

compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(f) 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.

(g) The actions shall be done in accordance with Bell Helicopter Textron Alert Service Bulletin No. 214ST-96-75, dated August 26, 1996. 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 Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280-3391, fax (817) 280-6466. 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.

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

Issued in Fort Worth, Texas, on February 5, 1999.

Eric Bries,

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

[FR Doc. 99-3590 Filed 2-16-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-SW-57-AD; Amendment 39-11045; AD 99-04-20]

RIN 2120-AA64

Airworthiness Directives; Agusta S.p.A. Model A109K2 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 Agusta S.p.A. Model A109K2 helicopters. This action requires replacing a certain Breeze-Eastern rescue hoist (rescue hoist) with a different part-numbered airworthy rescue hoist. This amendment is prompted by an incident in which a rescue hoist cable broke due to cable damage, resulting in one fatality. The actions specified in this AD are intended to prevent the breaking of the rescue hoist cable, personal injury, or entanglement of the rescue hoist cable in the helicopter's main or tail rotor blades, and subsequent loss of control of the helicopter.

DATES: Effective March 4, 1999.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97-SW-57-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT:

Carroll Wright, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5120, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: The Registro Aeronautico Italiano (RAI), which is the airworthiness authority for Italy, recently notified the FAA that an unsafe condition may exist on Agusta S.p.A. Model A109K2 helicopters. The RAI advises that a fatal accident occurred as a result of a malfunction of a rescue hoist. The rescue hoist cable broke, resulting in a fatality. Based on the result of the investigation of the accident, the FAA has determined that AD action is necessary to require replacement of the hoist.

Agusta S.p.A. has issued Agusta Alert Bollettino Tecnico (Technical Bulletin) No. 109K-20, Rev. A, dated March 30, 1998, which specifies inspecting the rescue hoist, part number (P/N) BL29700 (all dash numbers). The RAI classified this technical bulletin as mandatory and issued 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, in order to assure the continued airworthiness of rescue hoist, P/N BL29700 (all dash numbers).

This helicopter model is manufactured in Italy and is 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 RAI has kept the FAA informed of the situation described above. The FAA has examined the findings of the RAI, 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.

Since an unsafe condition has been identified that is likely to exist or develop on other Agusta S.p.A. Model A109K2 helicopters of the same type

design registered in the United States, this AD is being issued to prevent the breaking of the rescue hoist cable, personal injury, or entanglement of the rescue hoist cable in the helicopter's main or tail rotor blades, and subsequent loss of control of the helicopter. This AD requires replacement of the rescue hoist, P/N BL29700 (all dash numbers), with an airworthy hoist, P/N 109-0900-62.

None of the Model A109K2 helicopters affected by this action are on the U.S. Register. All helicopters included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject helicopters are imported and placed on the U.S. Register in the future.

Since this AD action does not affect any helicopter that is currently on the U.S. Register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Should an affected helicopter be imported and placed on the U.S. Register, it will require approximately 2.0 work hours per helicopter to replace the hoist. The average labor rate is \$60 per work hour. Required parts will cost approximately \$195, but the manufacturer has stated that any required parts will be provided to helicopter operators at no cost. Based on these figures, the cost impact of this AD will be \$120 per helicopter.

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. 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.

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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.