DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0501; Directorate Identifier 2009–SW–083–AD]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Agusta S.p.A. (Agusta) Model A109E and Model A109S helicopters with certain lower semichannel assemblies installed. This proposed AD results from reported cases of damage to the main drive shaft caused by improperly secured metallic spacers on some A109 model helicopters. This proposed AD would require a one-time inspection of the lower semichannel assemblies to determine if metallic spacers are installed. If the metallic spacers are installed, this proposed AD would require an inspection for the correct installation of the metallic spacers on the semichannels and for the correct seating of the gaskets. If the metallic spacers are not installed with rivets, the lower semichannel assemblies would be required to be modified, and the main drive shaft would be inspected for damage. The actions specified by this proposed AD are intended to detect missing spacer rivets, which could allow the metallic spacers to rotate and lead to damage and failure of the main drive shaft, and subsequent loss of helicopter control.

DATES: We must receive comments on this proposed AD by July 23, 2012.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address 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 Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39–0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Jim Grigg, Manager, Aircraft Certification, FAA, Rotorcraft Directorate, Safety Management Group, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5126, fax (817) 222–5961; email: *jim.grigg@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2007–0192–E, dated July 13, 2007 (EAD 2007–0192–E), to correct an unsafe condition for the Agusta Model A109E, ''up to S/N 11694 included,'' except serial numbers (S/N) 11633 and 11634; Model A109S, ''up to S/N 22034 included,'' except S/Ns 22026 and 22033; and Model A109LUH, ''from S/N 13653 up to S/N 13668 included, from S/N 13752 up to S/N 13761 included, and from S/N 13801 up to 13811 included''; with lower semichannel assemblies, part number (P/N) 109–0641–10–213 or 109–0642–01–171, installed. EASA advises that some cases of interference between the metallic spacer, P/N 109–0642–01–195, and the main drive shaft, P/N 109–0415–06–103, have been detected on the Model A109LUH helicopter, a military version of the Model A109 helicopter that is not type certificated in the U.S., and that this interference has damaged the main drive shaft. EASA advises that this condition, if not corrected, could lead to failure of the main drive shaft ''with significant effects on the safety of the helicopter.''

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Related Service Information

Agusta has issued Mandatory Alert Bollettino Tecnico No. 109EP–79, dated July 12, 2007 (BT 109EP–79), which applies to certain S/Ns of the model A109E helicopter, and Mandatory Alert Bollettino Tecnico No. 109S–15, dated July 12, 2007 (BT 109S–15), which applies to certain S/Ns of the model A109S helicopter. Both BT 109EP–79 and BT 109S–15 specify performing an inspection on the left side and right side lower semichannel assemblies to determine if metallic spacers are installed. If the metallic spacers are installed, BT 109EP–79 and BT 109S–15 specify inspecting the metallic spacers for correct installation, inspecting the gaskets for correct seating, modifying

the semichannel assemblies by installing missing rivets, and inspecting the main drive shaft for damage if the metallic spacers are installed without rivets.

Proposed AD Requirements

Within 50 hours time-in-service, this proposed AD would require you to do the following:

- Perform a one-time inspection of the lower semichannel assemblies to determine if the metallic spacers are installed.
- If the metallic spacers are installed, determine correct installation of the metallic spacers and correct seating of the gaskets.
- If the metallic spacers are installed without rivets, modify the lower semichannel assemblies by installing rivets. Also, inspect the main drive shaft for nicks, scratches, or other damage in the area of the semichannel. If damage exceeds allowable damage tolerances, replace the main drive shaft with an airworthy main drive shaft.

Differences Between This Proposed AD and the EASA AD

This proposed AD differs from the EASA AD as follows:

- This proposed AD is not applicable to A109LUH model helicopters because they are not type certificated for use in the United States;
- This proposed AD does not require compliance ''not later than September 30, 2007'' because that date has passed;
- This proposed AD uses the term ''hours time-in-service'' rather than ''flight hours'' when referring to compliance times; and
- This proposed AD does not contain the steps necessary to install the main drive shaft.

Costs of Compliance

We estimate that this proposed AD would affect about 90 helicopters of U.S. registry. We also estimate an average labor rate of $85 per work hour. Based on these assessments, we calculate the following costs:

- Inspecting the lower semichannel assembly for metallic spacers would take about 15 minutes for a labor cost of $21 per helicopter. No parts would be needed, so the total cost for the 90-helicopter fleet would be $1,890.
- Inspecting for missing rivets would take about three work-hours for a total labor cost of $255 per helicopter. Parts would cost $10, increasing the per-helicopter cost to $265.
- Removing, inspecting for damage, and reinstalling the main drive shaft would take four work-hours for a labor cost of $340. No parts would be required.
- Replacing the main drive shaft. This task also would take four work-hours, so that labor costs would again total $340. Parts would cost $20,824 for a total per-helicopter cost of $21,164.

