

to the International Branch, send it to ATTN: Cindy Ashforth, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone (425) 227-2768; fax (425) 227-1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. 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. 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.

#### (k) Related Information

Refer to MCAI Brazilian Airworthiness Directive 2011-05-04, effective June 16, 2011, and the service information specified in paragraphs (k)(1) through (k)(4) of this AD, for related information.

(1) EMBRAER Temporary Revision (TR) 2-5, dated December 6, 2007, to Appendix A, Part 2—Airworthiness Limitation Inspections (ALI)—Structures, of the EMBRAER 190 Maintenance Review Board Report, MRB-1928.

(2) EMBRAER TR 2-6, dated February 12, 2008, to Appendix A, Part 2—Airworthiness Limitation Inspections (ALI)—Structures, of the EMBRAER 190 Maintenance Review Board Report, MRB-1928.

(3) EMBRAER TR 5-1, dated February 11, 2011, to Part 2—Airworthiness Limitation Inspections (ALI)—Structures, of Appendix A, Airworthiness Limitations (AL), of the EMBRAER 190 Maintenance Review Board Report, MRB-1928, Revision 5, dated November 11, 2010.

(4) Part 2—Airworthiness Limitation Inspections (ALI)—Structures, of Appendix A, Airworthiness Limitations (AL), of the EMBRAER 190 Maintenance Review Board Report, MRB-1928, Revision 5, dated November 11, 2010.

#### (l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) 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.

(3) The following service information was approved for IBR on January 14, 2013.

(i) EMBRAER Temporary Revision (TR) 5-1, dated February 11, 2011, to Part 2—Airworthiness Limitation Inspections (ALI)—Structures, of Appendix A, Airworthiness Limitations (AL), of the EMBRAER 190 Maintenance Review Board Report, MRB-1928, Revision 5, dated November 11, 2010.

(ii) Appendix A, Airworthiness Limitation (AL), of the EMBRAER 190 Maintenance

Review Board Report, MRB-1928, Revision 5, dated November 11, 2010.

(4) The following service information was approved for IBR on July 6, 2012 (75 FR 30277, June 1, 2010).

(i) EMBRAER TR 2-5, dated December 6, 2007, to Appendix A, Part 2—Airworthiness Limitation Inspections (ALI)—Structures of the EMBRAER 190 Maintenance Review Board Report, MRB-1928.

(ii) EMBRAER TR 2-6, dated February 12, 2008, to Appendix A, Part 2—Airworthiness Limitation Inspections (ALI)—Structures of the EMBRAER 190 Maintenance Review Board Report, MRB-1928.

(5) For service information identified in this AD, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227-901 São Jose dos Campos—SP—BRASIL; telephone +55 12 3927-5852 or +55 12 3309-0732; fax +55 12 3927-7546; email [distrib@embraer.com.br](mailto:distrib@embraer.com.br); Internet <http://www.flyembraer.com>.

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

(7) 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, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on November 13, 2012.

**John P. Piccola,**

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

[FR Doc. 2012-28173 Filed 12-7-12; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2012-1135; Directorate Identifier 2012-SW-097-AD; Amendment 39-17281; AD 2012-21-52]

**RIN 2120-AA64**

#### **Airworthiness Directives; Agusta S.p.A. (Type Certificate Currently Held by AgustaWestland S.p.A.) (Agusta) Helicopters**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are publishing a new airworthiness directive (AD) for Agusta Model AW139 helicopters, which was sent previously to all known U.S. owners and operators of these

helicopters. This AD requires inspecting the pilot's and co-pilot's collective and cyclic control sticks for correctly installed attaching hardware. This AD is prompted by a report of an incorrectly installed pilot's collective stick, pilot's cyclic stick, and co-pilot's cyclic stick. These actions are intended to prevent detachment of the cyclic or collective control stick, and subsequent loss of control of the helicopter.

**DATES:** This AD becomes effective December 26, 2012 to all persons except those persons to whom it was made immediately effective by Emergency AD 2012-21-52, issued on October 23, 2012, which contained the requirements of this AD.

We must receive comments on this AD by February 8, 2013.

