

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.

(e) This amendment becomes effective on January 24, 2000.

Issued in Renton, Washington, on December 7, 1999.

**D.L. Riggins,**

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

[FR Doc. 99-32191 Filed 12-17-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-SW-64-AD; Amendment 39-11472; AD 99-26-13]

RIN 2120-AA64

#### **Airworthiness Directives; Agusta S.p.A. Model A109A and A109A II Helicopters**

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

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

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to Agusta Model A109A and A109A II helicopters, that currently requires inspecting each tail rotor blade (blade) for a crack and replacing any cracked blade. This amendment requires, before further flight, inspecting any blade with 400 or more hours time-in-service (TIS) for a crack and replacing any cracked blade. This amendment is prompted by another report of a cracked blade since the issuance of the existing AD. Two of the three occurrences of cracked blades involved the loss of the tail rotor and 90-degree gearbox. The actions specified by this AD are intended to prevent fatigue failure of the blade, loss of the tail rotor, and subsequent loss of control of the helicopter.

**DATES:** Effective January 4, 2000. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 4, 2000.

Comments for inclusion in the Rules Docket must be received on or before February 18, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation

Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99-SW-64-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from Agusta, 21017 Cascina Costa di Samarate (VA), Via Giovanni Agusta 520, telephone (0331) 229111, fax (0331) 229605-222595. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 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.

#### **FOR FURTHER INFORMATION CONTACT:**

Richard A. Monschke, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5116, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** On September 18, 1987, the FAA issued AD 87-03-14 R2, Amendment 39-5742, Docket No. 87-ASW-2 effective October 14, 1987, to require inspecting the blades for a crack and replacing any cracked blade with an airworthy blade. That action was prompted by two reports of cracked blades and separation of a tail rotor gearbox. That condition, if not corrected, could result in fatigue failure of a blade, loss of the tail rotor, and subsequent loss of control of the helicopter.

Since the issuance of that AD, another case has been reported of failure of a blade, P/N 109-0132-02, followed by the loss of the tail rotor and 90-degree gearbox assembly. The blade failed due to a crack in the central area of the blade near the tip of the root doubler. Agusta S.p.A. issued Bollettino Tecnico 109-110, dated July 28, 1999 (technical bulletin), which supersedes Telegraphic Technical Bulletin 109-5, dated January 27, 1987. The technical bulletin specifies dye-penetrant inspecting any blade, P/N 109-0132-02 (all dash numbers), with 400 or more hours TIS, for a crack before further flight and thereafter at intervals not to exceed 100 hours TIS. The technical bulletin also specifies visually inspecting each blade before the first flight of each day and replacing any cracked blade. In the technical bulletin, the manufacturer reemphasizes the importance of performing a detailed inspection of the blade by publishing additional procedures and requirements for personnel conducting the inspections. Agusta S.p.A. is attempting to develop an improved blade, which would

provide a basis for terminating the inspection requirement.

Since an unsafe condition has been identified that is likely to exist or develop on other Agusta Model A109A and A109A II helicopters of the same type design, this AD supersedes AD 87-03-14 R2, effective October 14, 1987. This AD requires dye-penetrant inspecting any blade, P/N 109-0132-02 (all dash numbers), with 400 or more hours TIS, for a crack before further flight and thereafter at intervals not to exceed 100 hours TIS. This AD also requires visually inspecting each blade before the first flight of each day and replacing any cracked blade with an airworthy blade. The actions are required to be accomplished in accordance with the technical bulletin described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability and structural integrity of the helicopter. Therefore, dye-penetrant inspecting each blade for a crack is required before further flight 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.

The FAA estimates that 54 helicopters will be affected by this AD, that it will take approximately 2.5 work hours to accomplish the inspections, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$48,600 assuming 6 dye penetrant inspections a year.

#### **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. 99-SW-64-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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 removing Amendment 39-5742 and by adding a new airworthiness directive (AD), Amendment 39-11472, to read as follows:

**AD 99-26-13 Agusta S.p.A.:** Amendment 39-11472, Docket No. 99-SW-64-AD. Supersedes Priority Letter AD 87-03-14 R2, Amendment 39-5742, Docket No. 87-ASW-2.

**Applicability:** Model A109A and A109A II helicopters, with tail rotor blade (blade), part number (P/N) 109-0132-02-all dash numbers, with 400 or more hours time-in-service (TIS), 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 (c) 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 fatigue failure of a blade, loss of the tail rotor, and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight, dye-penetrant inspect each blade for a crack in accordance with the Compliance Instructions, Part I, of Agusta S.p.A. Bollettino Tecnico 109-110, dated July 28, 1999 (technical bulletin). Thereafter, at intervals not to exceed 100 hours TIS, dye-penetrant inspect each blade for a crack in accordance with the Compliance Instructions, Part III, of the technical bulletin. If a crack is found, replace the cracked blade with an airworthy blade before further flight.

(b) Before the first flight each day, visually inspect each blade for a crack using a 3 to 5 power magnifying glass in accordance with the Compliance Instructions, Part II, of the technical bulletin. If a crack is found, replace the cracked blade with an unairworthy blade before further flight.

(c) 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, Regulations Group, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(d) Special flight permits will not be issued.

(e) The inspections shall be done in accordance with the Compliance Instructions of Agusta S.p.A. Bollettino Tecnico 109-110, dated July 28, 1999. 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 Agusta, 21017 Cascina Costa di Samarate (VA), Via Giovanni Agusta 520, telephone (0331) 229111, fax (0331) 229605-222595. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on January 4, 2000.

**Note 3:** The subject of this AD is addressed in Registro Aeronautico Italiano, Italy, AD 99-325, dated August 2, 1999.

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

**Henry A. Armstrong,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 99-32580 Filed 12-17-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-134-AD; Amendment 39-11469; AD 99-26-10]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737-600, -700, and -800 series airplanes, that requires installation of a drain at each of the number 2 window frame assemblies in the airplane. This amendment is prompted by reports that flight deck emergency exits (number 2 windows) were found frozen shut after landing. The actions specified by this AD are intended to prevent water accumulation in the lower corners of the flight deck emergency exits (number 2 windows), which can freeze and prevent the exits from being used during an emergency evacuation.

**DATES:** Effective January 24, 2000.