

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, 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), Amendment 39-11083, to read as follows:

##### AD 99-07-01 Sikorsky Aircraft

**Corporation:** Amendment 39-11083. Docket No. 99-SW-22-AD. Supersedes Priority Letter AD 99-05-01, Docket No. 99-SW-18-AD.

**Applicability:** Model S-76C helicopters, with Turbomeca Arriel 2S1 engines with an engine Hydromechanical Unit (HMU), part number 0.292.92.822.0, 0.292.92.808.0, 0.292.92.813.0, or 0.292.92.828.0, 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 before further flight, unless accomplished previously.

To prevent an inability to achieve the published One-Engine Inoperative performance and subsequent loss of the helicopter, accomplish the following:

(a) Insert the following into the Operating Limitations section and Performance Data section, as appropriate, of Rotorcraft Flight Manual (RFM) SA 4047-76C-10:

RFM (Basic), original approval date June 19, 1996, Revision 7, dated February 1, 1999;

RFM Supplement No. 8, original approval date August 28, 1997, Revision 1, dated February 1, 1999; and

RFM Supplement No. 9, original approval date August 28, 1997, Revision 1, dated February 1, 1999.

(b) This AD revises the Operating Limitations section and Performance Data section of the RFM by requiring lower allowable gross weights for certain operational conditions.

(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, Boston Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

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

(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 7, 1999.

Issued in Fort Worth, Texas, on March 12, 1999.

#### Eric Bries,

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

[FR Doc. 99-6977 Filed 3-22-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-203-AD; Amendment 39-11086; AD 98-13-35 R1]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model DC-9 and DC-9-80 Series Airplanes, Model MD-88 Airplanes, and C-9 (Military) Series Airplanes

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

**ACTION:** Final rule; correction.

**SUMMARY:** This amendment corrects information in an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9 and DC-9-80 series airplanes, Model MD-88 airplanes, and C-9 (military) series airplanes, that currently requires repetitive high frequency eddy current inspections of certain areas of the fuselage to detect cracks of the skin and/or longeron, and various follow-on actions. That AD also requires installation of a preventative modification, which terminates the repetitive inspections. The actions specified in that AD are intended to prevent fatigue cracks, which could result in loss of the structural integrity of the fuselage and, consequently, lead to rapid depressurization of the airplane. This amendment corrects the requirements of the current AD by indicating the specific area in which the subject inspection must be conducted. This amendment is prompted by communication received from the manufacturer that the current requirements of the AD are different than the service information referenced as the appropriate service information in the current AD.

**EFFECTIVE DATE:** July 30, 1998.

**FOR FURTHER INFORMATION CONTACT:** Brent Bandle, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5237; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** On June 17, 1998, the FAA issued AD 98-13-35, amendment 39-10626 (63 FR 34585, June 25, 1998), which is applicable to certain McDonnell Douglas Model DC-9 and DC-9-80 series airplanes, Model MD-88 airplanes, and C-9 (military) series airplanes. That AD requires repetitive high frequency eddy current inspections of certain areas of the

fuselage to detect cracks of the skin and/or longeron, and various follow-on actions. That AD also requires installation of a preventative modification, which terminates the repetitive inspections. That action was prompted by reports indicating that, due to material fatigue caused by installation preload and cabin pressurization cycles, fatigue cracks were found in the skin and longerons of the fuselage. The actions required by that AD are intended to prevent such fatigue cracks, which could result in loss of the structural integrity of the fuselage and, consequently, lead to rapid depressurization of the airplane.

#### Actions Since Issuance of Previous Rule

Since the issuance of AD 98-13-35, the FAA has received information from the manufacturer that the specified area of the initial inspection requirements of paragraph (a) of that AD differs from the service information provided in McDonnell Douglas DC-9 Service Bulletin 53-235, dated September 15, 1993 (cited in the AD as the appropriate source of service information for accomplishment of the required actions).

The FAA's intent in AD 98-13-35 was to require the actions described in McDonnell Douglas DC-9 Service Bulletin 53-235. In order to prevent operators from misinterpreting the specific area of the initial inspection, the FAA finds that the inspection requirements of paragraph (a) must be revised to specify inspection only of the fuselage, in lieu of the fuselage skin and/or longeron. Accordingly, this action revises paragraph (a) of the existing AD to remove reference to inspection of the longeron and to limit the area that is subject to the inspection (skin between stations Y=160.000 and Y=218.000; skin at the longeron attachments).

Action is taken herein to clarify and correct these requirements of AD 98-13-35 and to correctly add the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The final rule is being reprinted in its entirety for the convenience of affected operators. The effective date remains July 30, 1998.

Since this action only clarifies and corrects a current requirement, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Correction

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 39-10626 (63 FR 34585, June 25, 1998), and by adding a new airworthiness directive (AD), amendment 39-11086, to read as follows:

##### 98-13-35 R1 McDonnell Douglas:

Amendment 39-11086. Docket 96-NM-203-AD. Revises AD 98-13-35, Amendment 39-10626.