**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 AgustaWestland, 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-bulletins>. 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:** Robert Grant, Aviation Safety Engineer,

Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817-222-5328; email [robert.grant@faa.gov](mailto:robert.grant@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**

On October 23, 2012, we issued Emergency AD 2012-21-52, which requires inspecting the pilot's and co-pilot's collective and cyclic control sticks for correctly installed attaching hardware, and reinstalling the affected stick before further flight if the hardware is not correct. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, issued EASA AD No. 2012-0213-E, dated October 16, 2012, to correct an unsafe condition for certain Agusta Model AW139 helicopters. EASA advises that an incident of an incorrectly installed pilot's collective stick, pilot's cyclic stick, and co-pilot's cyclic stick was reported. This condition, if not detected and corrected, could lead to in-flight detachment of the cyclic or collective sticks 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, 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 EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design.

##### **Related Service Information**

Agusta has issued Bollettino Tecnico (BT) No. 139-308, dated October 16, 2012. The BT describes procedures to inspect the pilot's and co-pilot's collective and cyclic sticks for the correct installation of bolts, washers, self-locking nuts, cotter pins, ring nuts, and quick-release pins. If any collective or cyclic stick is incorrectly installed, the BT requires reinstalling the affected control stick.

##### **AD Requirements**

This AD requires, within 5 hours time-in-service (TIS):

- Inspecting the pilot collective and cyclic control sticks for the correct installation of the attachment bolts, washers, self-locking nuts, and cotter pins. If the installed hardware is not as prescribed in this AD, before further flight, reinstalling the pilot collective or cyclic control stick.
- Inspecting the co-pilot collective and cyclic control sticks for the correct installation of the ring nuts and quick-release pins. If the installed hardware is not as prescribed in this AD, before further flight, reinstalling the co-pilot collective or cyclic control stick.

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

The EASA AD allows compliance within 1 week or 5 flight-hours; this AD requires compliance within 5 hours TIS.

##### **Costs of Compliance**

We estimate that this AD will affect 45 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Inspecting the pilot's and co-pilot's collective and cyclic stick installation will require about 1 work-hour at an average labor rate of \$85 per hour, for a cost per helicopter of \$85 and a cost to U.S. operators of \$3,825.

Reinstalling a cyclic or collective stick will require about 1 work-hour, at an average labor rate of \$85 per hour, for a cost per helicopter of \$85.

##### **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 found and continue to find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the previously described unsafe condition can adversely affect the controllability of the helicopter and the required corrective actions must be accomplished within 5 hours TIS.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment before issuing this AD were impracticable and contrary to the public interest and good cause existed to make the AD effective immediately by Emergency AD 2012-21-52, issued on October 23, 2012 to all known U.S. owners and operators of these helicopters. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

##### **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):

**2012–21–52 Agusta S.P.A. Helicopters (Type Certificate Currently Held By AgustaWestland S.P.A.) (Agusta):** Amendment 39–17281; Docket No. FAA–2012–1135; Directorate Identifier 2012–SW–097–AD.

##### (a) Applicability

This AD applies to Agusta Model AW139 helicopters, serial numbers (S/N) 41201 through 41310, except S/N 41290, 41291, 41292, 41302, 41304, 41305, 41306, and 41309, certificated in any category.

##### (b) Unsafe Condition

This AD defines the unsafe condition as an incorrectly installed cyclic and collective

control stick, detachment of the cyclic or collective control stick, and subsequent loss of control of the helicopter.

##### (c) Effective Date

This AD becomes effective December 26, 2012 to all persons except those persons to whom it was made immediately effective by Emergency AD 2012–21–52, issued on October 23, 2012, which contained the requirements of this AD.

##### (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

Within 5 hours time-in-service (TIS):

(1) Inspect the pilot collective stick installation to determine whether the self-locking nuts, part-number (P/N) MS17825–4, are secured with cotter pins, P/N MS24665–136, as depicted in Figure 1 to paragraph (e) of this AD. If the self-locking nuts are not secured with cotter pins, before further flight, reinstall the pilot collective stick.

