



**U.S. Department
of Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, SE
Washington, DC 20590

October 19, 2010

Karen P. Gorman, Esq.
Deputy Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Re: OSC File No. DI-09-3770

Dear Ms. Gorman:

This is to follow up on your recent request for supplemental information in the above-referenced matter. Attached please find an October 15, 2010 memorandum from the Office of Inspector General, to whom the Secretary delegated the investigation into this matter. Please treat this memorandum as our supplemental report.

Please do not hesitate to contact Debra Rosen or me if you have any questions.

Sincerely,

Judith S. Kaleta
Assistant General Counsel for General Law

Enclosure

2010 OCT 19 11:13 AM

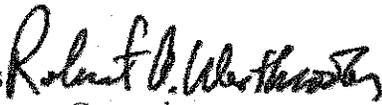


U.S. Department of
Transportation
Office of the Secretary
of Transportation
Office of Inspector General

Memorandum

Subject: **INFORMATION:** OIG Investigation
#I10A000047SINV, Re: Failure of FAA
Rotorcraft Directorate to Timely Issue
Airworthiness Directives (DI-09-3770)

Date: October 18, 2010

From: Robert A. Westbrook 
Acting Assistant Inspector General
for Special Investigations and Analysis, JI-3

Reply to
Attn. of: X6-1415

To: Judith S. Kaleta
Assistant General Counsel for General Law
Office of General Counsel

This memorandum/supplemental report is provided in response to a U.S. Office of Special Counsel (OSC) email dated September 15, 2010, requesting additional information related to the Office of Inspector General's (OIG) investigation into aviation safety concerns at the Federal Aviation Administration's (FAA) Rotorcraft Directorate in Ft. Worth, TX. We respectfully request that you forward this information to the OSC.

1. OSC Request: We are requesting clarification and additional information on the OIG's findings concerning the two Airworthiness Directives (AD) that FAA changed from Immediately Adoptable Rules (IAR) to Notices of Proposed Rulemaking (NPRMs). These findings are discussed on page 6 of the OIG report. First, for IAR 2007-SW-75-AD, there appears to be a discrepancy in a critical date. The OIG report states:

The purported reason given on the tracking sheet for the change [from IAR to NPRM] was a lack of service difficulty reports since 1996. [The European Aviation Safety Agency (EASA)], however, indicated that, in 2004, two instances of the cracks were identified. Thus, the Directorate's reason for the change does not appear justified.

We note, however, that the tracking sheet for IAR 2007-SW-75-AD attached to OSC's referral letter includes a handwritten note stating, "No SDR in ASAP since 2006. Change to NPRM." There is no reference to 1996. Further, the documentation reflects that

EASA issued the original AD in 2007 based on the two instances of cracks in 2004 noted above. Thus, it appears that the OIG's reference to 1996 may be in error.

OIG Response: The year 1996 reported on page 6 of the report is an error. An errata page 6 has been included with this memorandum as Attachment 1 to reflect the correct date of "2006." In addition, the two sentences following the sentence with the incorrect date were deleted. We added a sentence to reflect that it was not clear how the lack of service difficulty reports alone changed the risk identified by EASA.

2. OSC Request: We are also requesting additional information concerning FAA's response to the OIG's findings that the Rotorcraft Directorate (RD) changed the above AD [2007-SW-75-AD] and IAR 2007-SW-45-AD from IARs to NPRMs without justification. In its written response to the OIG report, FAA states, on page 3, that when the RD failed to timely issue the IARs for these "high risk issues," RD management and local legal counsel determined that a re-evaluation of the risk assessment was appropriate... FAA's response does not offer details of the re-evaluations that served as the basis to change the IARs to NPRMs. Further, FAA did not address the handwritten instruction on the tracking sheet for IAR 2007-SW-45-AD, to "[c]hange to NPRM due to the length of time this has been around." There is no reference to a re-evaluation of the risk assessment. Therefore, we are requesting information regarding the re-evaluations that were performed by FAA in these two cases, including, but not limited to, the following:

- Who specifically determined that a re-evaluation of the risk assessments was appropriate? Who specifically conducted the re-evaluations?
- What specific information did FAA review and rely on to determine that the safety risks posed by the unsafe conditions that prompted EASA's emergency ADs no longer warranted the issuance of IARs by FAA?
- Did FAA confer with EASA regarding its re-evaluation of the risk assessments in these two cases?
- Are there copies of reports of the re-evaluation of the risk assessments or any other documents memorializing FAA's analysis and conclusions? If so, we request copies of these documents.

