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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2022-1307; Project Identifier MCAI-2022-01331-R; Amendment 39-22218; AD 2022-22-03]**

**RIN 2120-AA64**

### **Airworthiness Directives; Leonardo S.p.a. Helicopters**

#### **AGENCY:**

Federal Aviation Administration (FAA), DOT.

#### **ACTION:**

Final rule; request for comments.

#### **SUMMARY:**

The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AB139 and AW139 helicopters. This AD was prompted by a report of smoke and fire in the cockpit. This AD requires inspecting the forward cabin roof ceiling harnesses and installation, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

#### **DATES:**

This AD becomes effective November 17, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 17, 2022.

The FAA must receive comments on this AD by December 19, 2022.

#### **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* by searching for and locating Docket No. FAA-2022-1307; 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 final rule, any comments received, and other information. The street address for Docket Operations is listed above.

### **Material Incorporated by Reference**

- For EASA material incorporated by reference (IBR) in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [easa.europa.eu](http://easa.europa.eu). You may find this IBR material on the EASA website at [ad.easa.europa.eu](http://ad.easa.europa.eu).
- You may view this material 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. It is also available in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA-2022-1307.

*Other Related Service Information*: For Leonardo Helicopters service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone (+39) 0331-225074; fax (+39) 0331-229046; or at [customerportal.leonardocompany.com/en-US/](http://customerportal.leonardocompany.com/en-US/). This service information is also available at the contact information under *Material Incorporated by Reference* above.

### **FOR FURTHER INFORMATION CONTACT:**

Kristi Bradley, Acting Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email [kristin.bradley@faa.gov](mailto:kristin.bradley@faa.gov).

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2022-0209-E, dated October 12, 2022 (EASA AD 2022-0209-E), to correct an unsafe condition for certain serial-numbered Leonardo S.p.A. Helicopters, formerly Finmeccanica S.p.A,

AgustaWestland S.p.A., Agusta S.p.A.; and AgustaWestland Philadelphia Corporation, formerly Agusta Aerospace Corporation, Model AB139 and AW139 helicopters.

This AD was prompted by a report of smoke and fire in the cockpit and subsequent reduced control of the helicopter. The FAA is issuing this AD to address improper installation of the forward cabin roof ceiling harnesses, which could result in damage of the electrical wiring, fire in the forward cabin roof ceiling, and possible loss of control of the helicopter. See EASA AD 2022-0209-E for additional background information.

### **Related Service Information Under [1 CFR Part 51](#)**

EASA AD 2022-0209-E requires a one-time borescope inspection of the cable installation, and a one-time visual inspection for damage of the cables and the diode in the forward cabin roof ceiling. Depending on the results, EASA AD 2022-0209-E requires an additional inspection, contacting Leonardo for approved corrective action(s) instructions and accomplishing those instructions accordingly, restoring the correct installation of the cables, or restoring the required clearance.

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 Emergency Alert Service Bulletin No. 139-731, dated October 11, 2022. This service information specifies procedures for borescope inspecting the forward cabin roof ceiling harnesses installation in the area between STA 3120 and 3400, and depending on the results, inspecting the harnesses for chafing and damage, inspecting the torque tube C3 for damage, adjusting the strip installation, and contacting Leonardo for further instruction. This service information also specifies procedures for inspecting the diode A77 harness installation in the area between STA 3400 and 3900 for chafing and damage, ensuring the minimum clearance between the harness and diode A77 and if necessary, re-routing the cable harnesses to meet the minimum clearance, visually inspecting diode A77 for damage, and depending on the results, contacting Leonardo for further instruction.

### **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 the FAA's bilateral agreement with Italy, EASA, its technical representative, has notified the FAA of the unsafe condition described in its emergency AD. The FAA is issuing this AD after evaluating all pertinent information and determining that the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

### **Requirements of This AD**

This AD requires accomplishing the actions specified in EASA AD 2022-0209-E, described previously, as IBRed, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under “Differences Between this 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, EASA AD 2022-0209-E is IBRed in this FAA final rule. This AD, therefore, requires compliance with EASA AD 2022-0209-E in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022-0209-E 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 2022-0209-E. Service information referenced in EASA AD 2022-0209-E for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA-2022-1307 after this final rule is published.

## **Differences Between This AD and the EASA AD**

EASA AD 2022-0209-E requires contacting Leonardo for approved corrective action(s) instructions, where this AD requires repair done in accordance with a specified method. EASA AD 2022-0209-E specifies reporting certain inspection results within 30 days after completing the inspection, where this AD requires reporting those inspection results within 10 days after completing the inspection.

## **Interim Action**

The FAA considers this AD interim action. If final action is later identified, the FAA might consider further rulemaking then.

