

Page No.	Revision level shown on page	Date shown on page
List of Effective Pages—Page 5 .....	Not Shown .....	May 5, 1997.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. 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.

(h) This amendment becomes effective on May 10, 1999. .

Issued in Renton, Washington, on April 9, 1999.

**Darrell M. Pederson,**

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

[FR Doc. 99-9739 Filed 4-22-99; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 98-SW-44-AD; Amendment 39-11139; AD 99-09-06]

RIN 2120-AA64

**Airworthiness Directives; Eurocopter France Model AS-350B, B1, B2, B3, BA, and D Helicopters, and Model AS 355E, F, F1, F2 and N Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Eurocopter France Model AS-350B, B1, B2, B3, BA, and D helicopters, and Model AS 355E, F, F1, F2 and N helicopters. This action requires inspecting the tail rotor spider plate bearing (bearing) for the proper bearing rotational torque, axial play, and for any brinelling of the bearing. This amendment is prompted by service difficulty reports citing the need to prematurely replace bearings due to wear, and by two in-flight incidents of increased tail rotor vibration levels due to bearing wear. This condition, if not corrected, could result in seizure of the bearing, loss of tail rotor control and subsequent loss of control of the helicopter.

**DATES:** Effective May 10, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 1999.

Comments for inclusion in the Rules Docket must be received on or before June 22, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-44-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**FOR FURTHER INFORMATION CONTACT:** Shep Blackman, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5296, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Eurocopter France Model AS-350B, B1, B2, B3, BA, and D helicopters, and Model AS 355E, F, F1, F2 and N helicopters. The DGAC advises that a one-time measurement of bearing rotational torque and repetitive inspections of the bearing for axial play, binding, or brinelling is necessary to prevent seizure of the bearing and loss of control of the helicopter.

Eurocopter France has issued Eurocopter AS 350 Service Bulletin (SB) No. 05.00.29, applicable to Model AS-350 helicopters, and SB No. 05.00.30, applicable to Model AS 355 helicopters, both dated February 8, 1999. These SB's specify a periodic check of the pitch change spider plate bearing to prevent any blocking of the bearing. The DGAC classified these SB's as mandatory and issued AD 1999-084-057(A), and AD 1999-085-076(A), both dated February 24, 1999, applicable to Model AS 355 and Model AS-350 helicopters, respectively, in order to assure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has

kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

The FAA estimates that 507 helicopters will be affected by this AD, that it will take approximately 1 work hour to accomplish the inspection, and 4 work hours to replace a bearing, if required, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$60 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$182,520 to inspect and replace one bearing in each helicopter in the fleet.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model AS-350B, B1, B2, B3, BA, and D helicopters, and Model AS 355E, F, F1, F2 and N helicopters of the same type design registered in the United States, this AD is being issued to prevent seizure of the bearing, loss of tail rotor control, and subsequent loss of control of the helicopter. This AD requires, within 50 hours TIS, measuring the bearing rotational torque, and thereafter at intervals not to exceed 100 hours TIS, inspecting the bearing for axial play, binding, or brinelling. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore, inspecting the bearing for the proper rotational torque within the next 50 hours time-in-service (TIS), and for any bearing roughness at intervals not to exceed 100 hours TIS is required, and this AD must be issued immediately.

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 should 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 No. 98-SW-44-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 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 a new airworthiness directive to read as follows:

##### **AD 99-09-06 Eurocopter France:**

Amendment 39-11139. Docket No. 98-SW-44-AD.

**Applicability:** Eurocopter France Model AS-350B, B1, B2, B3, BA, and D helicopters, and Model AS 355E, F, F1, F2 and N helicopters, with tail rotor spider assembly, part number 350A332004-03 or 350A332004-05, 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 otherwise 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 request approval for an alternative method of compliance in accordance with paragraph (d) 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 prevent seizure of the tail rotor spider plate bearing (bearing), loss of tail rotor control, and subsequent loss of control of the helicopter, accomplish the following in accordance with the specified paragraphs of Eurocopter Service Bulletin (SB) 05.00.29, applicable to Model AS-350 helicopters, or SB 05.00.30, applicable to Model AS 355 helicopters, both dated February 8, 1999, as applicable:

(a) Within 50 hours time-in-service, measure the rotational torque of the bearing using the operational procedure in paragraph 2.B.1 of the Accomplishment Instructions in the applicable SB. If the rotational load is equal to or greater than 300 grams, replace the pitch change spider plate assembly with

an airworthy pitch change spider plate assembly before further flight.

(b) At intervals not to exceed 100 hours time-in-service, measure the axial play, and inspect for rotational binding or brinelling of the bearing using the operational procedure in paragraph 2.B.2 of the Accomplishment Instructions in the applicable SB.

(c) If the bearing fails to meet the airworthiness criteria stated in paragraph 2.B.3(b) of the Accomplishment Instructions in the applicable SB, replace the pitch change spider plate assembly with an airworthy pitch change spider plate assembly before further flight.

(d) 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.

(e) 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.

(f) The measurements and replacements, if necessary, shall be done in accordance with Eurocopter Mandatory SB 05.00.29, applicable to Model AS-350 helicopters, or Eurocopter Mandatory SB 05.00.30, applicable to Model AS 355 helicopters, both dated February 8, 1999, as applicable. This incorporation by reference was approved by the Director of the Federal Register 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, (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-44-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 10, 1999.

**Note 3:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 1999-084-057(A) and AD 1999-085-076(A), both dated February 24, 1999.

Issued in Fort Worth, Texas, on April 14, 1999.

#### **Eric Bries,**

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

[FR Doc. 99-10053 Filed 4-22-99; 8:45 am]

**BILLING CODE 4910-13-U**