OIG Response: FAA typically issues an Emergency AD or an IAR AD in response to another aviation authority's Emergency AD. However, FAA acknowledges that the AD packages in this matter were not processed in a timely manner. When the delay in processing the ADs was identified, FAA believed they needed to assess whether the unsafe condition was severe enough to justify bypassing the public's right to study and comment on the proposed action in accordance with the Administrative Procedures Act.

- For AD 2007-SW-45-AD, Matt Rigsby, Acting Manager Safety Management Branch, requested the re-evaluation and Uday Garadi was the project engineer that conducted the re-evaluations. For AD 2007-SW-75-AD, Steve Harold, Southwest Regional Counsel's Office, requested the change to an NPRM, and Gary Roach was the Project Engineer that conducted the re-evaluation.
- To re-evaluate the risks associated with each AD, FAA relied on information in its Aviation Safety Accident Prevention Service Difficulty Report database to determine if additional failures had occurred since the manufacturer's service information and EASA Emergency ADs were issued. FAA concluded there was insufficient justification to bypass the public's right to study and comment on the proposed action because: there were no service problems reported since the EASA Emergency AD was issued; the aircraft manufacturer had released service information to helicopter operators, and a significant amount of time had passed since the unsafe condition was initially identified. In addition, FAA took into account that for AD 2007-SW-45-AD, the proposed action was applicable to a limited number of components; and for AD 2007-SW-75-AD, the proposed action superseded previous AD action.
- FAA had no record that it conferred with EASA during its re-evaluation of the risk and noted that it is obligated to make an independent finding based on type of failure and impact on the U.S. fleet. Therefore, it did not believe it was necessary to contact EASA.
- The re-evaluations were not documented formally because at that time there was no formal process or documentation requirement to record its analysis and conclusions other than what is included in the Rulemaking associated with each AD. See attached Federal Register notices (Attachment 2). However, the FAA has formalized its AD decision process in a "Continued Operational Safety Risk Analysis" that each FAA Directorate now uses to determine the appropriate type of rule change.

Supplemental Memorandum
OIG Investigation Number I10A000047SINV
Failure of FAA Rotorcraft Directorate to Timely Issue Airworthiness Directives
OSC File Number DI-09-3770

ATTACHMENT 1

retirement life for each TT strap part number. According to the proposed AD, there are an estimated 716 helicopters of U.S. registry affected by this unsafe condition.

Also, we confirmed that the six ADs presented in the OSC referral (2007-SW-51-AD, 2007-SW-45-AD, 2007-SW-75-AD, 2007-SW-49-AD, 2008-SW-39-AD, and 2006-SW-05-AD) remained open, despite their ages, as of December 31, 2009. Further, we confirmed the whistleblower's claims that two of these ADs were changed from IARs to NPRMs after they were not issued within 30 days and changed the AD identification numbers. Both actions resulted in further confusion in the tracking of the ADs and the accurate calculation and visibility of their ages. Moreover, the changes gave the appearance to staff that the Directorate management was attempting to mask the lack of timeliness:

- IAR 2007-SW-45-AD was initiated in November 2007 to immediately address an unsafe condition in some main and tail rotor servo-controls used in certain Eurocopter helicopters. The IAR was prompted by an "emergency" AD issued by the European Aviation Safety Agency (EASA) on May 21, 2007. AIR's goal for the Rotorcraft Directorate was to publish this IAR within 30 days. When the Directorate failed to meet this goal, it changed the AD from an IAR to a NPRM despite no change in the condition that was to be immediately addressed. The Directorate changed the AD's identification number to 2009-SW-18-AD, which gave the appearance to staff that the Directorate was attempting to mask the AD's true age.
- IAR 2007-SW-75-AD was initiated in January 2008 to address an unsafe condition regarding cracks in the web of the main gear box of Eurocopter France helicopters. The IAR was prompted by an "emergency" AD issued by EASA on November 15, 2007. However, after the Directorate failed to issue the IAR for approximately 19 months, it changed the IAR to a NPRM. The purported reason given on the AD tracking sheet for the change was a lack of service difficulty reports since 2006. However, it was not clear how the lack of service difficulty reports alone changed the risk identified by EASA. Also, the Directorate changed the identification number to 2009-SW-47-AD, which gives the appearance that the AD was initiated in 2009 instead of 2007.

In both ADs above, FAA indicated that it was not its intent to mask the timeliness or true age of the ADs as the original date that the ADs were initiated was still recorded in its AD database. Instead, because of the delays in issuing these IARs, local management and legal counsel determined that a re-evaluation of the risk assessment was appropriate and it was determined that the public should be provided the opportunity to comment on these ADs.