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, 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);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. 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 an economic 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 Airworthiness Directive (AD):

Agusta S.p.A.: Docket No. FAA–2012–0501; Directorate Identifier 2009–SW–083–AD.

(a) Applicability

This AD applies to Model A109E helicopters, up to and including serial number (S/N) 11694, except 11633 and 11634; and Model A109S helicopters, up to and including S/N 22034, except S/N 22026 and 22033; with lower semichannel assemblies, part number (P/N)109–0641–10–213 or 109–0642–01–171, installed; certificated in any category.

Note to paragraph (a) of this AD: The lower semichannel assemblies are sub-components of the forward firewall assembly.

(b) Unsafe Condition

This AD results from reported cases of damage to the main drive shaft caused by improperly secured metallic spacers on some A109 model helicopters. The actions specified by this AD are intended to detect missing spacer rivets, which could allow the metallic spacers to rotate and lead to damage and failure of the main drive shaft, and subsequent loss of control of the helicopter.

(c) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(d) Required Actions

Within 50 hours time-in-service:

(1) Inspect the left-side and right-side lower semichannel assemblies by referring to Figures 1 and 2, and in accordance with Paragraph 3. of the Compliance Instructions in the Agusta Bollettino Tecnico (BT) No. 109EP–79 for the Model A109E helicopter, or BT No. 109S–15 for the Model A109S helicopter, both dated July 12, 2007, to determine if metallic spacers, P/N 109–0642–01–195, are installed. If metallic spacers are not installed, no further actions are required.

(2) For each semichannel assembly with a metallic spacer, remove the semichannel assembly from the helicopter firewall and note whether it is the left-side or right-side semichannel assembly.

(3) Inspect each removed semichannel assembly and determine whether there is a fixing rivet, P/N MS20427M3–5, MS20426T3–5, or A298A04TW02, installed that holds the spacer to the lower semichannel assembly and whether the gasket is properly seated.

(4) For each semichannel assembly without a fixing rivet on each side of the lower

semichannel assembly or those where the gasket is improperly seated, separate the lower semichannel from the upper semichannel, noting the orientation of each spacer and gasket. Modify the lower semichannel assembly by installing a fixing rivet on each side of the lower semichannel assembly, and reattaching the lower and upper semichannel assemblies in accordance with paragraphs 4.2 through 4.7 of the appropriate BT for your model helicopter. Paragraph 4.2 of the BT states ''remove the fixing rivets''; this AD changes that provision to ''remove the screws, P/N MS27039–08–05.''

(5) Inspect each main drive shaft for a nick, a scratch, or other damage in the semichannel area. If a nick, a scratch, or other damage is found that exceeds those allowable damage tolerances in the maintenance manual, replace the main drive shaft with an airworthy main drive shaft.

(e) Alternative Methods of Compliance (AMOC)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Jim Grigg, Manager, Aircraft Certification, FAA, Rotorcraft Directorate, Safety Management Group, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5126, fax (817) 222–5961; email: *jim.grigg@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(f) Additional Information

(1) For service information identified in this AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39–0331–711133; fax 39–0331–711180; or at *http://www.agustawestland.com/technical-bullettins*. You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in the European Aviation Safety Agency (EASA) AD 2007–0192–E, dated July 13, 2007.

(g) Subject

Joint Aircraft Service Component (JASC) Code: 7100, powerplant system.

Issued in Fort Worth, Texas, on May 9, 2012.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2012–12354 Filed 5–21–12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0529; Directorate Identifier 2011–SW–050–AD]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Agusta S.p.A. (Agusta) Model AW139 helicopters. This proposed AD is prompted by the discovery of improper installation of solder splices on the co-pilot audio system causing intermittent noise through the audio system during flight. The proposed actions are intended to prevent degradation and complete loss of communications between the pilot and co-pilot during flight, impairing the co-pilot's capability to react immediately to operational difficulties, which could lead to subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by July 23, 2012.

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

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FOR FURTHER INFORMATION CONTACT: John VanHoudt, Aerospace Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5167, email *john.vanhoudt@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued AD No.: 2011–0140, dated July 20, 2011 (2011–0140), to correct an unsafe condition for certain Agusta AW139 helicopters. EASA advises that some occurrences of intermittent noise in the co-pilot audio system have been reported. The technical investigation carried out by Agusta showed that some of the solder splices on the audio panel were the