**BILLING CODE 4910–13–P**

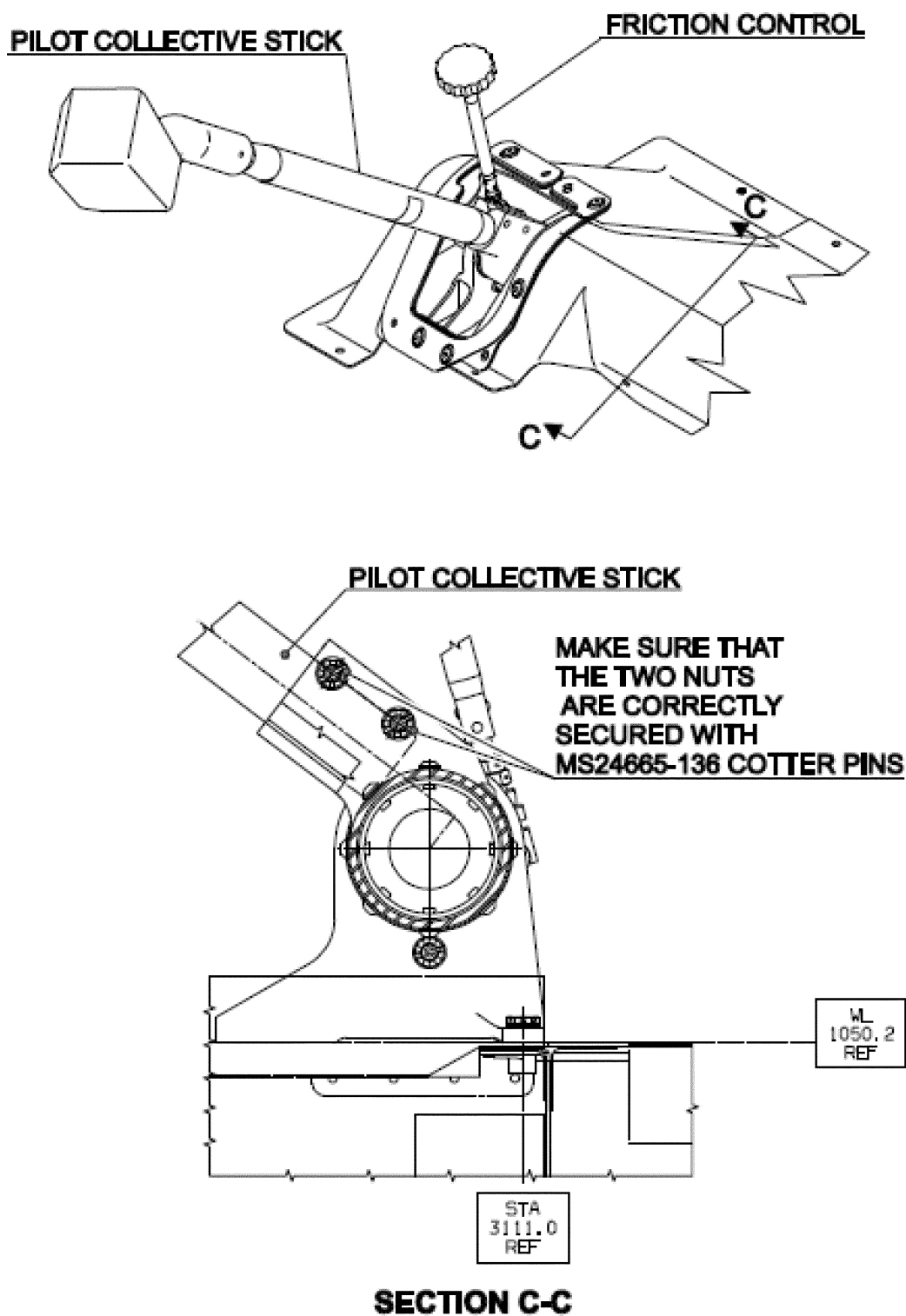


Figure 1 to paragraph (e)

(2) Inspect the co-pilot collective stick installation to determine whether the ring nut (item 2) is loose and the quick-release pin

(item 3) is installed as depicted in Figure 2 to paragraph (e) of this AD. If the ring nut is loose or the quick-release pin is not installed,

before further flight, reinstall the co-pilot collective stick.