Supplemental Memorandum
OIG Investigation Number I10A000047SINV
Failure of FAA Rotorcraft Directorate to Timely Issue Airworthiness Directives
OSC File Number DI-09-3770

ATTACHMENT 2

Proposed Rules

Federal Register

Vol. 75, No. 115

Wednesday, June 16, 2010

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2010-0611; Directorate Identifier 2009-SW-18-AD]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the Eurocopter France Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N helicopters, with certain main rotor servo-controls and tail rotor servo-controls. This proposed AD would require replacing all servo-controls that are identified in the Applicability section of this proposed AD. This proposed AD is prompted by an internal review conducted by the manufacturer which revealed that some main and tail rotor servo-controls do not conform to the approved design. The actions specified by this proposed AD are intended to prevent the distributor slide valve jamming in its sleeve, leading to reduced controllability of the rotors and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before August 16, 2010.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD:

- *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 W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this proposed AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527.

You may examine the comments to this proposed AD in the AD docket on the Internet at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: J.R. Holton, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, ASW-111, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-4964, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES**. Include the docket number "FAA-2010-0611, Directorate Identifier 2009-SW-18-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light 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 with FAA personnel concerning this proposed rulemaking. Using the search function of the docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

Examining the Docket

You may examine the docket that contains the proposed AD, any

comments, and other information in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located in Room W12-140 on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Emergency AD No. 2007-0141-E, dated May 21, 2007, to correct an unsafe condition for certain Eurocopter France Model AS 350 B, BA, BB, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N helicopters. EASA advises that an internal review revealed that some main and tail rotor servo-controls do not conform to the approved design. This results in a greater play in the input lever bearing which could lead to off-centered lever/distributor slide valve. If not corrected, this condition could jam the distributor slide valve in its sleeve, contributing to reduced controllability of the rotors and subsequent loss of control of the helicopter.

Related Service Information

Eurocopter has issued Emergency Alert Service Bulletin (EASB) No. 01.00.58, applicable to Model AS 350 B, BA, BB, B1, B2, B3, and D helicopters, and EASB No. 01.00.53, applicable to Model AS355 E, F, F1, F2, and N helicopters, both Revision 1 and both dated April 19, 2007, "to preclude the risk of jamming of the distributor slide valve in its sleeve, due to excessive play in the bearing of the servo-control input lever." Both EASB 01.00.58 and 01.00.53, along with 01.00.22 and 01.00.23 for various military model helicopters are contained in the same EASB document. The EASA classified these EASBs as mandatory and issued EASA Emergency AD No. 2007-0141-E, dated May 21, 2007, to ensure the continued airworthiness of these helicopters.

FAA's Evaluation and Unsafe Condition Determination

These products have been approved by the aviation authority of France and are approved for operation in the United

States. Pursuant to our bilateral agreement with France, EASA, their technical representative, has notified us of the unsafe condition described in the MCAI AD. We are proposing 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 products of these same type designs. This proposed AD would require replacing all servo-controls with serial numbers that are in the Applicability section of this proposed AD.

Differences Between This Proposed AD and the EASA AD

This proposed AD does not require returning servo-controls to the manufacturer for return to conformity. The proposed AD does not require inspecting for the existence of "hard points" in the flight controls.

Costs of Compliance

We estimate that this proposed AD would affect 56 helicopters of U.S. registry and the proposed actions would take approximately 1.5 work hours per helicopter to accomplish at an average labor rate of \$85 per work hour. Required parts would cost approximately \$16,500 per helicopter. Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be \$931,140 for the entire fleet.

Regulatory Findings

We have determined that this proposed AD would not have federalism

implications under Executive Order 13132. Additionally, this proposed AD would 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 that the proposed regulation:

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 an economic evaluation of the estimated costs to comply with this proposed AD. See the AD docket to examine the economic evaluation.

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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Eurocopter France: Docket No. FAA-2010-0611; Directorate Identifier 2009-SW-18-AD.

Applicability: Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N helicopters, with a main rotor or tail rotor servo-control identified in Table 1, installed, certificated in any category.

TABLE 1

Component	Part No. (P/N)	Serial No. (S/N)
Main rotor servo-control	P/N SC5083	S/N 270M, 272M, 409M, 423M, 452M, or 1573.
	P/N SC5083-1	S/N 2902 through 2921, inclusive.
	P/N 5084	S/N 30, 84, 104, 186, 438, 575, or 695.
	P/N 5084-1	S/N 1462 through 1481, inclusive.
Tail rotor servo-control	P/N SC5072	S/N 222M, 306M, or 309.

Compliance: Required as indicated.

