

Done in Washington, DC, this 11th day of December 1997.

**Craig A. Reed,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-32811 Filed 12-16-97; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-SW-54-AD; Amendment 39-10252; AD 97-26-09]

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 (Agusta) Model A109K2 helicopters. This action requires inspecting the Gleason crown on the main transmission for cracks, and replacing the Gleason crown with an airworthy Gleason crown if any crack is found. This amendment is prompted by three reports of fatigue cracks found in the Gleason crown. The actions specified in this AD are intended to prevent failure of the Gleason crown, failure of the main transmission and subsequent loss of control of the helicopter.

**DATES:** Effective January 2, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 2, 1998.

Comments for inclusion in the Rules Docket must be received on or before February 17, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of Regional Counsel, Southwest Region, Attention: Rules Docket No. 97-SW-54-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 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:** Mr. Scott Horn, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5125, 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 Model A109K2 helicopters with main transmission assembly, part number (P/N) 109-0400-03, serial number (S/N) 005, 006, 007, 008, 010, 011, 012, 013, 014, 015, 016, 017, 018, 020, 022, 024, 027, 030, 031, 032, 033, 034, 035, 038, 039, 042, 047, 048, A2/1053, A2/1073, A2/1397, or B54895 e C347. The RAI advises that, due to reports of cracks being discovered in the Gleason crown on the main transmission, the actions specified by the Agusta Bollettino Tecnico (Technical Bulletin) No. 109K-16, dated April 24, 1997, are mandatory.

Agusta has issued Agusta Bollettino Tecnico (Technical Bulletin) No. 109K-16, dated April 24, 1997, which specifies a magnetic particle inspection of certain Gleason crowns for cracks. The RAI classified this service bulletin as mandatory and issued AD 97-122, dated April 29, 1997, in order to assure the continued airworthiness of these helicopters in Italy.

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 Model A109K2 helicopters of the same type design registered in the United States, this AD is being issued to prevent failure of the Gleason crown, failure of the main transmission, and subsequent loss of control of the helicopter. The Gleason crown is a part of the main transmission assembly and is therefore a critical component of the main rotor drive system. Due to the criticality of the Gleason crown to the continued safe

flight of the affected helicopters, and the required inspection before the next 50 hours time-in-service (TIS), this rule must be issued immediately to correct an unsafe condition. This AD requires, within 50 hours TIS and thereafter at intervals not to exceed 300 hours TIS, a magnetic particle inspection of the main transmission Gleason crown for cracks. If any crack is found, replacement of the Gleason crown, P/N 109-0403-07-103, with an airworthy Gleason crown, P/N 109-0403-07-103, S/N B58264 through S/N B58270, or S/N B58272 and subsequent (S/N B58271 is not an acceptable replacement part), and vibro-etching the main transmission tag with "S.M. 109-25094" are required. These actions are required to be accomplished in accordance with the technical bulletin described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### 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-54-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:

**97-26-09 Agusta S.p.A.:** Amendment 39-10252. Docket No. 97-SW-54-AD.

**Applicability:** Model A109K2 helicopters with main transmission assembly, part number (P/N) 109-0400-03, serial number

(S/N) 005, 006, 007, 008, 010, 011, 012, 013, 014, 015, 016, 017, 018, 020, 022, 024, 027, 030, 031, 032, 033, 034, 035, 038, 039, 042, 047, 048, A2/1053, A2/1073, 2/1397, or B54895 e C347, 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 (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 as indicated, unless accomplished previously.

To prevent failure of the main transmission Gleason crown (Gleason crown), failure of the main transmission and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 50 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 300 hours TIS, perform a magnetic particle inspection of the Gleason Crown, P/N 109-0403-07, for cracks in accordance with steps 1 through 3 of Part II of the Compliance Instructions of Agusta Bollettino Tecnico (Technical Bulletin) No. 109K-16, dated April 24, 1997.

(b) If any crack is found, remove the Gleason crown and replace it with an airworthy Gleason crown, P/N 109-0403-07-103, S/N B58264 through S/N B58270, or S/N B58272 and subsequent (S/N B58271 is not an acceptable replacement part), and vibro-etch the main transmission tag with "S.M. 109-25094". Replacement of the Gleason crown with an airworthy Gleason crown, P/N 109-0403-07-103, S/N B58264 through S/N B58270 or S/N B58272 and subsequent, constitutes a terminating action for the requirements 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, 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.

(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) The inspections and replacement shall be done in accordance with Agusta Bollettino Tecnico (Technical Bulletin) No. 109K-16, dated April 24, 1997. 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 S.p.A., 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 Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on January 2, 1998.

**Note 3:** The subject of this AD is addressed in Registro Aeronautico Italiano (Italy) AD 97-122, dated April 29, 1997.

Issued in Fort Worth, Texas, on December 9, 1997.

**Larry M. Kelly,**

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

[FR Doc. 97-32992 Filed 12-16-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 73

[Airspace Docket No. 97-ANM-10]

RIN 2120-AA66

#### Change Controlling Agency for Restricted Areas R-6412A and R-6412B; Camp Williams, UT

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action changes the published controlling agencies for Restricted Areas R-6412A and R-6412B, Camp Williams, UT. This is an administrative change initiated by the Northwest Mountain Region. There are no changes to the boundaries, altitudes, times of designation, or activities conducted within the restricted areas.

**EFFECTIVE DATE:** 0901 UTC, February 26, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7686.

#### SUPPLEMENTARY INFORMATION:

##### The Rule

This action amends 14 CFR part 73 by changing the published controlling