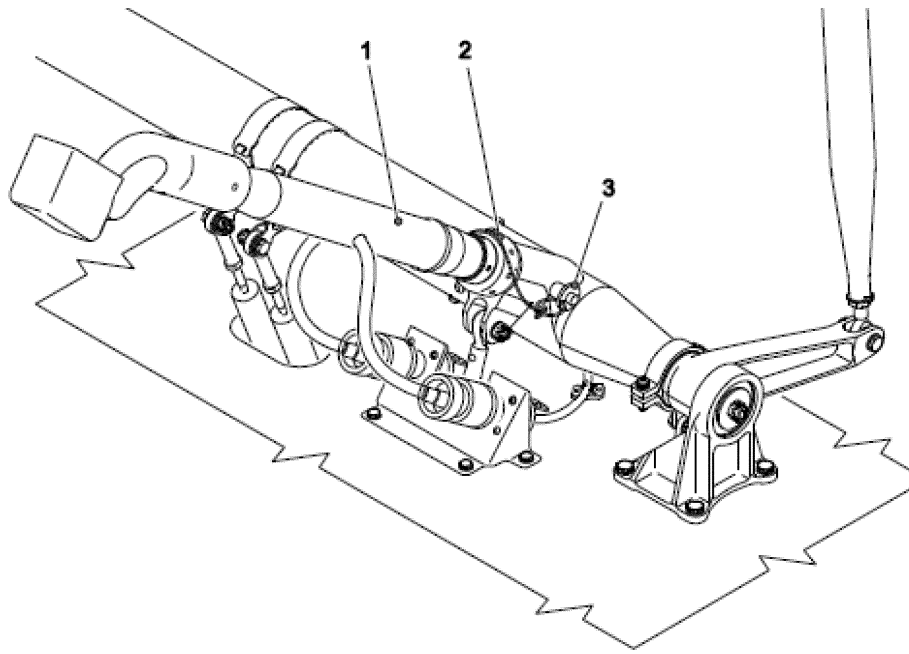


Figure 2 to paragraph (e)

(3) Inspect the pilot cyclic stick installation for proper installation of the bolt (item 3), washer (item 4), self-locking nut (item 7),

washer (item 6), and the cotter pin (item 8), as depicted in Figure 3 to paragraph (e) of this AD. If the pilot cyclic stick is not

installed as depicted, before further flight, reinstall the pilot cyclic stick.

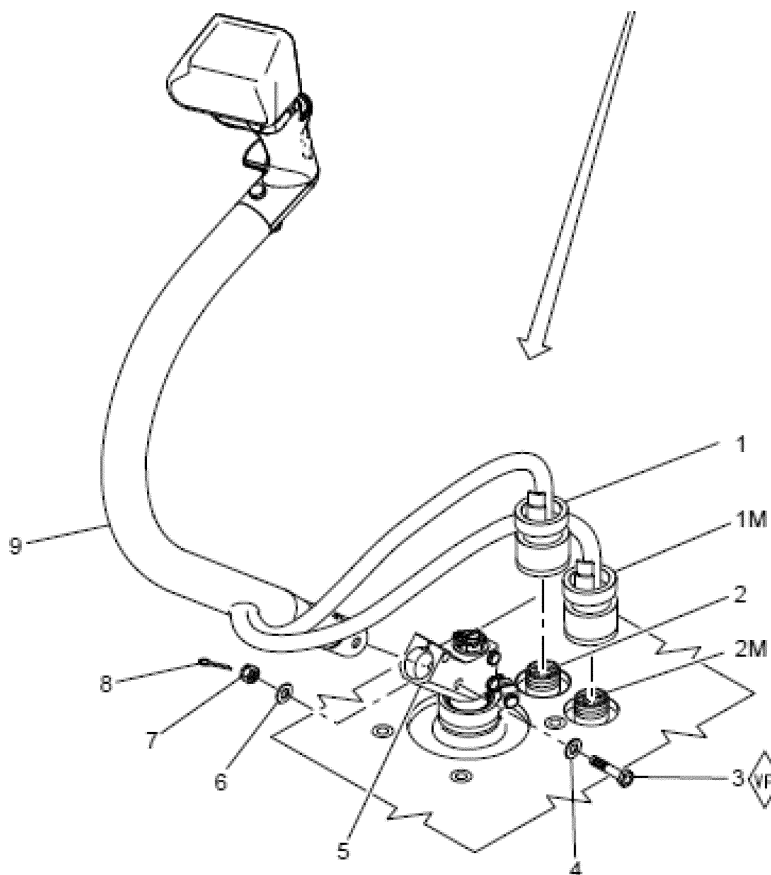


Figure 3 to paragraph (e)

(4) Inspect the co-pilot cyclic stick installation to determine whether the ring nut (item 1) is loose and the quick-release pin

(item 5) is installed as depicted in Figure 4 to paragraph (e) of this AD. If the ring nut is loose or the quick-release pin is not installed

as depicted, before further flight, reinstall the co-pilot cyclic stick.

