation modification M5213.

Other FAA AD Provisions

(f) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, Attn: Tom Rodriguez, Aerospace Engineer, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1149, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(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, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(g) Refer to MCAI European Aviation Safety Agency (EASA) Emergency Airworthiness Directive 2006-0330-E, dated October 25, 2006; and Dassault Service Bulletins F900-366 and F900EX-277, both dated July 19, 2006; for related information.

Material Incorporated by Reference

(h) You must use Dassault Service Bulletin F900-366, dated July 19, 2006; or Dassault Service Bulletin F900EX-277, dated July 19, 2006; as applicable; 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 Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; 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/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on January 12, 2007.
Ali Bahrami,
Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 07-258 Filed 1-24-07; 8:45 am]