

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-SW-56-AD; Amendment 39-11371; AD 99-20-13]

RIN 2120-AA64

Airworthiness Directives; Eurocopter Canada Ltd. Model BO 105 LS A-3 Helicopters

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) 99-20-13, which was sent previously to all known U.S. owners and operators of Eurocopter Canada Ltd. Model BO 105 LS A-3 helicopters by individual letters. This AD requires, before further flight, creating a component log card or equivalent record and determining the age and number of flights on each tension-torsion (TT) strap. The AD also requires inspecting and removing, as necessary, certain unairworthy TT straps. This amendment is prompted by an accident in which a main rotor blade (blade) separated from a Eurocopter Deutschland GMBH Model MBB-BK 117 helicopter because of fatigue failure of the TT strap. The Model MBB-BK 117 and the Model BO 105 LS A-3 helicopters use the same part-numbered TT strap. The actions specified by this AD are intended to prevent failure of a TT strap, loss of a blade, and subsequent loss of control of the helicopter.

DATES: Effective November 2, 1999, to all persons except those persons to whom it was made immediately effective by Emergency Priority Letter AD 99-20-13, 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 November 2, 1999.

Comments for inclusion in the Rules Docket must be received on or before December 17, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99-SW-56-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The applicable service information may be obtained from American Eurocopter Corporation, 2701 Forum

Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. This information may be examined 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.

FOR FURTHER INFORMATION CONTACT: Charles Harrison, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5128, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: On September 24, 1999, the FAA issued Emergency Priority Letter AD 99-20-13, applicable to Eurocopter Canada Ltd. Model BO 105 LS A-3 helicopters, which requires, before further flight, creating a component log card or equivalent record and determining the age and number of flights on each TT strap. The AD also requires inspecting and removing, as necessary, certain unairworthy TT straps. That action was prompted by an accident in which a blade separated from a Eurocopter Deutschland GMBH Model MBB-BK 117 helicopter resulting in three fatalities. The cause of the blade separation was a TT strap fatigue failure within the main rotor head. The Model MBB-BK 117 and the Model BO 105 LS A-3 helicopters use the same part-numbered TT strap. This condition, if not corrected, could result in failure of a TT strap, loss of a blade, and subsequent loss of control of the helicopter.

The FAA has reviewed Eurocopter Canada Alert Service Bulletin BO 105 LS A-3 No. ASB-BO 105 LS-10-10, dated September 1, 1999 (ASB). The ASB describes procedures for determining the total accumulated installation time and number of flights on each TT strap. The ASB specifies inspecting and replacing, as necessary, certain unairworthy TT straps. Transport Canada Civil Aviation (TCAA), which is the airworthiness authority for Canada, classified that ASB as mandatory and issued AD CF-99-24R1, dated September 22, 1999, applicable to Model BO 105 LS A-3 helicopters.

This helicopter model is manufactured in Canada and is type certificated for operation in the United States under the provision 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, TCCA has kept the FAA informed of the situation described above. The FAA has

examined the findings of TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operations in the United States.

Since the unsafe condition described is likely to exist or develop on other Eurocopter Canada Ltd. Model BO 105 LS A-3 helicopters of the same type design, the FAA issued Emergency Priority Letter AD 99-20-13 to prevent failure of a TT strap, loss of a blade, and subsequent loss of control of the helicopter. The AD requires, before further flight, creating a component log card or equivalent record and determining the age and number of flights on each TT strap. The AD also requires inspecting and removing, as necessary, certain unairworthy TT straps. The actions must be accomplished in accordance with the ASB described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, creating a component log card or equivalent record, determining the age and number of flights on each TT strap, and inspecting and removing, as necessary, certain unairworthy TT straps are required prior to further flight, and this AD must be issued immediately.

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 letters issued on September 24, 1999 to all known U.S. owners and operators of Eurocopter Canada Ltd. Model BO 105 LS A-3 helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

The FAA estimates that 27 helicopters of U.S. registry will be affected by this AD, that it will take approximately 1 work hour to inspect the 4 TT straps on each helicopter; 15 work hours per helicopter to remove and replace the 4 TT straps, if necessary; and the average labor rate is \$60 per work hour. Required parts will cost approximately \$2,600 per TT strap (\$10,400 per helicopter). Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$306,720; \$1,620 to inspect each helicopter once and \$305,100 to remove and replace the 4 TT straps on all helicopters.

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-56-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 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 adding a new airworthiness directive to read as follows:

AD 99-20-13 Eurocopter Canada, Ltd:
Amendment 39-11371. Docket No. 99-SW-56-AD.