Applicability: Model DC-9-10, -20, -30, -40, and -50 series airplanes; Model DC-9-81 (MD-81), -82 (MD-82), -83 (MD-83), and -87 (MD-87) series airplanes; Model MD-88 airplanes; and C-9 (military) series airplanes; as listed in McDonnell Douglas DC-9 Service Bulletin 53-235, dated September 15, 1993; 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 (f) 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 cracks in the skin and longerons of the fuselage, which could result in loss of the structural integrity of the fuselage and, consequently, lead to rapid depressurization of the airplane, accomplish the following:

(a) Perform a high frequency eddy current (HFEC) inspection of the external areas of the fuselage to detect cracks of the skin between stations Y=160.000 and Y=218.000, and of the skin at the longeron attachments between stations Y=160.000 and Y=180.000, longeron 4 left and longeron 5 left, in accordance with McDonnell Douglas DC-9 Service Bulletin 53-235

dated September 15, 1993. Perform the inspection at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

**Note 2:** Where there are differences between this AD and the referenced service bulletin, the AD prevails.

(1) For airplanes other than those identified in paragraph (a)(2) of this AD: Inspect prior to the accumulation of 30,000 total landings, or within 8,000 landings after the effective date of this AD, whichever occurs later.

(2) For airplanes that have been inspected previously in accordance with Task C46-53300 of the Corrosion Prevention and Control Program (CPCP), as required by AD 92-22-8-R1, amendment 39-8591, within 6,000 flight cycles prior to the effective date of this AD: Inspect within 12,000 landings after the effective date of this AD.

(b) *Condition 1 (No Cracks).* If no crack is detected during any inspection required by this AD, accomplish either paragraph (b)(1) or (b)(2) of this AD, in accordance with McDonnell Douglas DC-9 Service Bulletin 53-235, dated September 15, 1993.

(1) *Condition 1, Option I (Repetitive Inspection).* Repeat the HFEC inspection required by paragraph (a) of this AD, and the aided visual inspection specified in paragraph 2.E. of the Accomplishment Instructions of the service bulletin, at intervals not to exceed 10,000 landings.

(2) *Condition 1, Option II (Terminating Action Modification).* Accomplish the preventative modification installation of clips and doublers between stations Y=160.000 and Y=218.000, in accordance with the service bulletin. Accomplishment of the modification constitutes terminating action for the repetitive inspection requirements of this AD.

(c) *Condition 2 (Skin Cracks).* If any skin crack is detected during any inspection required by this AD, prior to further flight, repair it in accordance with McDonnell Douglas DC-9 Service Bulletin 53-235, dated September 15, 1993. After repair, accomplish either paragraph (b)(1) or (b)(2) of this AD.

(d) *Condition 3 (Longeron Cracks).* If any longeron crack is detected during any inspection required by this AD, prior to further flight, repair it in accordance with McDonnell Douglas DC-9 Service Bulletin 53-235, dated September 15, 1993. After repair, accomplish either paragraph (b)(1) or (b)(2) of this AD.

(e) Prior to the accumulation of 100,000 total landings, or within 4 years after the effective date of this AD, whichever occurs later, accomplish the preventative modification specified in paragraph 2.J. of the Accomplishment Instructions of McDonnell Douglas DC-9 Service Bulletin 53-235, dated September 15, 1993. Accomplishment of the modification constitutes terminating action for the requirements of this AD.

#### Alternative Methods of Compliance

(f) 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, Los

Angeles 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, Los Angeles ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

### Special Flight Permits

(g) 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 airplane to a location where the requirements of this AD can be accomplished.

(h) The effective date of this amendment remains July 30, 1998.

Issued in Renton, Washington, on March 16, 1999.

**Darrell M. Pederson,**

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

[FR Doc. 99-6980 Filed 3-22-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-33-AD; Amendment 39-11087; AD 99-05-04]

RIN 2120-AA64

### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes

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

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

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 99-05-04 that was sent previously to all known U.S. owners and operators of all EMBRAER Model EMB-145 series airplanes by individual notices.

This AD requires repetitive inspections to detect cracking or failure of the rod ends of the aileron power control actuator (PCA), and corrective actions, if necessary. This action is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct cracking or failure of the rod ends of the aileron PCA, which could result in reduced controllability of the airplane.

**DATES:** Effective March 29, 1999, to all persons except those persons to whom

it was made immediately effective by emergency AD 99-05-04, issued February 19, 1999, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 29, 1999.

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

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-33-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The applicable service information may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Curtis Jackson, Aerospace Engineer, Airframe and Propulsion Branch, ACE-117A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337-2748; telephone (770) 703-6076; fax (770) 703-6097.

**SUPPLEMENTARY INFORMATION:** On February 19, 1999, the FAA issued emergency AD 99-05-04, which is applicable to all EMBRAER Model EMB-145 series airplanes.

The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on all EMBRAER Model EMB-145 series airplanes. The DAC advises that rod ends of the aileron power control actuator (PCA) failed on two airplanes. One rod end cracked and failed at the aileron connection point, and one at the wing connection point. Such failure of the rod ends of the aileron PCA, if not corrected, could result in reduced controllability of the airplane.

### Explanation of Relevant Service Information

EMBRAER has issued Alert Service Bulletin 145-27-A054, Change 01, dated February 17, 1999, which describes

procedures for repetitive detailed visual inspections to detect cracking or failure of the rod ends of the PCA at the aileron and wing connection points, and corrective actions, if necessary. The DAC classified this alert service bulletin as mandatory and issued Brazilian airworthiness directive 1999-02-01R1, dated February 18, 1999, in order to assure the continued airworthiness of these airplanes in Brazil.

### FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, 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.

### Explanation of the Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA issued emergency AD 99-05-04 to detect and correct cracking or failure of the rod ends of the aileron PCA, which could result in reduced controllability of the airplane. The AD requires repetitive detailed visual inspections to detect cracking or failure of the rod ends of the aileron PCA, and corrective actions, if necessary. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

### Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

### Determination of Rule's Effective Date

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on February 19, 1999, to all known U.S. owners and operators of all EMBRAER Model EMB-145 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to