To prevent the distributor slide valve jamming in its sleeve, leading to reduced controllability of the rotors and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 50 hours time-in-service (TIS), or when a "hard point" is detected in the flight controls, whichever occurs earlier, replace each installed servo control that has a serial number listed in Table 1 of this AD, with an airworthy servo control.

Note 1: Eurocopter EASB 01.00.58 and 01.00.53 have guidance which pertains to the subject of this AD.

(b) To request a different method of compliance or a different compliance time

for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, Rotorcraft Directorate, FAA, ATTN: J.R. Holton, Aviation Safety Engineer, Regulations and Policy Group, ASW-111, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-4964, fax (817) 222-5961, for information about previously approved alternative methods of compliance.

(c) The Joint Aircraft System/Component (JASC) Code is 6730: Rotorcraft Servo System.

Note 2: The subject of this AD is addressed in Eurocopter Aviation Safety Agency (France) Emergency AD No. 2007-0141-E, dated May 21, 2007.

Issued in Fort Worth, Texas, on June 9, 2010.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2010-14540 Filed 6-15-10; 8:45 am]

BILLING CODE 4910-13-P

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

McDonnell Douglas Corporation: Docket No. FAA-2010-0553; Directorate Identifier 2010-NM-070-AD.

Comments Due Date

(a) We must receive comments by August 12, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to McDonnell Douglas Corporation Model DC-10-30, DC-10-30F, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC10-40F, and MD-10-30F airplanes, certificated in any category; as specified in Boeing Service Bulletin DC10-28-244, dated February 25, 2010.

Subject

(d) Air Transport Association (ATA) of America Code 28: Fuel.

Unsafe Condition

(e) This AD results from fuel system reviews conducted by the manufacturer. The Federal Aviation Administration is issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Compliance

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Actions

(g) Within 60 months after the effective date of this AD do the actions specified in paragraphs (g)(1), (g)(2), (g)(3), and (g)(4) of this AD, as applicable, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-28-244, dated February 25, 2010, except as required by

paragraph (h) of this AD. Do all applicable corrective actions before further flight.

(1) Do a one-time general visual inspection of the wire bundles to determine if wires touch the upper surface of the center upper auxiliary fuel tank, and mark the location as applicable.

(2) Do a one-time detailed inspection for splices and damage of all wire bundles between Stations Y=1219.000 and Y=1381.000 between X=-40 to X=-90 (right side) and X=15 to X=85 (left side) above the center upper auxiliary fuel tank.

(3) Do a one-time detailed inspection for damage (burn marks) on the upper surface of the center upper auxiliary fuel tank and to the fuel vapor barrier seal.

(4) Install non-metallic barrier/shield sleeving to the wire harnesses, new clamps, new attaching hardware, and new extruded channels.

(h) Where Boeing Service Bulletin DC10-28-244, dated February 25, 2010, specifies to contact Boeing for repair instructions: Before further flight, repair the center upper auxiliary fuel tank using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Los Angeles Aircraft Certification Office (ACO), 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: Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5262; fax (562) 627-5210.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

Issued in Renton, Washington, on June 16, 2010.

Robert D. Breneman,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-15653 Filed 6-25-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2010-0610; Directorate Identifier 2009-SW-47-AD]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Model EC 155B, EC155B1, SA-360C, SA-365C, SA-365C1, SA-365C2, SA-365N, SA-365N1, AS-365N2, AS 365 N3, and SA-366G1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes superseding an existing airworthiness directive (AD) for the specified Eurocopter France (Eurocopter) helicopters. That AD requires repetitively inspecting the main gearbox (MGB) planet gear carrier for a crack and replacing any MGB that has a cracked planet gear carrier before further flight. This action would require the same inspections required by the existing AD but would shorten the initial inspection interval. This proposal is prompted by the discovery of another crack in a MGB planet gear carrier and additional analysis that indicates that the initial inspection interval must be shortened. The actions specified by the proposed AD are intended to detect a crack in the web of the planet gear carrier, which could lead to a MGB seizure and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before August 27, 2010.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD:

- *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 W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- You may get the service information identified in this proposed AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053-

4005, telephone (800) 232-0323, fax (972) 641-3710, or at <http://www.eurocopter.com>.

You may examine the comments to this proposed AD in the AD docket on the Internet at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Gary Roach, Aviation Safety Engineer, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5130, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the caption **ADDRESSES**. Include "Docket No. FAA-2010-0610; Directorate Identifier 2009-SW-47-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed 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 with FAA personnel concerning this proposed rulemaking. Using the search function of the docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

Examining the Docket

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section of this AD. Comments will be available in the AD docket shortly after receipt.

