DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39

Issued on October 27, 2020.

Gaetano A. Sciortino,
Deputy Director for Strategic Initiatives,
Compliance & Airworthiness Division,
Aircraft Certification Service.

ADDRESSES:

Aircraft Certification Service.

Compliance & Airworthiness Division,

Deputy Director for Strategic Initiatives,

Gaetano A. Sciortino,

federal-register/cfr/ibr-locations.html.

DATES:

Issued on October 27, 2020.

SUMMARY:

AGENCY:
Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

The FAA must receive comments on

this rulemaking during the comment

period. The FAA will consider all the

comments received, and other

comments will not be placed in the public docket

of this final rule. Submissions

containing CBI should be sent to Daniel

e.moore@faa.gov. Any

commentary that the FAA receives

which is not specifically designated as

CBI will be placed in the public docket

for this rulemaking.

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 final rule

contain commercial or financial

information that is customarily treated

as private, that is relevant or

responsive to this final rule, 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 final rule. Submissions

containing CBI should be sent to Daniel

E. Moore, Aviation Safety Engineer,

Regulations & Policy Section, Rotorcraft

Standards Branch, FAA, 10101

Hillwood Pkwy., Fort Worth, TX 76177;

telephone 817–222–5110; email
daniel.e.moore@faa.gov. Any

commentary that the FAA receives

which is not specifically designated as

CBI will be placed in the public docket

for this rulemaking.

Discussion

EASA, which is the Technical Agent

for the Member States of the European

Union, has issued EASA AD No. 2020–

0185, dated August 19, 2020, to correct

an unsafe condition for Leonardo S.p.A.

Helicopters, formerly Finmeccanica


S.p.A.; and AgustaWestland

Philadelphia Corporation, formerly

Agusta Aerospace Corporation Model

AB139 and AW139 helicopters, all

serial numbers, if equipped with

emergency flotation kit part number (P/
have access to it through their normal
available because the interested parties
actuator cable.
and the activation system, and adjust
sphere at the end of the actuator cable.
cap, inspect the actuator cable by
actuator cable between the face of
certain reservoirs and return them to the
actuator cable and the activation system.
EASA advises that this
not detected and corrected, may lead to further unintended
activation and deployment of the raft in
flight and separation with possible
impact on the rotors, resulting in
reduced control of the helicopter.
To address this unsafe condition,
Leonardo Helicopters has issued Alert
Service Bulletin No. 139–648, dated
August 10, 2020 (ASB 139–648) to
provide replacement instructions for
certain reservoirs and a one-time
inspection for all other reservoirs to
verify that the actuator cable and the
valve pull rod are correctly installed.
Accordingly, the EASA AD requires,
for some helicopters, replacement of
affected reservoirs and, for other
helicopters, inspections of the valve
pull rod and the actuator cable of the
raft and, depending on findings,
accomplishment of the applicable
corrective action(s). The EASA AD also
prohibits (re)installation of an affected
reservoir on any helicopter.
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 of the unsafe condition described
in its AD. The FAA is issuing this AD
after evaluating all of the information
provided by EASA and determining the
unsafe condition exists and is likely to
exist or develop on other helicopters of
the same type designs.
Related Service Information Under 1 CFR Part 51
The FAA reviewed ASB 139–648,
which specifies procedures to replace
certain reservoirs and return them to the
supplier, inspect the measurement of
the actuator cable between the face of
the pull rod and the back of the valve
cap, inspect the actuator cable by
inspecting the clearance between the
sphere at the end of the actuator cable
and the activation system, and adjust
the actuator cable.
This service information 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.
AD Requirements
This AD requires the following:
• For helicopters with certain serial-numbered right-hand (RH) or left-hand
(LH) reservoirs P/N 3G2560V01951 or P/N 3G2560V01251 installed, within 25
hours time-in-service (TIS), removing
each affected reservoir from service.
• For helicopters with certain other
serial-numbered RH or LH reservoirs P/N
3G2560V01951 or P/N 3G2560V01251
installed, within 25 hours TIS or before
the reservoir accumulates 55 total
hours TIS since first installation on a
helicopter, whichever occurs later,
inspecting the valve pull rod of each
reservoir. If the measurement of
the actuator cable between the face of
the pull rod and the back of the valve
cap exceeds 68.5 mm, this AD requires
replacing the reservoir before further
flight.
• For helicopters with certain other
serial-numbered RH or LH reservoirs P/N
3G2560V01951 or P/N 3G2560V01251
installed, this AD requires, within 25
hours TIS, inspecting the actuator cable
of each reservoir. If the clearance
between the sphere at the end of the
actuator cable and the activation system
exceeds 5.0 + 0.00/– 2.0 mm, this AD
requires adjusting the actuator cable
before further flight.
This AD also prohibits installing
certain serial-numbered reservoirs P/N
3G2560V01951 or P/N 3G2560V01251
on any helicopter and prohibits
installing any other serial-numbered
reservoir P/N 3G2560V01951 or P/N
3G2560V01251 on any helicopter unless
the actuator cable of the reservoir has
been inspected, and if required, the
actuator cable adjusted.
Differences Between This AD and the
EASA AD
The EASA AD states one of the
compliance times to inspect the valve
pull rod is since installation of a
serviceable reservoir due removal of an
affected reservoir, whereas this AD does
not. The EASA AD requires returning
removed reservoirs to the supplier,
whereas this AD requires removing
certain reservoirs from service and
replacing other certain reservoirs
instead.
Regulatory Flexibility Act
The requirements of the Regulatory
Flexibility Act (RFA) do not apply when
an agency finds good cause pursuant to
5 U.S.C. 553 to adopt a rule without
prior notice and comment. Because FAA
has determined that it has good cause to
adopt this rule without notice and
comment, RFA analysis is not required.
Costs of Compliance
The FAA estimates that this AD
affects 130 helicopters of U.S. Registry.
Labor rates are estimated at $85 per
work-hour. Based on these numbers, the
FAA estimates that operators may incur
the following costs in order to comply
with this AD.
Replacing a reservoir takes about 1
work-hour and parts cost about $400 for
an estimated cost of $485 per reservoir.
Inspecting the valve pull rod of the
reservoirs takes about 1 work-hour for
an estimated cost of $85 per helicopter
and $11,050 for the U.S. fleet.
Inspecting the actuator cables takes
about 0.25 work-hour for an estimated
cost of $21 per helicopter and $2,730 for
the U.S. fleet. If required, adjusting an
actuator cable takes about 0.75 work-
hour for an estimated cost of $64 per
cable.
FAA's Justification and Determination of the Effective Date
Section 553(b)(3)(B) of the
Administrative Procedure Act (5 U.S.C.)
authorizes agencies to dispense with
notice and comment procedures for
rules when the agency, for “good cause”
finds that those procedures are
“impracticable, unnecessary, or contrary
to the public interest.” Under this
section, an agency, upon finding good
cause, may issue a final rule without
seeking comment prior to the
rulemaking.
An unsafe condition exists that
requires the immediate adoption of this
AD without providing an opportunity
for public comments prior to adoption.
The FAA has found that the risk to the
flying public justifies waiving notice
and comment prior to adoption of this
rule because the required corrective
actions must be completed within 25
hours TIS or before a component
accumulates 55 total hours TIS since
first installation on a helicopter, a short
time period of about two months based
on the average flight-hour utilization
rate of these helicopters. Therefore,
notice and opportunity for prior public
comment are impracticable and contrary
to public interest pursuant to 5 U.S.C.
553(b)(3)(B). In addition, for the reasons
stated above, the FAA finds that good
cause exists pursuant to 5 U.S.C. 553(d)
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.

