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Issued in Renton, Washington, on May 31, 2012.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2012-0600; Directorate Identifier 2012-SW-017-AD; Amendment 39-17076; AD 2012-11-12]

RIN 2120-AA64

#### Airworthiness Directives; AGUSTA S.p.A. Helicopters

**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 Agusta S.p.A. (Agusta) Model AW139 helicopters to determine if the hardware that attaches the upper end of collective control rod C2 to torque tube C3 is properly installed. This AD is prompted by the discovery of an incorrectly-attached collective control rod. These actions are intended to prevent separation of the collective control rod from the torque tube, loss of control of the collective pitch, and subsequent loss of control of the helicopter.

**DATES:** This AD becomes effective July 3, 2012.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 3, 2012.

We must receive comments on this AD by August 17, 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 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 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.agusta-westland.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:** Sharon Miles, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 222 5110; email [sharon.y.miles@faa.gov](mailto:sharon.y.miles@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, 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 resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, 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 them 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 rulemaking during the comment period. We will consider all the comments we

receive and may conduct additional rulemaking based on those comments.

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2011-0226-E, dated December 2, 2011 (EASA AD 2011-0226-E), to correct an unsafe condition for the Agusta AW139 helicopters. EASA advises that an occurrence of incorrect installation of a collective control rod has been reported. This improper installation was identified on an in-service helicopter during the first annual inspection.

The subsequent investigation by the manufacturer led it to conclude that this discrepancy could affect other helicopters because the production quality control procedures did not require recording the applied torque on the bolt attaching the collective control rod to the torque tube. To address this unsafe condition, Agusta Westland issued Bollettino Tecnico (BT) No. 139-275, dated December 1, 2011, (BT 139-275) and EASA issued AD 2011-0226-E to require an inspection of the attaching point of the flight control rod to the torque tube and if improperly installed, reinstalling the parts.

This condition, if not detected and corrected, could lead to in-flight separation of the collective control rod from the torque tube, loss of control of the collective pitch, and subsequent loss of control 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, the EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by the EASA and determined the unsafe condition is likely to exist or develop on other helicopters of the same type design.

#### Related Service Information

We reviewed BT 139-275, which contains procedures to inspect for the proper installation of control rod C2 in the roof area and to ensure that the attaching hardware that connects the control rod to the torque tube is properly installed.

#### AD Requirements

This AD requires:

- Within 5 hours time-in-service or 7 days, whichever occurs earlier, visually inspecting the connection between

control rod C2 and torque tube C3 for the proper installation of the bolt, washers, self locking nut, and cotter pin.

- If the installed hardware is not as prescribed in this AD, before further flight, re-installing control rod C2 with the correct bolt, washers, self locking nut, and cotter pin.

#### Costs of Compliance

We estimate that this AD will affect 1 helicopter of U.S. Registry. We estimate that this operator may incur the following costs in order to comply with this AD. Inspecting and reassembling the control rod will require about 8 work hours at an average labor rate of \$85 per hour, for a total cost per helicopter of \$680. Any required parts costs are minimal.

#### FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the required corrective actions must be accomplished within 5 hours time-in-service, a very short time period based on the average flight-hour utilization rate of these helicopters.

Since an unsafe condition exists that requires the immediate adoption of this AD, 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 less than 30 days.

#### 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, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under 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 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 airworthiness directive (AD):

**2012-11-12 AGUSTA S.P.A.:** Amendment 39-17076; Docket No. FAA-2012-0600; Directorate Identifier 2012-SW-017-AD.

#### (a) Applicability

This AD applies to Agusta S.p.A. (Agusta) Model AW139 helicopters, serial number (S/N) 31306, 31314, 31317, 31319, 31320, 31322, 31323, and S/N 31325 through 31345 (except S/N 31329, 31333, 31338, 31339, and 31341), certificated in any category.

#### (b) Unsafe Condition

This AD defines the unsafe condition as an incorrectly installed collective control rod, which could result in detachment of the collective control rod, resulting in subsequent loss of control of the helicopter.

#### (c) Effective Date

This AD becomes effective July 3, 2012.

#### (d) 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.

#### (e) Required Actions

(1) Within 5 hours time-in-service (TIS) or 7 days, whichever occurs earlier, inspect the connection between the collective control rod C2 and the torque tube C3 for proper installation of the: bolt, part number (P/N) NAS6604D15; washer under the bolt head, P/N A160A0432K; self-locking nut, P/N MS17825-4; washer under the self-locking nut, P/N NAS1149D0432K; and the cotter pin, P/N MS24655-136, as depicted in Figures 1 and 2, of Agusta Bollettino Tecnico No. 139-275, dated December 1, 2011, (ABT 139-275).