Discussion

On February 1, 2005, we issued AD 2005-03-09, Amendment 39-13965 (70 FR 7382, February 14, 2005), to require the following:

- For a MGB that has less than 250 hours time-in-service (TIS) since new or

last overhaul, borescope inspecting or visually inspecting the web of the planet gear carrier for a crack. The inspections must be done on or before the MGB reaches 265 hours TIS and then at intervals not to exceed 50 hours TIS.

- For a MGB that has 250 or more hours TIS since new or since last overhaul, borescope inspecting or visually inspecting the web of the planet gear carrier for a crack. The inspections must be done within 15 hours TIS and then at intervals not to exceed 50 hours TIS.

- For any MGB that has a cracked planet gear carrier, replacing the MGB with an airworthy MGB before further flight.

That action was prompted by the discovery of cracks in the main gearbox during overhaul. The requirements of that AD are intended to detect a crack in the web of the planet gear carrier, which could lead to a MGB seizure and subsequent loss of control of the helicopter.

Since the issuance of AD 2005-03-09, an additional crack has been found in the MGB planet gear carrier of a Eurocopter Model EC 155 helicopter. That crack was caused by a progressive fatigue failure caused by scoring in the blend radius between the pin and the web. An additional analysis indicates that the initial inspection must be shortened. Therefore, this proposed AD would shorten the initial inspection from 265 hours TIS to 35 hours TIS. The recurring 50 hour-TIS inspections would remain the same.

The European Aviation Safety Agency (EASA), which is the Technical Agent for France, has issued EASA Emergency Airworthiness Directive No. 2007-0288-E, dated November 15, 2007. EASA states that cracks were discovered in the web of the MGB planet gear carrier. The two affected MGB units had been removed for overhaul/repair, subsequent to the detection of metal chips at the magnetic plugs. Investigation of the first case showed a failure of the head of a screw that secures the sun gear bearing. The screw head was caught by the planet gear/ fixed ring gear/sun gear drive train. The second case was discovered by the manufacturer and did not seem to be associated with any other failure. You may obtain further information by examining the MCAI and any related service information in the AD docket.

Related Service Information

Eurocopter France has issued the following Emergency Alert Service Bulletins:

- No. 05A007, Revision 2, for the Model EC155 helicopters;

- No. 05.00.48, Revision 3, for the Model AS365 helicopters;

- No. 05.26, Revision 2, for the Model SA360 and SA365 helicopters; and

- No. 05.33, Revision 2, for the SA366 helicopters.

Each Emergency Alert Service Bulletin (EASB) at the stated revision level is dated November 16, 2009 and describes the discovery of a progressive fatigue failure of the planet gear carrier. The EASBs specify inspecting the MGB planet gear carrier for a crack and removing the MGB and contacting the manufacturer before the next flight if a crack is found.

FAA's Evaluation and Unsafe Condition Determination

These products have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, their technical representative, has notified us of the unsafe condition described in the MCAI AD. We are proposing 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 products of these same type designs. This proposed AD would require inspecting the MGB planet gear carrier for a crack and replacing the MGB before further flight if a crack is found. The actions would be required to be accomplished by following specified portions of the EASBs described previously.

Differences Between This Proposed AD and the EASA AD

The MCAI references the service information rather than stating compliance times as we have done in this proposed AD. Unlike the EASBs, we have structured our compliance times based on a 250-hour TIS threshold. Also, the proposed AD does not require you to report cracks in the planet gear carrier to the manufacturer.

Costs of Compliance

We estimate that this AD will affect 145 helicopters of U.S. registry. We also estimate that it would take about 1 work-hour per helicopter for each borescope inspection and 12 work-hours for each visual inspection. Replacing the MGB, if necessary, would take about 16 work-hours. The average labor rate is \$85 per work-hour. Required parts would cost about \$66,780 per MGB. Based on these figures, we estimate the cost of this AD on U.S. operators would be \$3,486,760, assuming that a borescope inspection would be done on the entire fleet 12 times a year, that no

visual inspections would be done, and that 49 MGBs would be replaced.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. Additionally, this proposed AD would 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 that the proposed regulation:

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 an economic evaluation of the estimated costs to comply with this proposed AD. See the AD docket to examine the economic evaluation.

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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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. Section 39.13 is amended by removing Amendment 39-13965 (70 FR 7382, February 14, 2005), and adding the following new AD:

Eurocopter France: Docket No. FAA-2010-0610; Directorate Identifier 2009-SW-47-AD. Supersedes AD 2005-03-09; Docket No. FAA-2005-20294; Directorate Identifier 2004-SW-39-AD.