Applicability: Model BO 105 LS A-3 helicopter, with Part Number (P/N) 2604067 (Bendix) or J17322-1 (Lord) rotor tension-torsion (TT) strap, 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 (e) 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 main rotor blade (blade) separation due to failure of a TT strap, accomplish the following:

(a) Before further flight:

- (1) Create a component log card or equivalent record for each TT strap.
- (2) Review the history of the helicopter and each TT strap. Determine the age since initial installation on any helicopter (age) and the number of flights on each TT strap. Enter

both the age and the number of flights for each TT strap on the component log card or equivalent record. For the time-in-service (TIS) where the number of flights is unknown, multiply the number of hours TIS by 5 to determine the number of flights. If a TT strap has been previously used at any time on a Model BO 105 LS A-3 'SUPERLIFTER', BO-105 CB-5, BO-105 CBS-5, BO-105 DBS-5, or any MBB-BK 117 series helicopter, multiply the number of flights accumulated on those other models by a factor of 1.6 and then add that result to the number of flights accumulated on the helicopters affected by this AD.

(3) Remove any TT strap from service if the total hours TIS or number of flights and age cannot be determined.

(4) Remove any TT strap from service that has either accumulated 40,000 or more flights or has an age equal to or greater than 216 months.

(b) When a TT strap age is greater than or equal to 120 months and less than 216 months and has accumulated less than 40,000 flights, inspect the TT strap in accordance with the "Accomplishment Instructions," paragraph 2.B.2., of Eurocopter Canada Alert Service Bulletin BO 105 LS A-3 No. ASB-BO 105 LS-10-10, dated September 1, 1999 (ASB), according to the following:

(1) If the age is greater than or equal to 120 months but less than 132 months and has less than 35,200 flights, inspect the TT strap within the next 6 weeks. If the number of flights equals or exceeds 35,200, inspect the TT strap before further flight.

(2) If the age is greater than or equal to 132 months but less than 144 months and has less than 30,400 flights, inspect the TT strap within the next 5 weeks. If the number of flights equals or exceeds 30,400, inspect the TT strap before further flight.

(3) If the age is greater than or equal to 144 months but less than 156 months and has less than 25,600 flights, inspect the TT strap within the next 4 weeks. If the number of flights equals or exceeds 25,600, inspect the TT strap before further flight.

(4) If the age is greater than or equal to 156 months but less than 168 months and has less than 20,800 flights, inspect the TT strap within the next 3 weeks. If the number of flights equals or exceeds 20,800, inspect the TT strap before further flight.

(5) If the age is greater than or equal to 168 months but less than 180 months and has less than 16,000 flights, inspect the TT strap within the next 2 weeks. If the number of flights equals or exceeds 16,000, inspect the TT strap before further flight.

(6) If the age is greater than or equal to 180 months but less than 216 months, inspect the TT strap before further flight.

(c) If a defect is found as a result of the inspections of paragraph (b), remove the TT strap from service before further flight.

(d) If no defect is found as a result of the inspection, a maximum of 1,000 flights or 12 months additional time is permitted on a one-time basis before the TT strap must be replaced, provided the limits of paragraph (a)(4) are not exceeded.

(e) 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, Rotorcraft Directorate.

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

(f) Special flight permits may be issued for up to five flights 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 TT strap inspections shall be done in accordance with paragraph 2.B.2. of the "Accomplishment Instructions" in Eurocopter Canada Alert Service Bulletin BO 105 LS A-3 No. ASB-BO 105 LS-10-10, dated September 1, 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. 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 November 2, 1999, to all persons except those persons to whom it was made immediately effective by Emergency Priority Letter AD 99-20-13, issued September 24, 1999, which contained the requirements of this amendment.

Note 3: The subject of this AD is addressed in Transport Canada Civil Aviation, Canada, AD CF-99-24R1, dated September 22, 1999.

Issued in Fort Worth, Texas, on October 4, 1999.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99-26713 Filed 10-15-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-94-AD; Amendment 39-11375; AD 99-21-29]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that requires modification of the autopilot mode engagement/disengagement lever of the rudder artificial feel unit. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent reduced controllability of the airplane due to the failure of the rudder artificial feel unit to properly disengage from autopilot mode during approach and landing.

DATES: Effective November 22, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 22, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, Customer Services Directorate, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

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 Airbus Model A320 series airplanes was published in the **Federal Register** on July 26, 1999 (64 FR 40319). That action proposed to require modification of the autopilot mode engagement/disengagement lever of the rudder artificial feel unit.

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

Two commenters indicate that they are not affected by the proposed rule.

Two commenters support the proposed rule.

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

The FAA estimates that 17 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be \$6,120, or \$360 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: