

# Rules and Regulations

Federal Register

Vol. 79, No. 14

Wednesday, January 22, 2014

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2013-1003; Directorate Identifier 2013-NE-33-AD; Amendment 39-17724; AD 2014-01-01]

RIN 2120-AA64

#### Airworthiness Directives; Turbomeca S.A. Turboshaft Engines

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

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

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all Turbomeca S.A. Arrius 2F turboshaft engines. This AD requires a one-time inspection of the ejector assembly nozzle of an affected lubricating device and, if a discrepancy is found, removal and replacement with a part eligible for installation. This AD was prompted by an in-flight shutdown (IFSD) of an Arriel 1 engine. We are issuing this AD to prevent failure of the ejector assembly nozzle, which could lead to an IFSD of the engine, damage to the engine, and damage to the helicopter.

**DATES:** This AD becomes effective February 6, 2014.

We must receive comments on this AD by March 10, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of February 6, 2014.

**ADDRESSES:** You may send comments by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- **Mail:** U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground

Floor, Room W12-140, Washington, DC 20590-0001.

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

- **Fax:** 202-493-2251.

For service information identified in this AD, contact Turbomeca, S.A., 40220 Tarnos, France; phone: 33 (0)5 59 74 40 00; telex: 570 042; fax: 33 (0)5 59 74 45 15. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7125.

#### 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-2013-1003; 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 mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: 800-647-5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781-238-7779; fax: 781-238-7199; email: [frederick.zink@faa.gov](mailto:frederick.zink@faa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013-0243, dated October 1, 2013 (referred to herein after as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

An in-flight shutdown (IFSD) occurred on an ARRIEL 1 engine, as a result of incorrect bonding of the nozzle on the ejector assembly fitted to the engine. The subsequent technical investigation concluded that ARRIUS 2F

engines are also potentially affected and it was possible to identify a batch of parts that could have this non-conformity.

This condition, if not detected and corrected, could lead to further cases of IFSD, possibly resulting in forced landing.

Failure to address this condition may lead to an emergency landing and subsequent damage to the helicopter. You may obtain further information by examining the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2013-1003.

#### Relevant Service Information

Turbomeca S.A. has issued MSB No. 319 79 4835, Version A, dated May 22, 2013. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

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

This product has been approved by the aviation authority of France and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. 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 the same type design. This proposed AD would require a one-time inspection of the nozzle of the ejector assembly of all Turbomeca S.A. Arrius 2F turboshaft engines and, if a discrepancy is found, removal of the ejector assembly or the affected lubricating device and its replacement with a part eligible for installation.

#### FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of the short compliance time requirement. Therefore, we find that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2013–1003; Directorate Identifier 2013–NE–33–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

### Costs of Compliance

We estimate that this AD will affect about 27 engines installed on aircraft of U.S. registry. We also estimate that it will take about 1 hour per engine to comply with this AD. The average labor rate is \$85 per hour. Required parts cost about \$526 per engine. Based on these figures, we estimate the cost of this AD on U.S. operators to be \$16,497.

### 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 above, I certify this AD:

- (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),
- (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 a regulatory 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):

**2014–01–01 Turbomeca S.A.:** Amendment 39–17724; Docket No. FAA–2013–1003; Directorate Identifier 2013–NE–33–AD.

#### (a) Effective Date

This AD is effective February 6, 2014.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to all Turbomeca S.A. Arrius 2F turboshaft engines.

### (d) Reason

This AD was prompted by an in-flight shutdown (IFSD) of an Arriel 1 engine as a result of incorrect bonding of the nozzle on the ejector assembly fitted to the engine. We are issuing this AD to prevent failure of the ejector assembly nozzle, which could lead to an IFSD of the engine, damage to the engine, and damage to the helicopter.

### (e) Actions and Compliance

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

(1) For engines equipped with a lubricating device having a serial number (S/N) listed in Figure 1 to paragraph (e) of this AD, within 30 days after the effective date of this AD, inspect the nozzle of the ejector assembly and the tightening torque. Use paragraph 6.B.(2)(b)2 through 6.B.(2)(c)4.2, excluding paragraph 6.B.(2)(b)4, of Turbomeca Mandatory Service Bulletin (MSB) No. 319 79 4835, Version A, dated May 22, 2013, to do your inspection.

(2) For any part that fails the inspection required by paragraph (e)(1) of this AD, before further flight, remove and replace the failed part with a part eligible for installation.

FIGURE 1 TO PARAGRAPH (e)—S/N’S OF AFFECTED LUBRICATING DEVICES

| S/N’s      |            |            |
|------------|------------|------------|
| 105M ..... | 108M ..... | 109M ..... |
| 112B ..... | 120 .....  | 122B ..... |
| 129M ..... | 134B ..... | 138B ..... |
| 141M ..... | 142B ..... | 147M ..... |
| 149B ..... | 210M ..... | 231 .....  |
| 247 .....  | 254 .....  | 266M ..... |
| 270 .....  | 292M ..... | 333M ..... |
| 443M ..... | 445M ..... | 467M ..... |
| 479M ..... | 526M ..... | 563M ..... |

### (f) Installation Prohibition

After the effective date of this AD, do not install onto any engine a nozzle ejector assembly subject to this AD, or install any engine onto any helicopter if the engine has an ejector assembly containing a lubricating device with an S/N listed in Figure 1 to paragraph (e) of this AD, unless the engine has been inspected per the requirements of paragraph (e) of this AD.

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

The Manager, Engine Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

### (h) Related Information

(1) For more information about this AD, contact Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7779; fax: 781–238–7199; email: [frederick.zink@faa.gov](mailto:frederick.zink@faa.gov).