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 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, and
2. Will not affect intrastate aviation in Alaska.

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

§ 39.13 [Amended]

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:


(a) Applicability

This airworthiness directive (AD) applies to Leonardo S.p.a. Model AB139 and AW139 helicopters, certificated in any category, with emergency flotation kit part number (P/N) 4G9560F00111 (15 passengers) or 4G9560F00211 (18 passengers).

(b) Unsafe Condition

This AD defines the unsafe condition as inadvertent activation and deployment of the emergency life raft (raft). This condition could result in the deployment of the raft during flight, separation of the raft with possible impact on the rotors, and subsequent reduced control of the helicopter.

(c) Effective Date

This AD becomes effective December 4, 2020.

(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. For helicopters with a right-hand (RH) or left-hand (LH) life raft reservoir (reservoir) P/N 3G2560V01951 or P/N 3G2560V01251 and with a serial number (S/N) listed in Table 1 of the Leonardo Helicopters Alert Service Bulletin No. 139–648, dated August 10, 2020 (ASB 139–648), within 25 hours time-in-service (TIS), remove each affected reservoir from service.

2. For helicopters with a RH or LH reservoir P/N 3G2560V01951 or P/N 3G2560V01251 and with an S/N not listed in Table 1 of ASB 139–648 installed, within 25 hours TIS or before the reservoir accumulates 55 total hours TIS since first installation on a helicopter, whichever occurs later, inspect the valve pull rod of each reservoir by following paragraphs 3. through 5.1, of the Accomplishment Instructions, part II, of ASB 139–648. If the measurement of the raft actuator cable (actuator cable) between the face of the pull rod and the back of the valve cap exceeds 6.85 mm, before further flight, replace the reservoir.

3. For helicopters with a RH or LH reservoir P/N 3G2560V01951 or P/N 3G2560V01251 and with an S/N not listed in Table 1 of ASB 139–648 installed, within 25 hours TIS, inspect the actuator cable of each reservoir by following paragraphs 3. through 5.1, of the Accomplishment Instructions, part III, of ASB 139–648. If the clearance between the sphere at the end of the actuator cable and the activation system exceeds 5.0 +0.00/ –2.0 mm, before further flight, adjust the life raft actuator cable by following Annex A of ASB 139–648.

4. As of the effective date of this AD, do not install reservoir P/N 3G2560V01951 or P/N 3G2560V01251 with an S/N listed in Table 1 of ASB 139–648 on any helicopter.

5. As of the effective date of this AD, do not install a reservoir P/N 3G2560V01951 or P/N 3G2560V01251 with an S/N other than an S/N listed in Table 1 of ASB 139–648 on any helicopter unless you have complied with the requirements in paragraph (e)(3) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

1. The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Daniel E. Moore, Aviation Safety Engineer, Regulations & Policy Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email ASW–FTW–AMOC–Requests@faa.gov.

2. For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA 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


(b) Subject


(i) 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 the AD specifies otherwise.


(ii) [Reserved]


4. You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., 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 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, email fedreg.legal@nara.gov, or go to: https://www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued on November 10, 2020.

Lance T. Gant, Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–25470 Filed 11–18–20; 8:45 am]

BILLING CODE 4910–13–P