

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

[Docket No. FAA-2015-3657; Directorate Identifier 2012-SW-069-AD]

RIN 2120-AA64

**Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France) Helicopters**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The FAA is withdrawing a notice of proposed rulemaking (NPRM). The NPRM proposed to supersede airworthiness directive (AD) 2007-25-08 for Eurocopter France (now Airbus Helicopters) Model SA-365N1, AS-365N2, AS 365 N3, SA-366G1, EC 155B, and EC155B1 helicopters. The proposed actions were intended to prevent damage to the tail gearbox (TGB) control shaft and rod assembly bearing resulting in end play, loss of tail rotor pitch control, and subsequent loss of control of the helicopter. Since we issued the NPRM, we have received reports of new occurrences of loss of yaw control due to failure of the control rod bearing and determined that different actions at shorter time intervals are necessary to correct the unsafe condition. Accordingly, we withdraw the proposed rule.

**DATES:** As of November 25, 2016, the proposed rule to amend 14 CFR part 39 published September 2, 2015 (80 FR 53024) is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** David Hatfield, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5116; email [david.hatfield@faa.gov](mailto:david.hatfield@faa.gov).

**SUPPLEMENTARY INFORMATION:** On August 21, 2015, the FAA issued an NPRM that proposed to amend 14 CFR part 39 to remove AD 2007-25-08 (72 FR 69604, December 10, 2007) and add a new AD for Airbus Helicopters (previously Eurocopter France) Model SA 365N1, AS-365N2, AS 365 N3, SA-366G1, EC 155B, and EC155B1 helicopters. The NPRM published in the **Federal Register** on September 2, 2015 (80 FR 53024). The NPRM proposed to require, at specified intervals, checking the TGB oil level and inspecting the TGB magnetic plug for chips at specified intervals. The NPRM also proposed replacing the TGB guide bushes, inspecting the bearing of the TGB

control shaft and rod assembly for M50 type particles, and performing measurements of play in the TGB control shaft and rod assembly. Finally, after replacing the guide bush, the NPRM proposed repetitively performing measurements for play in the TGB control shaft and rod assembly. The NPRM did not apply to helicopters with TGB part number (P/N) 365A33-6005-09 installed, which Airbus Helicopters refers to as Modification 07 65B63. At the time the NPRM was published, we had received new reports of loss of yaw control due to failure of the control rod bearing. The proposed actions were intended to prevent damage to the bearing resulting in end play, loss of tail rotor pitch control, and subsequent loss of control of the helicopter.

**Actions Since the NPRM Was Issued**

Since we issued the NPRM (80 FR 53024, September 2, 2015), EASA issued Emergency AD No. 2016-0097-E, dated May 23, 2016, which was subsequently revised by AD No. 2016-0097R1, dated May 25, 2016, to correct a paragraph reference. EASA AD No. 2016-0097R1 advises that a technical investigation of an AS 365 N3 accident revealed a damaged TGB bearing. EASA further states that the affected control rod had been repetitively inspected as required by a previous AD, EASA AD No. 2012-0170R2, dated June 20, 2014, and that the investigation is still ongoing to determine the root cause of the damage and why the damage was not discovered during the inspections. EASA AD No. 2016-0097R1 requires repetitive inspections of the TGB oil level and magnetic chip detector. EASA AD No. 2016-0097R1 also requires replacing bearing P/N 704A33-651-093 or P/N 704A33-651-104 with an improved bearing P/N 704A33-651-245 or 704A33-651-246, which is terminating action for the repetitive inspections of the magnetic chip detector but not of the oil level. The EASA AD also describes an alternative repetitive inspection for play that would defer replacing the bearing for an additional 110 hours time-in-service.

In light of this latest information, we are issuing a separate action to supersede AD 2007-25-08 (72 FR 69604, December 10, 2007) with immediately effective requirements. Accordingly, we are withdrawing the NPRM.

**Comments**

After our NPRM (80 FR 53024, September 2, 2015) was published, we received two comments from one commenter.

