

**Comments Due Date**

(a) We must receive comments by May 14, 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 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.

**Actions and Compliance**

(f) Unless already done, within 50 hours time-in-service or 30 days after 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.

**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, for related information.

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

**Kim Smith,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E7-7050 Filed 4-12-07; 8:45 am]

**BILLING CODE 4910-13-P**

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

**[Docket No. FAA-2007-27708; Directorate Identifier 2007-CE-027-AD]**

**RIN 2120-AA64**

**Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes**

**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:

From airplanes that have installed the Auxiliary Fuel Tank Optional Design Change (O-M) No. 42-056, three in-service failures of the auxiliary fuel tank venting system have been reported. These failures have led to the

inability to supply the complete auxiliary fuel quantity to the main tanks and the collapse of the auxiliary tank. It is suspected that the vent lines were obstructed either by ice accretion under certain climatic conditions or by blockage of the vent valves because of fuel contaminants.

Undetected malfunctions of the venting system and damaged auxiliary fuel tanks may lead to a lower usable fuel quantity, subsequent fuel starvation and/or fuel spillage into the nacelle.

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 14, 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:** Go to <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 proposed 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:**

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

#### 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-2007-27708; Directorate Identifier 2007-CE-027-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://dms.dot.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 European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No: 2007-0047 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

From airplanes that have installed the Auxiliary Fuel Tank Optional Design Change (O-M) No. 42-056, three in-service failures of the auxiliary fuel tank venting system have been reported. These failures have led to the inability to supply the complete auxiliary fuel quantity to the main tanks and the collapse of the auxiliary tank. It is suspected that the vent lines were obstructed either by ice accretion under certain climatic conditions or by blockage of the vent valves because of fuel contaminants.

Undetected malfunctions of the venting system and damaged auxiliary fuel tanks may lead to a lower usable fuel quantity, subsequent fuel starvation and/or fuel spillage into the nacelle.

The MCAI requires:

\* \* \* to check for proper operation the auxiliary fuel tank venting system, and check for damage the fuel tanks' structure.

\* \* \* also requires installation of ventilation holes in the filler caps' fitting and introduction of a temporary revision into the Aircraft Maintenance Manual (AMM).

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Diamond Aircraft Industries GmbH has issued Mandatory Service Bulletin No. MSB-42-032/1, dated January 24, 2007. 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

Based on the service information, we estimate that this proposed AD would affect about 47 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$7,520, or \$160 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, 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:

**Diamond Aircraft Industries GmbH:** Docket No. FAA–2007–27708; Directorate Identifier 2007–CE–027–AD.

**Comments Due Date**

(a) We must receive comments by May 14, 2007.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Model DA 42 airplanes; serial numbers 42.015, 42.028, 42.036, 42.044, 42.055, 42.059, 42.062, 42.067, 42.069, 42.075 through 42.100, 42.105, 42.106, 42.108, 42.114, 42.115, 42.117 through 42.122, and 42.124; certificated in any category.

**Subject**

(d) Air Transport Association of America (ATA) Code 28: Fuel.

**Reason**

(e) The mandatory continuing airworthiness information (MCAI) states: From airplanes that have installed the Auxiliary Fuel Tank Optional Design Change (OÄM) No. 42–056, three in-service failures of the auxiliary fuel tank venting system have been reported. These failures have led to the inability to supply the complete auxiliary fuel quantity to the main tanks and the collapse of the auxiliary tank. It is suspected that the vent lines were obstructed either by ice accretion under certain climatic conditions or by blockage of the vent valves because of fuel contaminants.

Undetected malfunctions of the venting system and damaged auxiliary fuel tanks may lead to a lower usable fuel quantity, subsequent fuel starvation and/or fuel spillage into the nacelle.

**Actions and Compliance**

(f) Unless already done, do the following actions within the next 30 days after the effective date of this AD:

(1) Inspect and modify the auxiliary fuel tank system following Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB–42–032/1, dated January 24, 2007.

(2) Incorporate Doc. No. 7.02.01, Section 05–20–00, page 68a of Diamond Aircraft DA 42 AMM Temporary Revision AMM–TR–OÄM–42–056f, dated January 23, 2007, into the Airworthiness Limitations documents of the FAA-approved maintenance program (e.g., maintenance manual). The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may insert the information specified in paragraph (f)(2) of this AD into the maintenance program (e.g., maintenance manual). Make an entry into the aircraft records showing compliance with this portion of the AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

**Note 1:** Doc. No. 7.02.01, Section 05–20–00, page 68a of Diamond Aircraft DA 42

AMM Temporary Revision AMM–TR–OÄM–42–056f, dated January 23, 2007, specifies additional repetitive inspections for the auxiliary tank vent system.

**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.: 2007–0047, dated February 23, 2007; Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB–42–032/1, dated January 24, 2007; and Diamond Aircraft DA 42 AMM Temporary Revision AMM–TR–OÄM–42–056f, dated January 23, 2007 for related information.

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

**Kim Smith,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E7–7049 Filed 4–12–07; 8:45 am]

**BILLING CODE 4910–13–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 52 and 81**

[EPA–R03–OAR–2006–0919; FRL–8298–2]

**Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Hampton Roads 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan and 2002 Base-Year Inventory**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a redesignation request and State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia. The Virginia Department of Environmental Quality (VADEQ) is requesting that the Hampton Roads ozone nonattainment area (“Hampton Roads Area” or “Area”) be redesignated as attainment for the 8-hour ozone national ambient air quality standard (NAAQS). The Area is comprised of the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Counties of Gloucester, Isle of Wight, James City, and York, Virginia. EPA is proposing to approve the ozone redesignation request for the Hampton Roads Area. In conjunction with its redesignation request, the Commonwealth submitted a SIP revision consisting of a maintenance plan for the Hampton Roads Area that provides for continued attainment of the 8-hour ozone NAAQS for at least 10 years after redesignation. EPA is proposing to make a determination that the Hampton Roads Area has attained the 8-hour ozone NAAQS, based upon three years of complete, quality-assured ambient air quality monitoring data for 2003–2005. EPA’s proposed approval of the 8-hour ozone redesignation request is based on its determination that the Hampton Roads Area has met the criteria for redesignation to attainment specified in the Clean Air Act (CAA). In addition, the Commonwealth of Virginia has also submitted a 2002 base-year inventory for the Hampton Roads Area, and EPA is proposing to approve that inventory for the Hampton Roads Area as a SIP revision. EPA is also providing information on the status of its adequacy determination for the motor vehicle emission budgets (MVEBs) that are identified in the maintenance plan for the Hampton Roads Area for purposes of transportation conformity, and is also proposing to approve those