(2) Refer to MCAI European Aviation Safety Agency AD 2013–0243, dated October 1, 2013. You may examine the MCAI in the AD docket on the Internet at <http://www.faa.gov>.

[www.regulations.gov](http://www.regulations.gov) by searching for and locating it in Docket No. FAA–2013–1003.

(3) Turbomeca S.A. Arrius 2F Technical Instruction No. 319 79 4831, Revision No. 01, dated May 30, 2011, which is not incorporated by reference in this AD, pertains to the subject of this AD and can be obtained from Turbomeca S.A. using the contact information in paragraph (i)(3) of this AD.

#### (i) 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 this AD specifies otherwise.

(i) Turbomeca S.A. Mandatory Service Bulletin No. 319 79 4835, Version A, dated May 22, 2013.

(ii) Reserved.

(3) For Turbomeca service information identified in this AD, contact Turbomeca, S.A., 40220 Tarnos, France; phone: 33 (0)5 59 74 40 00; telex: 570 042; fax: 33 (0)5 59 74 45 15.

(4) You may view this service information at FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(5) You may view this service information 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 Burlington, Massachusetts, on January 2, 2014.

**Colleen M. D'Alessandro,**

*Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 2014–01090 Filed 1–21–14; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 292

#### Regulations Under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 With Regard to Small Power Production and Cogeneration

##### CFR Correction

■ In Title 18 of the Code of Federal Regulations, Parts 1 to 399, revised as of April 1, 2013, on page 862, in § 292.303, in paragraph (c)(1), the word “costs” is removed from the first sentence and

added to the last sentence after “interconnection”.

[FR Doc. 2014–01293 Filed 1–21–14; 8:45 am]

**BILLING CODE 1505–01–D**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 57 and 602

[TD 9643]

**RIN 1545–BL20**

#### Health Insurance Providers Fee

##### Correction

In rule document 2013–28412 appearing on pages 71476–71493 in the issue of November 29, 2013, make the following correction:

On page 71481, in the second column, in the first full paragraph, in the last line “§ 1.414(c)–(5)” should read “§ 1.414(c)–5”.

[FR Doc. C1–2013–28412 Filed 1–21–14; 8:45 am]

**BILLING CODE 1505–01–D**

## NATIONAL LABOR RELATIONS BOARD

#### 29 CFR Parts 101 and 102

**RIN 3142–AA08**

#### Representation—Case Procedures

**AGENCY:** National Labor Relations Board.

**ACTION:** Final rule.

**SUMMARY:** This final rule rescinds the amendments to the National Labor Relations Board’s (the Board’s) representation case procedures adopted by the Board’s final rule of December 22, 2011, consistent with the district court’s decision in *Chamber of Commerce of the U.S. v. NLRB* setting aside that rule. On December 9, 2013, the Court of Appeals for the District of Columbia Circuit dismissed the Board’s appeal of the district court’s decision, pursuant to the parties’ stipulation. Now that the district court’s decision is no longer subject to appellate review, this final rule restores the relevant language in the CFR to that which existed before the Board issued the December 22, 2011 final rule.

**DATES:** *Effective Date:* January 22, 2014.

**FOR FURTHER INFORMATION CONTACT:** Gary Shinnors, Executive Secretary, National Labor Relations Board, 1099 14th Street, NW., Washington, DC 20570, (202) 273–3737 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

## SUPPLEMENTARY INFORMATION:

### I. Introduction

On December 22, 2011, the National Labor Relations Board (Board or NLRB) published a final rule amending its regulations governing representation case procedures. 76 FR 80138. The final rule was immediately challenged in Federal district court. See *Chamber of Commerce of the U.S. v. NLRB*, 879 F. Supp. 2d 18, 21, 24 (D.D.C. 2012). On May 14, 2012, the court struck down the rule on only one ground: that the Board lacked a quorum when it issued the final rule because Member Hayes (one of the Board’s three Members at the time of the rule’s publication) was “absent” from the vote—rather than “abstaining” from the vote, as the Board asserted. *Id.* at 28–30. On July 27, 2012, the court denied the Board’s motion for reconsideration of its opinion. *Id.* at 30–35.

The Board appealed to the D.C. Circuit. On December 9, 2013, the D.C. Circuit dismissed the Board’s appeal of the district court’s decision pursuant to a joint stipulation of the parties. As there is no longer a possibility that the district court’s opinion will be overturned on appeal, there is no basis for the language in the CFR to continue to reflect the amendments made by the Board’s December 22, 2011 final rule.

### II. Changes to the CFR

Pursuant to the Board’s December 22, 2011 final rule, the CFR was changed in the following ways. In part 101, subpart C, consisting of §§ 101.17 through 101.21, was removed and reserved. In part 101, subpart D, §§ 101.23 and 101.25 were amended. In part 101, subpart E, §§ 101.28, 101.29 and 101.30 were amended. In part 102, subpart C, §§ 102.62, 102.63, 102.64, 102.65, 102.66, 102.67 and 102.69 were amended. In part 102, subpart D, § 102.77 was amended. In part 102, subpart E, §§ 102.85 and 102.86 were amended.

To implement the district court’s decision, this rule makes some changes to the regulatory text. Specifically, the changes detailed in this rule restore the language of each of those subparts to that which existed prior to the December 22, 2011 amendments, with the exception of certain non-substantive changes required for publication by the Office of the Federal Register, such as spelling corrections and formatting changes.

The Board finds that notice and comment are unnecessary for these changes because they implement the final decision of the District Court of the District of Columbia, which set aside the