Applicability

Model EC 155B, EC155B1, SA-360C, SA-365C, SA-365C1, SA-365C2, SA-365N, SA-365N1, AS-365N2, AS 365 N3, and SA-366G1 helicopters, certificated in any category.

Compliance

Required as indicated.

For a main gearbox (MGB) that has:	Inspect:
(1) Less than 250 hours time-in-service (TIS) since new or last overhaul.	On or before the MGB reaches 35 hours TIS, unless accomplished previously, and thereafter at intervals not to exceed 50 hours TIS.
(2) 250 or more hours TIS since new or last overhaul	Within 15 hours TIS, unless accomplished previously, and thereafter at intervals not to exceed 50 hours TIS.

To detect a crack in the web of the planet gear carrier, which could lead to a MGB seizure and subsequent loss of control of the helicopter, accomplish the following:

(a) Either borescope inspect the web of the MGB planet gear carrier for a crack in accordance with the Operational Procedure, paragraphs 2.B.2. through 2.B.2.a.1, of Eurocopter Emergency Alert Service Bulletin (EASB) No. 05A007, Revision 2; No. 05.00.48, Revision 3; No. 05.26, Revision 2; or No. 05.33, Revision 2; as applicable to your model helicopter, or visually inspect the MGB planet gear carrier in accordance with the Operational Procedure, paragraphs 2.B.3. through paragraph 2.B.3.a.1, of the EASB applicable to your model helicopter. Each EASB at the stated revision level is dated November 16, 2009.

(b) If a crack is found in the planet gear carrier, replace the MGB with an airworthy MGB before further flight.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, FAA, ATTN: Gary Roach, Aviation Safety Engineer, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5130, fax (817) 222-5961, for information

about previously approved alternative methods of compliance.

(d) The Joint Aircraft System/Component (JASC) Code is 6320: Main Rotor Gearbox.

Note: The subject of this AD is addressed in European Aviation Safety Agency AD No. 2007-0288-E, dated November 15, 2007.

Issued in Fort Worth, Texas, on June 16, 2010.

Gwendolynne O'Connell,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2010-15370 Filed 6-25-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2010-0267; Airspace Docket No. 10-AGL-5]

Proposed Amendment of Class E Airspace; Youngstown, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Youngstown, OH, adding additional controlled airspace necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Youngstown Elser Metro Airport, Youngstown, OH. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

for this AD, follow the procedures in 14 CFR 39.19. 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Organization Designation Authorization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously in accordance with AD 90-15-06, Amendment 39-6653; and AD 94-12-09, Amendment 39-8937; are approved as AMOCs for the corresponding provisions of this AD.

Material Incorporated by Reference

(r) You must use Boeing Service Bulletin 747-53-2307, Revision 3, dated April 16, 2009, to do the actions required by this AD, unless the AD specifies otherwise. If you accomplish the optional actions specified by this AD, you must use Boeing Service Bulletin 747-53-2307, Revision 3, dated April 16, 2009, to perform those actions, 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 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; e-mail me.boecom@boeing.com; Internet <https://www.myboeingfleet.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.

(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 September 23, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-25019 Filed 10-6-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2010-0610; Directorate Identifier 2009-SW-47-AD; Amendment 39-16455; AD 2010-20-20]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Model SA-365N, SA-365N1, AS-365N2, AS-365N3, SA-366G1, EC 155B, EC155B1, SA-365C, SA-365C1, SA-365C2, SA-360C Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) for the specified Eurocopter France (Eurocopter) helicopters. That AD requires repetitively inspecting the main gearbox (MGB) planet gear carrier for a crack and replacing any MGB that has a cracked planet gear carrier before further flight. This action requires the same inspections required by the existing AD, but shortens the initial inspection interval. This AD is prompted by the discovery of another crack in a MGB planet gear carrier and additional analysis that indicates that the initial inspection interval must be shortened. The actions specified by this AD are intended to detect a crack in the web of the planet gear carrier, which could lead to a MGB seizure and subsequent loss of control of the helicopter.

DATES: Effective November 12, 2010.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 12, 2010.

ADDRESSES: You may examine the docket that contains this AD, any comments, and other information on the Internet at <http://www.regulations.gov>, or at the Docket Operations office, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527.

