

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

[Docket No. FAA–2024–0235; Project Identifier MCAI–2022–01376–R]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AW189 helicopters. This proposed AD was prompted by a report of an uncommanded deployment of the emergency life-raft system (ELS). This proposed AD would require a one-time inspection of the life-raft installations and, depending on the results, accomplishing additional actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 2024.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.

- *Fax:* (202) 493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–0235; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material that is identified in this NPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone +49 221 8999 000;

email *ADs@easa.europa.eu*; website *easa.europa.eu*.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. The EASA material is also available at *regulations.gov* under Docket No. FAA–2024–0235.

Other Related Service Information:

For Leonardo Helicopters service information identified in this NPRM, contact Leonardo S.p.A., Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; phone (+39) 0331–225074; fax (+39) 0331–229046; website *customerportal.leonardocompany.com/en-US/*. You may also view this service information at the FAA contact information under *Material Incorporated by Reference* above.

FOR FURTHER INFORMATION CONTACT:

Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7241; email: *sungmo.d.cho@faa.gov*.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2024–0235; Project Identifier MCAI–2022–01376–R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial

information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7241; email: *sungmo.d.cho@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0214, dated October 21, 2022 (EASA AD 2022–0214), to correct an unsafe condition for certain serial-numbered Leonardo S.p.A. Model AW189 helicopters.

This proposed AD was prompted by a report of an uncommanded deployment of the ELS. Subsequent investigation determined incorrect installation of its control cable could have caused the occurrence. The FAA is proposing this AD to address unintended activation and deployment of the ELS. The unsafe condition, if not addressed, could result in unintended activation and deployment of the ELS in flight with possible impact on the rotors, resulting in reduced control of the helicopter. You may examine EASA AD 2022–0214 in the AD docket at *regulations.gov* under Docket No. FAA–2024–0235.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0214 requires a one-time inspection of both the left- and right-side life-raft installations for certain serial-numbered helicopters and, depending on findings, replacing its control cable and checking the assembly, replacing a cable pulley cover, correcting the cable installation, and replacing the life-raft assembly, as applicable.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA also reviewed Leonardo Helicopters Alert Service Bulletin No.189–315, dated October 20, 2022. This service information specifies procedures for inspecting the ELS.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0214, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under “Differences Between this Proposed AD and the EASA AD.”

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0214 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0214 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0214 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2022–0214. Service information referenced in EASA AD 2022–0214 for compliance will be available at [regulations.gov](https://www.regulations.gov) under

Docket No. FAA–2024–0235 after the FAA final rule is published.

Differences Between This Proposed AD and the EASA AD

The service information referenced in EASA AD 2022–0214 specifies taking pictures, completing an inspection report, and sending removed parts to the manufacturer, whereas this proposed AD would not include those actions.

The service information referenced in EASA AD 2022–0214 cautions that step 3.3 shall be performed by trained operators or by authorized service stations only, whereas this proposed AD would require that step to be accomplished by persons authorized under 14 CFR 43.3.

EASA AD 2022–0214 refers to the emergency life-raft assembly inspection as a “check,” whereas this proposed AD would refer to that action as an “inspection” because that action must be accomplished by persons authorized under 14 CFR 43.3.

EASA AD 2022–0214 allows installing inoperative placard(s) in clear view of both pilots to defer certain corrective action, provided all flight crews are informed and, thereafter, the helicopter is operated accordingly. FAA regulations mandate compliance with placards. However, this proposed AD would not require informing flight crews or operating the helicopter accordingly because compliance with such requirements in an AD is impracticable to demonstrate or track on an ongoing basis; therefore, a requirement to operate the aircraft in such a manner is unenforceable. Nonetheless, flight crews of the helicopters identified in the applicability must operate in accordance with the placard(s) proposed by this AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 4 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Inspecting the left- and right-hand side life-raft installations would take about 4 work-hours for an estimated cost of \$340 per helicopter and \$1,360 for the U.S. fleet.

If required, replacing a control cable and inspecting the life-raft assembly would take about 1 work-hour and parts would cost about \$1,665 for an estimated cost of \$1,750 per side. If required, replacing a pulley cover would take about 0.5 work-hour and parts would cost about \$100 for an

estimated cost of \$143 per side. If required, correcting the cable installation would take about 4 work-hour and would cost about \$340 per side. If required, replacing a life raft assembly would take about 4 work-hours and parts would cost about \$125,700 for an estimated cost of \$126,040 per side.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

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.

