

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

[Docket No. FAA-2009-0524; Directorate Identifier 2009-NM-030-AD; Amendment 39-15935; AD 2009-12-12]

RIN 2120-AA64

Airworthiness Directives; ATR Model ATR42-500 and ATR72-212A 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) 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:

Identification of an unsafe condition related to the loss of the fail-safe design criteria for the rudder trim, pitch trim and stick pusher control functions after a reported event led in April 2008 to the release of AD 2008-0062 to mandate the ATR modification No. 05780.

It has appeared that some airplanes manufactured and delivered before April 1, 2008, may have received on the production-line a partial or incorrect implementation of the required ATR mod. No. 05780.

* * * * *

The unsafe condition is loss of the rudder trim, pitch trim, and stick pusher control, which could result in loss of control of the airplane. This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective June 29, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications, listed in the AD as of June 29, 2009.

We must receive comments on this AD by July 13, 2009.

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

- *Federal eRulemaking Portal:* Go to <http://www.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:* U.S. Department of Transportation, Docket Operations, M-

30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, 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 AD, the regulatory 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 FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1139.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008-0218, dated December 10, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Identification of an unsafe condition related to the loss of the fail-safe design criteria for the rudder trim, pitch trim and stick pusher control functions after a reported event led in April 2008 to the release of AD 2008-0062 to mandate the ATR modification No. 05780.

It has appeared that some airplanes manufactured and delivered before April 1, 2008, may have received on the production-line a partial or incorrect implementation of the required ATR mod. No. 05780.

For the reasons stated above, the present AD requires an inspection of the identified airplanes to verify and, finalize when necessary, the complete and correct implementation of the ATR mod. No. 05780[.]

The unsafe condition is loss of the rudder trim, pitch trim, and stick pusher control, which could result in loss of control of the airplane. Correct implementation of ATR modification No. 05780 includes inspecting the protection sleeves for correct installation, and installing new protective sleeving on the wire bundles in the rear baggage zone if necessary; doing a detailed inspection for correct positioning of the clamps for the wire

bundles, and re-installing them if necessary. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Avions de Transport Regional has issued Service Bulletins ATR42-92-0020 and ATR72-92-1021, both dated October 17, 2008. 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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

There are no products of this type currently registered in the United States. However, this rule is necessary to ensure that the described unsafe condition is addressed if any of these products are placed on the U.S. Register in the future.

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 highlighted in a NOTE within the AD.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, notice and opportunity for public comment before issuing this AD are unnecessary.

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-2009-0524; Directorate Identifier 2009-NM-030-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://www.regulations.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 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 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:

2009-12-12 ATR—GIE Avions de Transport Régional (Formerly Aerospatiale): Amendment 39-15935. Docket No. FAA-2009-0524; Directorate Identifier 2009-NM-030-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective June 29, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of the AD, certificated in any category.

(1) ATR Model ATR42-500 airplanes, manufacturer serial numbers (MSNs) 667, 669, and 671.

(2) ATR Model ATR72-212A airplanes, MSNs 756 to 784 inclusive, except MSNs 770, 773, and 783.

Subject

(d) Air Transport Association (ATA) of America Code 24: Electrical Power.

Reason

(e) The mandatory continued airworthiness information (MCAI) states:

Identification of an unsafe condition related to the loss of the fail-safe design criteria for the rudder trim, pitch trim and stick pusher control functions after a reported event led in April 2008 to the release of AD 2008-0062 to mandate the ATR modification No. 05780.

It has appeared that some airplanes manufactured and delivered before April 1, 2008, may have received on the production-line a partial or incorrect implementation of the required ATR mod. No. 05780.

For the reasons stated above, the present AD requires an inspection of the identified airplanes to verify and, finalize when necessary, the complete and correct implementation of the ATR mod. No. 05780[.]

The unsafe condition is loss of the rudder trim, pitch trim, and stick pusher control, which could result in loss of control of the airplane. Correct implementation of ATR modification No. 05780 includes inspecting the protection sleeves for correct installation, and installing new protective sleeving on the wire bundles in the rear baggage zone if necessary; doing a detailed inspection for correct positioning of the clamps for the wire bundles, and re-installing them if necessary.

Actions and Compliance

(f) Unless already done, do the following actions.

(1) Within 550 flight hours after the effective date of this AD, do a detailed inspection to verify the installation of the correct protection sleeves and the correct routing and clamping of the wire bundles. Do the actions in accordance with the Accomplishment Instructions of Avions de Transport Régional Service Bulletin ATR42-92-0020 or ATR72-92-1021, both dated October 17, 2008; as applicable.