Examining the Docket: You may examine the docket that contains this AD, any comments, and other information on the Internet at <http://www.regulations.gov>, or at the Docket Operations office, West Building

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

FOR FURTHER INFORMATION CONTACT: Gary Roach, Aerospace Engineer, FAA, Regulations and Policy Group, 2601 Meacham Blvd., ASW-111, Fort Worth, Texas 76137; telephone: (817) 222-5130; fax: 817-222-5961.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 by superseding AD 2005-03-09, Amendment 39-13965 (70 FR 7382, February 14, 2005), for the specified Eurocopter France (Eurocopter) model helicopters was published in the **Federal Register** on June 28, 2010 (75 FR 36581). The action proposed to require shortening the initial inspection required by AD 2005-03-09 from 265 hours time-in-service (TIS) to 35 hours TIS and retaining the 50-hour TIS recurring inspections. That proposal was prompted by the finding of an additional crack in the MGB planet gear carrier of a Eurocopter Model EC 155 helicopter. That crack was caused by a progressive fatigue failure caused by scoring in the blend radius between the pin and the web. An additional analysis indicates that the initial inspection must be shortened. Therefore, this AD shortens the initial inspection from 265 hours time-in-service (TIS) to 35 hours TIS. The recurring 50 hour-TIS inspections would remain the same.

The European Aviation Safety Agency (EASA), which is the Technical Agent for France, has issued EASA Emergency Airworthiness Directive No. 2007-0288-E, dated November 15, 2007. EASA states that cracks were discovered in the web of the MGB planet gear carrier. "The two affected MGB units had been removed for overhaul/repair, subsequent to the detection of metal chips at the magnetic plugs." Investigation of the first case showed a failure of the head of a screw that secures the sun gear bearing. The screw head was caught by the planet gear/ fixed ring gear/sun gear drive train. The second case was discovered by the manufacturer and did not seem to be associated with any other failure. You may obtain further information by examining the MCAI and any related service information in the AD docket.

Related Service Information

Eurocopter France has issued the following Emergency Alert Service Bulletins:

- No. 05A007, Revision 2, for the Model EC155 helicopters;
- No. 05.00.48, Revision 3, for the Model AS365 helicopters;

- No. 05.26, Revision 2, for the Model SA360 and SA365 helicopters; and
- No. 05.33, Revision 2, for the SA366 helicopters.

Each Emergency Alert Service Bulletin (EASB) at the stated revision level is dated November 16, 2009 and describes the discovery of a progressive fatigue failure of the planet gear carrier. The EASBs specify inspecting the MGB planet gear carrier for a crack and removing the MGB and contacting the manufacturer before the next flight if a crack is found.

FAA's Evaluation and Unsafe Condition Determination

These products have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, their technical representative, has notified us of the unsafe condition described in the MCAI AD. We are proposing 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 products of these same type designs. This AD requires inspecting the MGB planet gear carrier for a crack and replacing the MGB before further flight if a crack is found. The actions must be accomplished by following the specified portions of the EASBs described previously.

Differences Between This Proposed AD and the MCAI AD

The MCAI AD references the service information rather than stating compliance times as we have done in this AD. Unlike the MCAI AD, we have structured our compliance times based on a 250-hour TIS threshold. Also, this AD does not require you to report cracks in the planet gear carrier to the manufacturer.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of

the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Costs of Compliance

We estimate that this AD will affect 145 helicopters of U.S. registry. We also estimate that it will take about 1 work-hour per helicopter for each borescope inspection and 12 work-hours for each visual inspection. Replacing the MGB, if necessary, will take about 16 work-hours. The average labor rate is \$85 per work-hour. Required parts will cost about \$66,780 per MGB. Based on these figures, we estimate the cost of this AD on U.S. operators is \$3,486,760, assuming that a borescope inspection is done on the entire fleet 12 times a year, that no visual inspections are done, and that 49 MGBs are replaced.

Regulatory Findings

We have 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 that the regulation:

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 an economic evaluation of the estimated costs to comply with this AD. See the AD docket to examine the economic evaluation.

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.

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. Section 39.13 is amended by removing Amendment 39-13965 (70 FR 7382, February 14, 2005), and by adding a new airworthiness directive (AD), Amendment 39-16455, to read as follows:

2010-20-20 Eurocopter France:

Amendment 39-16455; Docket No. FAA-2010-0610; Directorate Identifier 2009-SW-47-AD. Supersedes AD 2005-03-09; Amendment 39-13965; Docket No. FAA-2005-20294; Directorate Identifier 2004-SW-39-AD.

Applicability: Model EC 155B, EC155B1, SA-360C, SA-365C, SA-365C1, SA-365C2, SA-365N, SA-365N1, AS-365N2, AS.365 N3, and SA-366G1 helicopters, certificated in any category.

Compliance: Required as indicated.

For a main gearbox (MGB) that has:	Inspect:
(1) Less than 250 hours time-in-service (TIS) since new or last overhaul.	On or before the MGB reaches 35 hours TIS, unless accomplished previously, and thereafter at intervals not to exceed 50 hours TIS.
(2) 250 or more hours TIS since new or last overhaul.	Within 15 hours TIS, unless accomplished previously, and thereafter at intervals not to exceed 50 hours TIS.