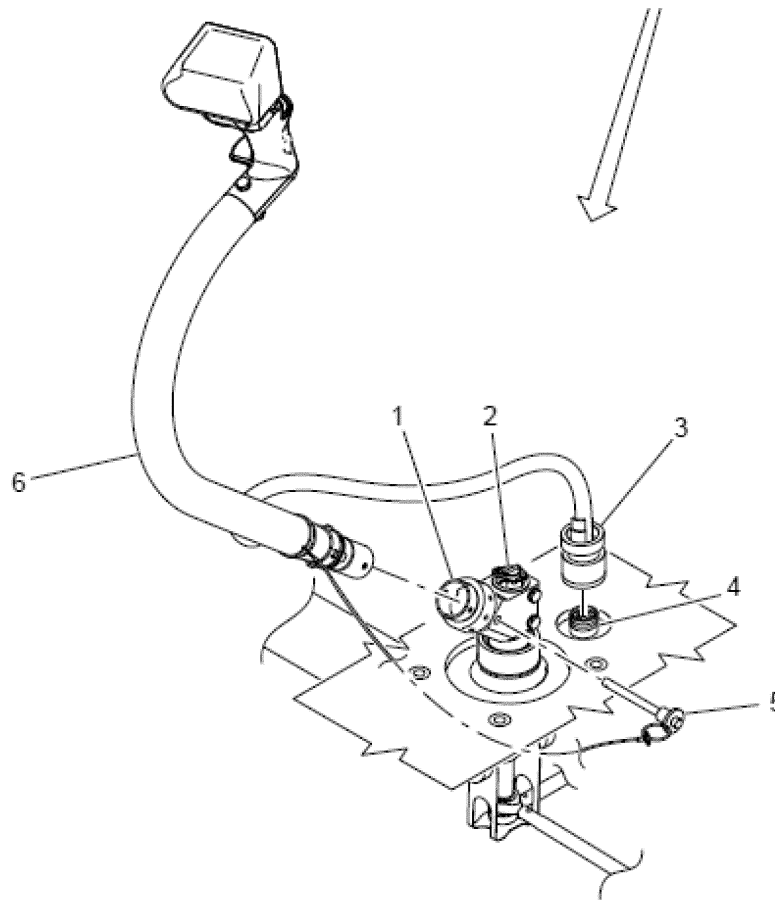


Figure 4 to paragraph (e)

**(f) Special Flight Permits**

Special flight permits will not be issued.

**(g) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817-222-5328; email [robert.grant@faa.gov](mailto:robert.grant@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.

**(h) Additional Information**

(1) Agusta Bollettino Tecnico No. 139-308, dated October 16, 2012, which is not incorporated by reference, contains additional information about the subject of this AD. For a copy of the service information referenced in this AD, contact: AgustaWestland, 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-bulletins>. You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is discussed in European Aviation Safety Agency AD No. 2012-0213-E, dated October 16, 2012.

**(i) Subject**

Joint Aircraft Service Component (JASC)  
Code: 2700: Flight Controls.

Issued in Fort Worth, Texas, on December 3, 2012.

**Kim Smith,**

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

[FR Doc. 2012-29716 Filed 12-7-12; 8:45 am]

**BILLING CODE 4910-13-C**

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

[Docket No. FAA-2012-0672; Directorate Identifier 2011-NM-261-AD; Amendment 39-17276; AD 2012-24-06]

**RIN 2120-AA64**

**Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Saab AB, Saab Aerosystems Model 340A (SAAB/SF340A) and SAAB 340B airplanes. This AD was prompted by reports of stall events during icing conditions where the natural stall warning (buffet) was not identified. This AD requires replacing the stall warning computer (SWC) with a new SWC, which provides an artificial stall