The FAA is 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

The FAA 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) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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:

Leonardo S.p.a.: Docket No. FAA–2024–0235; Project Identifier MCAI–2022–01376–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 12, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW189 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0214, dated October 21, 2022 (EASA AD 2022–0214).

(d) Subject

Joint Aircraft Service Component (JASC) Code 2564, Life Raft.

(e) Unsafe Condition

This AD was prompted by a report of an uncommanded deployment of the Emergency life-raft system (ELS), possibly due to an incorrect installation of its control cable. The FAA is issuing this AD to address unintended activation and deployment of the ELS. The unsafe condition, if not addressed, could result in unintended activation and deployment of the ELS in flight with possible impact on the rotors, resulting in reduced control of the helicopter.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0214.

(h) Exceptions to EASA AD 2022–0214

(1) Where EASA AD 2022–0214 refers to “flight hours,” this AD requires replacing those words with “hours time-in-service.”

(2) Where EASA AD 2022–0214 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the service information referenced in paragraph (1) of EASA AD

2022–0214 specifies taking pictures and completing the inspection report, this AD does not include those requirements.

(4) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 states, “damage (e.g., wear or bird caging)” or “damaged” when referring to the control cable that comes out from the sheath; for this AD, replace that text with, “damage, which may be indicated by wear, corrosion, a broken wire, a necked down section, a kink, bird-caging, a flattened area, abrasion, or gouging.”

(5) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 states, “condition (no sign of damage, cracks or missing parts)” or “damaged” when referring to the break-away pin; for this AD, replace that text with, “damage, which may be indicated by wear, corrosion, nick, cracks, or distortion.”

(6) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 states, “condition,” “damage/wear,” and “damages” when referring to the pulley cover; for this AD, replace that text with, “damage, which may be indicated by abrasion, cracks, punctures, cuts, corrosion, or distortion.”

(7) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 specifies removing the pulley cover in case it is not possible to properly inspect the whole cover; for this AD, removing the pulley cover to inspect the whole cover is required.

(8) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 cautions that step 3.3 shall be performed by trained operators or by authorized service stations only, this AD does not include those cautions. For this AD, step 3.3 must be accomplished by persons authorized under 14 CFR 43.3.

(9) Where paragraph (2) of EASA AD 2022–0214 specifies “accomplish a check of the affected emergency life-raft assembly,” this AD requires replacing that text with “accomplish an emergency life-raft assembly inspection.”

(10) Where paragraph (4) of EASA AD 2022–0214 specifies “during the check of the emergency life-raft assembly as required by paragraph (2) of this AD,” this AD requires replacing that text with “during the life-raft assembly inspection as required by paragraph (2) of this AD.”

(11) Where paragraph (5) of EASA AD 2022–0214 specifies “before next flight after the check as required by paragraph (2) of this AD,” this AD requires replacing that text with “before next flight after the life-raft assembly inspection as required by paragraph (2) of this AD.”

(12) Where paragraph (5) of EASA AD 2022–0214 specifies to inform all flight crews and, thereafter, operate the helicopter accordingly, this AD does not require those actions.

(13) Where Table 1 of paragraph (5) of EASA AD 2022–0214 specifies “Within 120 days after accomplishment of the inspection as required by paragraph (1) of this AD,” this AD requires replacing that text with “Before next flight over water.”

(14) This AD does not adopt the “Remarks” section of EASA AD 2022–0214.

(i) No Reporting or Return of Parts

Although the service information referenced in EASA AD 2022–0214 specifies to submit certain information and send removed parts to the manufacturer, this AD does not include those requirements.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the attention of the address identified in paragraph (k) of this AD or email to: 9-AVS-AIR-730-AMOC@faa.gov. If mailing information, also submit information by email.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Related Information

For more information about this AD, contact Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7241; email: sungmo.d.cho@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0214, dated October 21, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0214, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find the EASA material on the EASA website ad.easa.europa.eu.

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on February 21, 2024.

Victor Wicklund,

Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

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