To detect a crack in the web of the planet gear carrier, which could lead to a MGB seizure and subsequent loss of control of the helicopter, accomplish the following:

(a) Either borescope inspect the web of the MGB planet gear carrier for a crack in accordance with the Operational Procedure, paragraphs 2.B.2. through 2.B.2.a.1, of

Eurocopter Emergency Alert Service Bulletin (EASB) No. 05A007, Revision 2; No. 05.00.48, Revision 3; No. 05.26, Revision 2; or No. 05.33, Revision 2; as applicable to

your model helicopter, or visually inspect the MGB planet gear carrier in accordance with the Operational Procedure, paragraphs 2.B.3. through paragraph 2.B.3.a.1, of the EASB applicable to your model helicopter. Each EASB at the stated revision level is dated November 16, 2009.

(b) If a crack is found in the planet gear carrier, replace the MGB with an airworthy MGB before further flight.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, FAA, *Attn:* Gary Roach, Aviation Safety Engineer, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5130, fax (817) 222-5961, for information about previously approved alternative methods of compliance.

(d) The Joint Aircraft System/Component (JASC) Code is 6320: Main Rotor Gearbox.

(e) The inspections shall be done in accordance with the specified portions of Eurocopter Emergency Alert Service Bulletin No. 05A007, Revision 2, No. 05.00.48, Revision 3, No. 05.26, Revision 2, or No. 05.33, Revision 2. Each service bulletin at the stated revision level is dated November 16, 2009. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 863, Fort Worth, Texas, 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.

(f) This amendment becomes effective on November 12, 2010.

Note: The subject of this AD is addressed in European Aviation Safety Agency AD No. 2007-0288-E, dated November 15, 2007.

Issued in Fort Worth, Texas, on September 22, 2010.

Mark R. Schilling,

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

[FR Doc. 2010-24725 Filed 10-6-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2010-0474; Directorate Identifier 2009-NM-056-AD; Amendment 39-16465; AD 2010-21-05]

RIN 2120-AA64

Airworthiness Directives; BAE Systems (Operations) Limited Model 4101 Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding an existing 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:

During ground manoeuvring, prolonged operation with either engine in the restricted range between 82% and 90% RPM [revolutions per minute] will result in damage [e.g., cracking of the blade or hub] to the propeller assembly that could eventually result in the release of a propeller blade.

* * * EASA [European Aviation Safety Agency] AD 2007-0268 [which corresponds to FAA AD 2008-13-02, amendment 39-15565] was issued to require the installation of a Propeller Warning Placard and implementation of a corresponding Aircraft Flight Manual (AFM) limitation instructing the flight crew to taxi with the condition lever at FLIGHT in order to minimise the time spent by the engines in the restricted range. BAE Systems has now developed a Propeller Speed Warning System * * *

* * * * *

A released propeller blade could result in engine failure and loss of control of the airplane. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective November 12, 2010.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 12, 2010.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of July 24, 2008 (73 FR 34847, June 19, 2008).

ADDRESSES: You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation,

Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on May 10, 2010 (75 FR 25785), and proposed to supersede AD 2008-13-02, amendment 39-15565 (73 FR 34847), June 19, 2008. That NPRM proposed to correct an unsafe condition for the specified products.

Since we issued AD 2008-13-02, inadvertent high RPMs taxiing operations have been reported to have caused stress to the propeller blades, which can result in dangerous blade cracks. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2009-0038, dated February 18, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

During ground manoeuvring, prolonged operation with either engine in the restricted range between 82% and 90% RPM [revolutions per minute] will result in damage [e.g., cracking of the blade or hub] to the propeller assembly that could eventually result in the release of a propeller blade.

To correct this unsafe condition, EASA AD 2007-0268 [which corresponds to FAA AD 2008-13-02, amendment 39-15565] was issued to require the installation of a Propeller Warning Placard and implementation of a corresponding Aircraft Flight Manual (AFM) limitation, instructing the flight crew to taxi with the condition lever at FLIGHT in order to minimise the time spent by the engines in the restricted range. BAE Systems has now developed a Propeller Speed Warning System, the embodiment of which will allow taxiing with the condition lever at TAXI, through the introduction of a revised Flight Manual Limitation.

For the reasons described above, this EASA AD retains the requirements of EASA AD 2007-0268, which is superseded, and requires the installation of a Propeller Speed Warning System.

A released propeller blade could result in engine failure and loss of control of the airplane. You may obtain