

action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-SW-57-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that notice and prior public comment are unnecessary in promulgating this regulation and therefore, it can be issued immediately to correct an unsafe condition in aircraft since none of these model helicopters are registered in the United States, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

AD 99-04-20 Agusta S.p.A.: Amendment 39-11045. Docket No. 97-SW-57-AD.

Applicability: Model A109K2 helicopters, with Breeze-Eastern rescue hoist, part number (P/N) BL29700 (all dash numbers), installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent breaking of the Breeze-Eastern rescue hoist (hoist) cable, personal injury, or entanglement of the hoist cable in the helicopter's main or tail rotor blades, and subsequent loss of control of the helicopter, accomplish the following:

(a) Replace the hoist, P/N BL29700 (all dash numbers), with an airworthy hoist, P/N 109-0900-62, on or before March 31, 1999. This replacement is considered a terminating action for the requirements of this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished, provided the rescue hoist is not used.

(d) This amendment becomes effective on March 4, 1999.

Note 3: The subject of this AD is addressed in Registro Aeronautico Italiano (Italy) AD 97-229, dated August 8, 1997, AD 96-070, dated April 17, 1996, AD 97-220, dated July 30, 1997, AD 98-051, dated February 20, 1998, AD 98-125, dated April 7, 1998, and AD 98-284, dated August 11, 1998.

Issued in Fort Worth, Texas, on February 9, 1999.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99-3724 Filed 2-16-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-16-AD; Amendment 39-11047; AD 99-04-22]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 727, 727-100, 727-200, 727C, 727-100C, and 727-200F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing Model 727, 727-100, 727-200, 727C, 727-100C, and 727-200F series airplanes. This action requires repetitive inspections to detect cracking of the lower skin panel at the lower row of fasteners in certain lap joints of the fuselage, and repair, if necessary. This amendment also provides for optional terminating action for certain repetitive inspections. This amendment is prompted by a report of fatigue cracking in the lower skin panel at the lower row of fasteners of the fuselage lap joints. The actions specified in this AD are intended to detect and correct such fatigue cracking, which could result in sudden fracture and failure of the lower skin lap joints, and rapid decompression of the airplane.

DATES: Effective March 4, 1999.

The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of June 23, 1998 (63 FR 27455, May 19, 1998).

Comments for inclusion in the Rules Docket must be received on or before April 19, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-16-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in the rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Walt Sippel, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2774; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report indicating that a 20-inch crack was detected in the lower skin panel of the fuselage on a Boeing Model 727 series airplane, between body station (BS) 540 and BS 560 common to stringer S26L, at the lower row of fasteners in the lap joint. This type of cracking was determined to be the result of multiple site fatigue damage in the lap joint lower fastener row.

Further investigation revealed multiple site fatigue damage (approximately 80 cracks) in the stringer S-4R lap joint of the lower fastener row of the lower skin panel. The lower skin is 0.040-inch thick at both of these lap joint locations. Three out of the four airplanes inspected were found with such damage at the stringer S-4R lap joint; one of the airplanes had accumulated approximately 55,430 total flight cycles. Preliminary results of the investigation revealed that the cracking had initiated at approximately 40,000 total flight cycles.

Such fatigue cracking, if not detected and corrected, could result in sudden fracture and failure of the lower skin lap joints, and rapid decompression of the airplane.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to detect and correct fatigue cracking of the lower skin at the lower row of fasteners in certain lap joints of the fuselage. This AD requires repetitive inspections to

detect cracking of the lower skin panel at the lower row of fasteners in certain lap joints of the fuselage, and repair, if necessary. This AD also provides for optional terminating action for certain repetitive inspections.

In the context of other AD's affecting lap joints, the FAA has become aware that, in many cases, operators have accomplished repairs or alterations to the lap joints that make it impossible to accomplish inspections required by the AD's. Yet, in some cases, the operators have not obtained approval for alternative methods of compliance (AMOC) for those inspections. Therefore, the FAA has added a paragraph to this AD that requires that, before such a repair or alteration can be accomplished, approval for an AMOC must be obtained.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire.

Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments,

in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-16-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 the following new airworthiness directive:

99-04-22 Boeing: Amendment 39-11047. Docket 99-NM-16-AD.

Applicability: All Model 727, 727-100, 727-200, 727C, 727-100C, and 727-200F series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or

repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking in the lower skin panel at the lower row of fasteners of the fuselage lap joints, which

could result in sudden fracture and failure of the lap joints, and rapid decompression of the airplane; accomplish the following:

(a) Except as provided by paragraph (e) of this AD: At the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD, perform an external detailed visual inspection to detect cracking in the lower skin panels at the lower row of fasteners of the fuselage lap joints at the following associated body stations (BS). Thereafter, repeat the inspection at intervals not to exceed 50 flight cycles until the requirements of either paragraph (c) or (d) of this AD are accomplished.

TABLE 1.

| Model | Stringer | Body station |
|---|------------------|---|
| 727 series airplanes and 727-100 series airplanes | S-4L, S-4R | 259 through 700, and 1009 through 1183. |
| | S-10L | 259 through 310. |
| | S-10R | 259 through 360. |
| | S-19L | 259 through 660. |
| | S-19R | 259 through 500. |
| | S-24L, S-24R | 259 through 360. |
| | S-26L | 360 through 680. |
| | S-26R | 360 through 500, and 601 through 680. |
| 727-200 series airplanes | S-4L, S-4R | 259 through 681; 686 through 720E; and 1009 through 1183. |
| | S-10L | 259 through 310. |
| | S-10R | 259 through 360. |
| | S-19L, S19R | 259 through 360. |
| | S-24L, S-24R | 259 through 360. |
| | S-26L | 360 through 644. |
| | S-26R | 360 through 481, and 486 through 514. |
| 727C series airplanes, 727-100C series airplanes | S-4L | 259 through 441, and 1080 through 1183. |
| | S-4R | 259 through 619, and 1080 through 1183. |
| | S-10L | 259 through 310. |
| | S-10R | 259 through 360. |
| | S-19L | 259 through 441. |
| | S-19R | 259 through 500. |
| | S-24L, S-24R | 259 through 360. |
| | S-26L | 360 through 680. |
| 727-200F series airplanes | S-26R | 360 through 500, and 601 through 680. |
| | S-4L | 259 through 441, and 1009 through 1183. |
| | S-4R | 259 through 481, and 1009 through 1183. |
| | S-10L | 259 through 310. |
| | S-10R | 259 through 360. |
| | S-19L | 259 through 360. |
| | S-19R | 259 through 520. |
| | S-26L | 486 through 644. |
| S-26R | 486 through 514. | |

(1) Inspect prior to the accumulation of 40,000 total flight cycles.

(2) Inspect within 50 flight cycles or 15 days after the effective date of this AD, whichever occurs first.

(b) After the effective date of this AD, no person may accomplish a repair or alteration that would interfere with the accomplishment of the inspection required by paragraph (a) of this AD (e.g., covering an affected lap joint), unless an alternative method of compliance for that inspection has been approved in accordance with the provisions of paragraph (g) of this AD.

(c) At the latest of the times specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, perform a low frequency eddy current (LFEC) inspection to detect cracking in the lower skin panels at the lower row of fasteners of the fuselage lap joints, at the associated body

stations specified in Table 1. of paragraph (a) of this AD; in accordance with Items F-43 and F-43A of Boeing Document No. D6-48040-1, Volumes 1 and 2, "Supplemental Structural Inspection Document" (SSID), Revision H, dated June 1994 (hereinafter referred to as the "Boeing Document"). Thereafter, repeat the LFEC inspection at intervals not to exceed 600 flight cycles. Accomplishment of the LFEC inspection constitutes terminating action for the repetitive inspections required by paragraph (a) of this AD.

(1) Inspect prior to the accumulation of 40,000 total flight cycles.

(2) Inspect within 300 flight cycles or 60 days after the effective date of this AD, whichever occurs first.

(3) Inspect within 600 flight cycles after accomplishing the same inspection in

accordance with AD 98-11-03, amendment 39-10530.