(2) If the connection between the collective control rod C2 and the torque tube C3 is not as depicted in Figures 1 and 2 of ABT 139-275, before further flight, properly connect control rod C2 to torque tube C3. In order to obtain the correct bolt grip length and cotter pin installation, you may use a maximum of 2 washers, P/N NAS1149D0432K, under the self-locking nut.

#### (f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Sharon Miles, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 222-5110; email [sharon.y.miles@faa.gov](mailto:sharon.y.miles@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.

#### (g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency AD No. 2011-0226-E, dated December 2, 2011.

#### (h) Subject

Joint Aircraft Service Component (JASC) Code: 6710: Main Rotor Control.

#### (i) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on July 3, 2012.

(i) Agusta Bollettino Tecnico No. 139-275, dated December 1, 2011.

(4) 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>.

(5) 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 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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Fort Worth, Texas, on May 30, 2012.

**Lance T. Gant,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2012-14385 Filed 6-15-12; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2011-1255; Directorate Identifier 2010-NM-182-AD; Amendment 39-17084; AD 2012-12-05]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are superseding two existing airworthiness directives (ADs) for certain Model 737-100, -200, -200C, -300, -400, and -500 series airplanes. The first existing AD currently requires, for certain airplanes, repetitive inspections of the Station (STA) 348.2 frame to detect cracking under the stop fittings and intercostal flanges at stringers S-14L, S-15L, and S-16L, and corrective action if necessary. The second existing AD currently requires repetitive inspections to detect cracking of the intercostal webs, attachment clips, and stringer splice channels, and corrective action if necessary. This new AD requires that the inspection for cracking under the stop fittings be done on additional airplanes; extends the repetitive interval for certain airplanes; adds a one-time inspection to detect missing fasteners; and updates or adds certain inspection and repair instructions. This new AD also requires, for certain airplanes, repetitive inspections of the cargo barrier net fitting for cracking, and repair if necessary. This new AD also adds, for

certain airplanes, repetitive inspections for cracking of the stringer S-15L aft intercostal, and repair if necessary. This AD was prompted by reports of cracking of the STA 348.2 frame above the two outboard fasteners attaching the frame inner chord and door stop fittings, and in the outboard chord at stringer S-16L. We have also received reports of missing fasteners in the STA 348.2 frame inner chord. We are issuing this AD to detect and correct fatigue cracking of the intercostals on the forward and aft sides of the forward entry door cutout, which could result in loss of the forward entry door and rapid decompression of the airplane.

**DATES:** This AD is effective July 23, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of July 23, 2012.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of September 9, 2009 (74 FR 38901, August 5, 2009).

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 1, 2005 (70 FR 56361, September 27, 2005).

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of June 4, 2004 (69 FR 23646, April 30, 2004).

**ADDRESSES:** For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet <https://www.myboeingfleet.com>. You may review copies of the referenced 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.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.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 address for the Docket Office (phone: 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building

Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Alan Pohl, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057-3356; phone: (425) 917-6450; fax: (425) 917-6590; email: [Alan.Pohl@faa.gov](mailto:Alan.Pohl@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede airworthiness directives AD 2004-09-09, Amendment 39-13598 (69 FR 23646, April 30, 2004); and AD 2009-16-14, Amendment 39-15987 (74 FR 38901, August 5, 2009). Those ADs apply to the specified products. The NPRM published in the **Federal Register** on November 28, 2011 (76 FR 72858). The NPRM proposed to retain certain requirements of AD 2004-09-09 and AD 2009-16-14. The NPRM proposed to also add airplanes to the applicability for the high frequency eddy current (HFEC) inspection for cracking of the stop fittings at the shear web at the STA 348.2 frame; extend the repetitive interval for the HFEC inspection of the STA 348.2 frame for Model 737-200C airplanes; add an inspection to detect missing fasteners of the STA 348.2 frame inner chord; and update or add certain inspection and repair instructions.

##### Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (76 FR 72858, November 28, 2011) and the FAA's response to each comment.

##### Support for NPRM (76 FR 72858, November 28, 2011)

Boeing concurs with the contents of the NPRM (76 FR 72858, November 28, 2011).

##### Requests To Remove or Revise Exception to Certain Service Information

Southwest Airlines (SWA) asked that paragraph (r) of the NPRM (76 FR 72858, November 28, 2011) be removed, or revised to provide clarification. SWA stated that the exception specified in paragraph (r) of the NPRM does not allow the sequence of steps in the Work Instructions of Boeing Alert Service Bulletin 737-53A1240, Revision 1, dated June 29, 2010, to be changed. SWA added that it has serious concerns