## **Justification for Immediate Adoption and Determination of the Effective Date**

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) ([5 U.S.C. 551](#) *et seq.*) 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 providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

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 foregoing notice and comment prior to adoption of this rule because damage and chafing of the forward cabin roof ceiling harnesses could lead to smoke and fire in the cockpit and possible reduced flight control during any phase of flight without any previous indications. This unsafe condition was discovered after an initial investigation following a recent occurrence of smoke and fire ignition in the cockpit and reduced control of a Model AW139 helicopter, and this condition may currently exist in other helicopters. Therefore, the initial action required by this AD must be accomplished within 10 hours time- in-service. This compliance time is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and

opportunity for prior public comment are impracticable and contrary to the public interest pursuant to [5 U.S.C. 553\(b\)\(3\)\(B\)](#).

In addition, 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, for the same reasons the FAA found good cause to forego notice and comment.

### **Comments Invited**

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2022-1307; Project Identifier MCAI-2022-01331-R” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, 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 final rule 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 final rule.

### **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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Kristi Bradley, Acting Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email [kristin.bradley@faa.gov](mailto:kristin.bradley@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.

### **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 the 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 126 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

AD.

Inspecting the harness installation, and if required, inspecting for chafing and damage and correcting the installation, takes up to about 2 work-hours for an estimated cost of up to \$170 per helicopter and \$21,420 for the U.S. fleet. Inspecting the diode harness installation for chafing and damage and ensuring required clearance, and if required, re-routing the harness, takes up to about 10 work-hours for an estimated cost of up to \$850 per helicopter and \$107,100 for the U.S. fleet. The FAA has no way of knowing the costs to accomplish approved repairs. If required, reporting information takes about 1 work-hour for an estimated cost of \$85.

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

### **Paperwork Reduction Act**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

### **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**

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

### 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:

**2022-22-03 Leonardo S.p.a.:** Amendment 39-22218; Docket No. FAA-2022-1307; Project Identifier MCAI-2022-01331-R.

#### (a) Effective Date

This airworthiness directive (AD) is effective November 17, 2022.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Leonardo S.p.a. Model AB139 and AW139 helicopters serial numbers (S/Ns) 31005 through 31984 inclusive (except S/Ns 31007, 31803, 31959, 31967, 31969, 31974, 31982, and 31983), S/Ns 41001 through 41580 inclusive, and S/Ns 41801 through 41806 inclusive, certificated in any category.

#### (d) Subject

Joint Aircraft System Component (JASC) Code: 2497, Electrical Power System Wiring.

### **(e) Unsafe Condition**

This AD was prompted by a report of smoke and fire in the cockpit and subsequent reduced control of the helicopter. The FAA is issuing this AD to address improper installation of the forward cabin roof ceiling harnesses. The unsafe condition, if not addressed, could result in damage of the electrical wiring, fire in the forward cabin roof ceiling, and possible loss of control of the helicopter.

### **(f) Compliance**

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

### **(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency Emergency AD 2022-0209-E, dated October 12, 2022 (EASA AD 2022-0209-E).

### **(h) Exceptions to EASA AD 2022-0209-E**

(1) Where EASA AD 2022-0209-E requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2022-0209-E refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the service information referenced in EASA AD 2022-0209-E specifies to contact Product Support Engineering in order to receive further instruction and where EASA AD 2022-0209-E requires contacting Leonardo for approved corrective action(s) instructions, this AD requires repair done in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a. Helicopters EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(4) Where paragraph (9) of EASA AD 2022-0209-E specifies reporting inspection results to Leonardo within 30 days after completing an inspection that detects any discrepancy, this AD requires reporting those inspection results at the applicable compliance time in paragraph (h)(4)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 10 days after completing the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

(5) The “Remarks” section of EASA AD 2022-0209-E does not apply to this AD.

### **(i) Special Flight Permit**

Special flight permits may be issued in accordance with [14 CFR 21.197](#) and [21.199](#), provided no passengers are onboard.



## **(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, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: [9-AVS-AIR-730-AMOC@faa.gov](mailto:9-AVS-AIR-730-AMOC@faa.gov).

(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 Kristi Bradley, Acting Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email [kristin.bradley@faa.gov](mailto:kristin.bradley@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) Emergency AD 2022-0209-E, dated October 12, 2022.

(ii) [Reserved]

(3) For EASA Emergency AD 2022-0209-E, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [easa.europa.eu](http://easa.europa.eu). You may find the EASA material on the EASA website at [ad.easa.europa.eu](http://ad.easa.europa.eu).

(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 material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

Issued on October 14, 2022.

Christina Underwood,

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

[[FR Doc. 2022-23777](#) Filed 10-27-22; 4:15 pm]

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