Note 2: The provisions of paragraph 1. of Item F-43A of the Boeing Document, which give credit for performing the modification or repair specified in Figure 4 of Boeing Service Bulletin 727-53-72, Revision 5, dated June 1, 1989, do not apply to this AD. All lap joints specified in this AD are to be inspected whether or not they have been modified or repaired previously in accordance with that service bulletin.

Note 3: Accomplishment of the initial LFEC inspection prior to the effective date of this AD in accordance with the initial LFEC inspection specified in the Boeing Document, is considered acceptable for compliance with the initial inspection specified in paragraph (c) of this AD.

(d) Accomplishment of internal detailed visual and high frequency eddy current (HFEC) inspections to detect cracking in the lower skin panels at the lower row of fasteners of the fuselage lap joints, at the associated body stations specified in Table 1. of paragraph (a) of this AD; in accordance with the Boeing Document, constitutes terminating action for the repetitive inspection requirements of paragraphs (a) and (c) of this AD, provided that the internal detailed visual and HFEC inspections are repeated thereafter at intervals not to exceed 7,000 flight cycles.

Note 4: Accomplishment of the internal HFEC inspection prior to the effective date of this AD in accordance with the HFEC inspection specified in the Boeing Document is considered acceptable for compliance with the initial HFEC inspection specified in paragraph (d) of this AD, provided that the repetitive inspections in paragraph (d) of this AD are accomplished as specified.

(e) Airplanes on which the inspection required by paragraph (c) or (d) of this AD is performed within the compliance time specified in paragraph (a) of this AD are not required to accomplish the inspection required by paragraph (a).

(f) If any crack is detected during any inspection required by this AD, prior to further flight, perform internal detailed visual and HFEC inspections to detect additional cracking in the entire lap joint of the lower skin panel where the crack was found, in accordance with the Boeing Document, and repair any crack detected in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings.

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(h) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(i) The inspections shall be done in accordance with Boeing Document No. D6-48040-1, Volumes 1 and 2, "Supplemental Structural Inspection Document" (SSID), Revision H, dated June 1994, which contains the following list of effective pages:

| | |
|---|------------------------------|
| Page No. shown on page | Revision level shown on page |
| List of Active Pages: Pages 1 thru 17.2 | H |

(Note: The issue date of Revision H is indicated only on the title page; no other page of the document is dated.) This incorporation by reference was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of June 23, 1998 (63 FR 27455, May 19, 1998). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on March 4, 1999.
Issued in Renton, Washington, on February 10, 1999.

Ronald T. Wojnar,
Acting Manager,
Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 99-3750 Filed 2-16-99; 8:45 am]
BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 98-AWP-27]

RIN 2120-AA66

Revocation and Establishment of Restricted Areas; NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes Restricted Areas R-4803N and R-4803S, and establishes R-4803, Fallon, Nevada (NV). The FAA is taking this action in response to a request from the United States Navy (USN) to eliminate R-4803N, and to redefine the arc of R-4803S as a complete circle and rename it R-4803. This action reduces restricted airspace at Fallon, NV, and improves access to Fallon Municipal Airport, NV.

EFFECTIVE DATE: 0901 UTC, May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

Residential development in the vicinity of R-4803N and R-4803S has led to an increasing number of noise complaints and perceived safety concerns by the local community. In 1997, USN personnel at Fallon Naval Air Station began a comprehensive review of restricted area operations in the Fallon area. As a result of the review, public meetings, over-flight tests, and a survey of local residents, the USN requested the FAA disestablish the restricted airspace that overlies what were formerly farmlands bordering the city of Fallon, NV. This is an administrative change which reduces the size of the restricted airspace and eliminates a portion of restricted airspace no longer needed by the USN. It does not alter the type of activities conducted within the remaining restricted airspace.

The Rule

This amendment to 14 CFR part 73 revokes Restricted Areas R-4803N and R-4803S, and establishes R-4803, Fallon, NV. The FAA is taking this action in response to a request from the USN to eliminate R-4803N and redefine the arc R-4803S as a complete circle and rename it R-4803. This action reduces restricted airspace at Fallon, NV, and improves access to Fallon Municipal Airport, NV. As the solicitation of comments would not offer any meaningful right or benefit to any segment of the public, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.