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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-SW-64-AD; Amendment 39-11067; AD 99-06-03]

RIN 2120-AA64

#### Airworthiness Directives; Eurocopter France Model AS-365N, N1, and N2 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to Eurocopter France Model AS-365N, N1, and N2 helicopters, that requires inspecting the helicopter to determine if a certain main rotor head frequency adapter (frequency adapter) is installed and, if so, replacing it with an airworthy frequency adapter. This amendment is prompted by a report of disbonding of the metal center section of a frequency adapter from the elastomer on a main rotor head caused by a lack of adherence during the production process. The actions specified by this AD are intended to prevent increased vibrations caused by disbonding of the center section of a frequency adapter from the elastomer and subsequent reduced controllability of the helicopter.

**EFFECTIVE DATE:** April 13, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mike Mathias, Aerospace Engineer, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5123, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to Eurocopter France Model AS-365N, N1,

and N2 helicopters was published in the **Federal Register** on June 5, 1998 (63 FR 30662). That action proposed to require inspecting for certain frequency adapters and if they are installed, replacing them with airworthy frequency adapters.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 91 helicopters of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per helicopter to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$5,200 per helicopter. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$505,960.

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 will 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 the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97-SW-64-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

#### 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 (AD) to read as follows:

#### AD 99-06-03 Eurocopter France:

Amendment 39-11067. Docket No. 97-SW-64-AD.

*Applicability:* Model AS-365N, N1, and N2 helicopters, 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 (c) 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 within the next 100 hours time-in-service or 6 calendar months, whichever occurs first, unless accomplished previously.

To prevent vibrations caused by disbonding of the center section of a frequency adapter from the elastomer on the main rotor head and subsequent reduced controllability of the helicopter, accomplish the following:

(a) Determine the part number, serial number, and date of manufacture of the main rotor head frequency adapter (frequency adapter).

(b) If a frequency adapter part number (P/N) 704A33-640-031 (E1T2624-01A), or delivered in pairs under the P/N 365A31-

1858-01, manufactured before April 1, 1991, with a serial number (S/N) equal to or less than 8188, or P/N 704A33-640-046 (EIT3023-01), or delivered in pairs under the P/N 365A31-1858-02, manufactured before April 1, 1991, with a S/N equal to or less than 3122, is installed, remove the frequency adapter and replace it with an airworthy frequency adapter.

**Note 2:** Eurocopter France AS 365 Service Bulletin No. 01.00.44, dated May 9, 1996, pertains to the subject of this AD.

(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, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff. 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 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(d) 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.

(e) This amendment becomes effective on April 13, 1999.

**Note 4:** The subject of this AD is addressed in Direction General De L'Aviation Civile (France) AD 96-117-040(B), dated June 19, 1996.

Issued in Fort Worth, Texas, on March 1, 1999.

**Eric Bries,**

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

[FR Doc. 99-5726 Filed 3-8-99; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 133

[T.D. 99-24]

#### Technical Amendment to the Customs Regulations

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document makes a minor technical change to the Customs Regulations, in accordance with Customs policy of periodically reviewing its regulations to make sure that they are current, and to eliminate needless repetition.

**EFFECTIVE DATE:** March 9, 1999.

**FOR FURTHER INFORMATION CONTACT:** Russell Berger, Office of Regulations and Rulings, 202-927-1605.

## SUPPLEMENTARY INFORMATION:

### Background

The general and specific sectional authority citations for part 133, Customs Regulations (19 CFR part 133), are set forth at the beginning of the part following its table of contents.

However, the specific statutory authority citations for certain sections in part 133 are also repeated immediately following the text of the sections.

Also, it is observed that 31 U.S.C. 483a is cited as authority for a number of sections in part 133 following the text of such sections. However, by Pub. L. 97-258 (September 13, 1982), 31 U.S.C. 483a was revised and replaced with 31 U.S.C. 9701 which is included under the general authority citation for part 133.

Accordingly, to eliminate unnecessary repetition and to make sure that the statutory authority listed for part 133 is correct and current, the statutory citations that appear in parentheses below the text of any regulatory sections in subparts A, B, D, E and F of part 133 will be deleted. It is noted that a document amending subpart C of part 133 that was published in the **Federal Register** (64 FR 9058) on February 24, 1999, as T.D. 99-21, effective as of March 26, 1999, no longer sets forth any statutory authority citations following the text of the regulatory sections in that subpart.

### Inapplicability of Public Notice and Comment and Delayed Effective Date Requirements, the Regulatory Flexibility Act and Executive Order 12866

Because this amendment is merely of a minor editorial nature, and conforms to existing law, notice and public procedure in this case are inapplicable and unnecessary pursuant to 5 U.S.C. 553(b)(B), and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required. Since this document is not subject to the requirements of 5 U.S.C. 553, it is not subject to the provision of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Nor does the amendment result in a "significant regulatory action" under E.O. 12866.

### List of Subjects in 19 CFR Part 133

Copyright, Customs duties and inspection, Fees assessment, Imports, Penalties, Prohibited merchandise, Reporting and recordkeeping requirements, Restricted merchandise (counterfeit goods), Seizures and forfeitures, Trade names, Trademarks, Unfair competition.

## Amendment to the Regulations

Part 133, Customs Regulations (19 CFR part 133), is amended as set forth below.

### PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

1. The authority citation for part 133 continues to read in part as follows:

**Authority:** 17 U.S.C. 101, 601, 602, 603; 19 U.S.C. 66, 1624; 31 U.S.C. 9701.

\* \* \* \* \*

2. Part 133 is amended by removing the statutory authority citations that appear in parentheses immediately below the texts of §§ 133.1, 133.2-133.7, 133.11-133.13, 133.15, 133.33, 133.35, 133.36, 133.46, and 133.53.

Dated: March 3, 1999.

**Harold M. Singer,**

*Chief, Regulations Branch.*

[FR Doc. 99-5715 Filed 3-8-99; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 26

[Docket No. 98S-1064]

#### Implementation of the Mutual Recognition Agreement Between the United States and the European Community; Pharmaceutical GMP's and Medical Devices; Establishment of a Public Docket and FDA Contact Points

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Establishment of a public docket and FDA contact points.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the establishment of a public docket for the submission and public availability of information concerning the implementation of the Mutual Recognition Agreement (MRA) between the United States and the European Community (EC) in the areas of pharmaceutical good manufacturing practices (GMP's) and medical devices. FDA is also establishing contact points for information covering particular subjects under the MRA implementation, and the agency is making appropriate information available on the FDA web site.

**DATES:** Written comments may be submitted at any time.

**ADDRESSES:** Submit written comments to the Dockets Management Branch