**Request**

Airbus Helicopters requested that the applicability be changed to exclude helicopters with MOD 07 65B63 (which installs TGB P/N 365A33 6005-09) instead of those with TGB P/N 365A33 6005-09. When asked for additional information to support this comment, Airbus Helicopters stated that by excluding only helicopters with TGB P/N 365A33 6005-09, the NPRM would apply to helicopters with a new (future) TGB P/N that would not be subject to the unsafe condition. If instead the NPRM were to exclude helicopters with MOD 07 65B63, it would also exclude future TGB P/Ns. MOD 07 65B63 would be required before any future MOD that may install a new part-numbered TGB.

We agree with the commenter's concern. However, because we are withdrawing the NPRM and issuing a separate action with different corrective requirements, the commenter's request is no longer necessary.

Airbus Helicopters also requested that the compliance intervals for performing the measurements for play include the longer interval allowed for helicopters with MOD 07 65B57.

We agree that the longer inspection intervals are acceptable for helicopters with MOD 07 65B57. However, because we are withdrawing the NPRM and issuing a separate action with different corrective requirements, the commenter's request is no longer necessary.

Withdrawal of the NPRM constitutes only such action and does not preclude the agency from issuing another notice in the future nor does it commit the agency to any course of action in the future.

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule; therefore, it is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

**List of Subjects in 14 CFR Part 39**

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

**The Withdrawal**

Accordingly, the notice of proposed rulemaking, Docket No. FAA-2015-3657; Directorate Identifier 2012-SW-069-AD, published in the **Federal Register** on September 2, 2015 (80 FR 53024), is withdrawn.

Issued in Fort Worth, Texas, on November 2, 2016.

**Lance T. Gant,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2016-9386; Directorate Identifier 2016-NM-056-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Airbus Defense and Space S.A. Model CN-235, CN 235-100, CN 235-200, and CN 235-300 airplanes, and Model C-295 airplanes. This proposed AD was prompted by leakage of a motorized cross-feed fuel valve. This proposed AD would require an inspection of the affected fuel valves and, depending on findings, applicable corrective action(s). We are proposing this AD to detect and correct leaks in a motorized cross-feed fuel valve, which could lead to failure of the fuel valve and consequent improper fuel system functioning or, in case of the presence of an ignition source, an airplane fire.

**DATES:** We must receive comments on this proposed AD by January 9, 2017.

**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 <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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus Defense and Space, Services/Engineering Support,

Avenida de Aragón 404, 28022 Madrid, Spain; fax +34 91 585 31 27; email [MTA.TechnicalService@airbus.com](mailto:MTA.TechnicalService@airbus.com). You may view this 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.

#### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9386; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory 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 FURTHER INFORMATION CONTACT:** Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1112; fax 425-227-1149.

#### **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 **ADDRESSES** section. Include "Docket No. FAA-2016-9386; Directorate Identifier 2016-NM-056-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 we receive about this proposed AD.

##### **Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued Airworthiness Directive 2016-0071, dated April 11, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for all Airbus

Defense and Space S.A. Model CN-235, CN-235-100, CN-235-200, and CN-235-300 airplanes, and Model C-295 airplanes. The MCAI states:

Leakage of a motorised cross-feed fuel valve Part Number (P/N) 7923227F was reported on a CN-235-100M aeroplane. The leakage was observed through the valve electrical connectors and detected during accomplishment of a functional check in accordance with the CN-235 aeroplane Maintenance Review Board Report (MRB-PV01M), task 28.007. Identical motorised fuel valves are installed on CN-235 and C-295 aeroplanes, corresponding to civil type design, as cross-feed, shut-off and defueling valves, as applicable to aeroplane model and configuration.

This condition, if not detected and corrected, could lead to failure of a motorised fuel valve and consequent improper fuel system functioning or, in case of the presence of an ignition source, possibly resulting in an aeroplane fire.

To address this potentially unsafe condition, Airbus Defense & Space (D&S) issued Alert Operators Transmission (AOT)-CN235-28-0001 and AOT-C295-28-0001 to provide inspection instructions.

For the reasons described above, this [EASA] AD requires an inspection of the affected motorised fuel valves and, depending on findings, accomplishment of applicable corrective action(s) [(valve replacement)].

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9386.

#### **Related Service Information Under 14 CFR Part 51**

Airbus Defense and Space S.A. has issued AOT-CN235-28-0001, dated February 19, 2016; and AOT-C295-28-0001, dated February 19, 2016. The service information describes procedures for inspecting and replacing the motorized fuel valves. The service information also describes procedures for reporting inspection findings. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### **FAA's Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this