(2) If any discrepancy is found during the inspection required by paragraph (f)(1) of this AD, before further flight, do all applicable corrective actions in accordance with the Accomplishment Instructions of Avions de Transport Régional Service Bulletin ATR42-92-0020 or ATR72-92-1021, both dated October 17, 2008; as applicable.

FAA AD Differences

Note 1: 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, International Branch, ANM-116, Transport Airplane Directorate, 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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1139. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(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

(h) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2008-0218, dated December 10, 2008; and Avions de Transport Regional Service Bulletins ATR42-92-0020 and ATR72-92-1021, both dated October 17, 2008; for related information.

Material Incorporated by Reference

(i) You must use Avions de Transport Regional Service Bulletin ATR42-92-0020, dated October 17, 2008; or Avions de Transport Regional Service Bulletin ATR72-92-1021, dated October 17, 2008; 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 ATR-GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; e-mail continued.airworthiness@atr.fr; Internet <http://www.aerochain.com>.

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221 or 425-227-1152.

(4) You may also review copies of the service information that is incorporated by reference 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 June 2, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-13573 Filed 6-11-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-0226; Directorate Identifier 2007-SW-35-AD; Amendment 39-15930; AD 2009-12-07]

RIN 2120-AA64

Airworthiness Directives; Agusta S.p.A. Model A109E, A109S, A119, and AW119MKII Helicopters

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Agusta S.p.A. (Agusta) Model A109E, A109S, A119, and AW119MKII helicopters. This 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 European Aviation Safety Agency (EASA), the Technical Agent for the aviation authority of Italy, with which we have a bilateral agreement, has issued an MCAI AD which states that two cases of cracks on a certain cargo hook lever (lever) have been reported by the manufacturer of the cargo hook. This lever is a critical structural component of the cargo hook, and a crack could result in inadvertent loss of the cargo hook load. This AD requires actions that are intended to address the unsafe condition caused by cracks in the cargo hook lever.

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

The incorporation by reference of certain publications is approved by the Director of the Federal Register as of July 17, 2009.

ADDRESSES: You may examine the AD docket on the Internet at <http://regulations.gov> or in person at the Docket Operations office, U.S. Department of Transportation, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

You may get the service information identified in this AD from Agusta, Via Giovanni Agusta, 520 21017 Cascina Costa di Samarate (VA), Italy, telephone 39 0331-229111, fax 39 0331-229605/222595, or at http://customersupport.agusta.com/technical_advice.php.

Examining the AD Docket: The AD docket contains the Notice of proposed rulemaking (NPRM), the economic evaluation, any comments received, and other information. The street address and operating hours for the Docket Operations office (telephone (800) 647-5527) are in the **ADDRESSES** section of this AD. Comments will be available in the AD docket shortly after they are received.

FOR FURTHER INFORMATION CONTACT: John Strasburger, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222-5167; fax (817) 222-5961.

SUPPLEMENTARY INFORMATION:

Discussion

We issued an NPRM to amend 14 CFR part 39 to include an AD that would apply to the Agusta Model A109E, A109S, A119, and AW119MKII helicopters on March 4, 2009. That NPRM was published in the **Federal Register** on March 23, 2009 (74 FR 12096). That NPRM proposed to require actions that are intended to detect a crack in the cargo hook lever and prevent the inadvertent loss of the cargo hook load. You may obtain further information by examining the MCAI and any related service information in the AD docket.

Comments

By publishing the NPRM, we gave the public an opportunity to participate in developing this AD. However, we received no comment on the NPRM or on our determination of the cost to the public. Therefore, based on our review and evaluation of the available data, we have determined that air safety and the public interest require adopting the AD as proposed.

Relevant Service Information

Agusta has issued Alert Bollettino Tecnico (ABT) No. 109EP-78, ABT No. 109S-12, and ABT No. 119-21, all dated June 6, 2007. The actions described in the MCAI are intended to correct the same unsafe condition as that identified in the service information.

Differences Between This AD and the MCAI

We have reviewed the MCAI and, in general, agree with its substance. However, we have made the following changes:

- Excluded the August 31, 2007 compliance date because that date has passed;
- Excluded the Model A109LUH from the applicability and do not reference Agusta ABT No. 109L-006 because the Model A109LUH helicopter is not on the U.S. type certificate, H7EU;
- Added the Model AW119MKII to the applicability;
- Required the use of a 10-power or higher magnifying glass to accomplish the visual inspections; and
- Excluded the kit installation part number (P/N), relying instead on the cargo hook and lever P/N.

These differences are highlighted in the "Differences Between this AD and the MCAI" section in this AD.

Costs of Compliance

We estimate that this AD will affect about 26 helicopters on the U.S.