

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]

**BILLING CODE 4910-13-U**

## 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.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 24, 2000.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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:** Meghan Gordon, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2207; fax (425) 227-1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737-600, -700, and -800 series airplanes was published in the **Federal Register** on July 14, 1999 (64 FR 37918). That action proposed to require installation of a drain at each of the number 2 window frame assemblies in the airplane.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter has no objection to the proposed rule, and one commenter states that the rule does not affect it.

#### Request To Reduce Compliance Time

One commenter supports the proposed rule, but requests that the compliance time be reduced to 12 months from 18 months. The commenter also requests that the maximum time from publication of the final rule in the **Federal Register** until the effective date of the rule be no more than 30 days. The commenter states that based upon the proposed compliance times, adding in the administrative procedures time to publish the final rule and a possible "delayed" effective date, the affected airplanes may go through two more cold weather seasons before an operator must correct this unsafe condition.

The FAA does not concur with the commenter's request to reduce the

compliance time of the AD, or accelerate the effective date to no more than 30 days after publication in the **Federal Register**. Reduction of the compliance time from 18 to 12 months would necessitate reopening the comment period, resulting in further delay of the AD. In developing the compliance time for this AD action, the FAA considered not only the safety implications of the unsafe condition addressed, but the average utilization rate of the affected fleet, the practical aspects of an orderly modification of the fleet during regular maintenance periods, the availability of parts, and the time necessary for the rulemaking process. The proposed compliance time of 18 months after the effective date of the AD was determined to be appropriate.

Also, the effective date for an AD action is not arbitrarily assigned, as the commenter implies. The Administrative Procedure Act (APA) requires that Federal agencies provide at least 30 days after publication of a final rule in the **Federal Register** before making it effective, unless "good cause" can be found not to do so. Under the APA, the basis for this finding is similar to the basis for a finding of good cause to dispense with notice and comment procedures in issuing rules. In the case of certain AD's, the nature of the action may be of such urgency that for the FAA to take any additional time to provide notice and opportunity for prior public comment would be impracticable; in those cases, the FAA finds good cause for making the rule effective in less than 30 days. In the case of this AD action, the FAA does not consider that the addressed unsafe condition is of such a critical nature that time could not be afforded for notice and the opportunity for the public to comment on the rule. It follows then, that there is no basis for finding good cause for making this rule effective in less than 30 days. For final rules following notice, the FAA usually assigns an effective date of 30 days after publication. No change to the final rule is necessary.

#### Request To Increase the Cost Estimate

One commenter requests that the number of work hours in the cost estimate be increased to 5 work hours from 3 work hours. The commenter states that Boeing Service Bulletin 737-56-1011, dated November 19, 1998, states that 5 hours are required per airplane to perform the installation, and the rulemaking cost impact analysis should be consistent with the work hours quoted in the service bulletin.

The FAA does not concur with the commenter's request. The cost impact information, below, describes only the

"direct" costs of the specific actions required by this AD. The number of work hours necessary to accomplish the required actions, specified as 3 in the cost impact information below, was provided to the FAA by the manufacturer based on the best data available to date. This number represents the time necessary to perform only the actions actually required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur "incidental" costs in addition to the "direct" costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate. No change to the final rule is necessary.

#### Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 144 airplanes of the affected design in the worldwide fleet. The FAA estimates that 57 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required installation, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$536 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$40,812, or \$716 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

#### 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.

For the reasons discussed above, I certify that this action (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) 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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:

**99-26-10 Boeing:** Amendment 39-11469. Docket 99-NM-134-AD.

**Applicability:** Model 737-600, -700, and -800 series airplanes; line numbers 1 through 144 inclusive; 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 (b) 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 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, accomplish the following:

#### Installation

(a) Within 18 months after the effective date of this AD, install a drain at each of the number 2 window frame assemblies in the airplane, in accordance with Boeing Service Bulletin 737-56-1011, dated November 19, 1998.

#### Alternative Methods of Compliance

(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, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. 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 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

#### Special Flight Permits

(c) Special flight permits may be issued in accordance with §§ 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.

#### Incorporation by Reference

(d) The actions shall be done in accordance with Boeing Service Bulletin 737-56-1011, dated November 19, 1998. 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.

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

Issued in Renton, Washington, on December 10, 1999.

**D.L. Riffin,**

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

[FR Doc. 99-32581 Filed 12-17-99; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-SW-63-AD; Amendment 39-11474; AD 99-26-14]

RIN 2120-AA64

#### Airworthiness Directives; Agusta S.p.A. Model AB412 Helicopters

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) applicable to Agusta S.p.A. Model AB412 helicopters. This action requires removing and replacing certain main rotor yokes with airworthy main rotor yokes before further flight. This amendment is prompted by the fatigue failure of a main rotor yoke (yoke). Fatigue analysis indicates that certain yokes are on the low end of the manufacturer's tolerance for thickness and do not have the desired margin of safety. This condition, if not corrected, could result in fatigue failure of the yoke, loss of a main rotor blade, and subsequent loss of control of the helicopter.

**DATES:** Effective 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-63-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.

**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 Registro Aeronautico Italiano (RAI), the airworthiness authority for Italy, notified the FAA that an unsafe condition may exist on Agusta S.p.A. Model AB412 helicopters. The RAI advises removing and replacing the yoke, part number (P/N) 412-010-101-123 or -127, with an airworthy yoke, P/N 412-010-101-129.

Agusta S.p.A. has issued Alert Bollettino Tecnico 412-74, dated March 16, 1999, (technical bulletin) which specifies reducing the retirement life of the yoke, P/N 412-010-101-123 and -127, from 5000 hours to 4500 hours time-in-service (TIS), and replacing a yoke having 4500 or more hours TIS with an airworthy yoke, P/N 412-010-101-129, which has a retirement life of