

**Note 3:** The subject of this AD is addressed in Swedish airworthiness directive SAD 1-142, dated June 4, 1999.

(f) This amendment becomes effective on January 4, 2000.

Issued in Renton, Washington, on November 18, 1999.

**D. L. Riggan,**

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

[FR Doc. 99-30626 Filed 11-29-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-340-AD; Amendment 39-11437; AD 99-24-13]

**RIN 2120-AA64**

#### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 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 EMBRAER Model EMB-135 and EMB-145 series airplanes. This action requires a revision to the Airplane Flight Manual (AFM) to prohibit in-flight operations of the autopilot coupled to flight director #2 during certain conditions; and installation of an associated warning placard. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent failure of the autopilot to automatically disconnect from flight director #2, as intended, at a low altitude during windshear conditions. Such failure could result in reduced controllability of the airplane.

**DATES:** Effective December 15, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 15, 1999.

Comments for inclusion in the Rules Docket must be received on or before December 30, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-

340-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD 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:**

Angela Compton, Aerospace Engineer, Systems and Flight Test Branch, ACE-116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6070; fax (770) 703-6097.

**SUPPLEMENTARY INFORMATION:** 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-135 and EMB-145 series airplanes. The DAC advised that tests indicated that, when the autopilot system is coupled to the co-pilot's flight director (flight director #2), the autopilot system does not automatically disengage when a windshear is detected by the ground proximity warning system at a height below 1,500 feet above ground level (AGL). The cause of this malfunction has been attributed to a software discrepancy in the autoflight IC-600 integrated avionics computer, which causes the autopilot to remain engaged in windshear mode. This condition, if not corrected, could result in failure of the autopilot to automatically disconnect from flight director #2, as designed, at a low altitude during windshear conditions, and consequent reduced controllability of the airplane.

#### **Explanation of Relevant Service Information**

Embraer has issued Service Bulletin No. 145-31-0017, Change No. 01, dated October 22, 1999, which describes procedures for installation of a warning placard on the glareshield panel of the cockpit that states, "DO NOT OPERATE FLIGHT DIRECTOR #2 COUPLED TO AUTOPILOT BELOW 1,500 FT. AGL." The DAC classified this service bulletin as mandatory and issued Brazilian airworthiness directive 1999-10-01, dated October 20, 1999, in order to

assure the continued airworthiness of these airplanes in Brazil.

#### **FAA's Conclusions**

These airplane models are manufactured in Brazil and are 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 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 Requirements of Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent failure of the autopilot to automatically disconnect from flight director #2, as intended, at a low altitude during windshear conditions. Such failure could result in reduced controllability of the airplane. This AD requires a revision to the Limitations section of the FAA-approved Airplane Flight Manual (AFM) to provide the flightcrew with revised procedures to prohibit in-flight operations of the autopilot coupled to flight director #2 below 1,500 feet AGL; and installation of an associated warning placard.

#### **Difference Between This AD, the Service Bulletin, and the Brazilian Airworthiness Directive**

Operators should note that, although the service bulletin and the Brazilian airworthiness directive specify effectivity based on manufacturer serial numbers, the applicability of this AD is expanded to include all Model EMB-135 and EMB-145 series airplanes. The FAA has determined that the autoflight IC-600 integrated avionics computer, which is the probable cause of the unsafe condition, is installed on all Model EMB-135 and EMB-145 series airplanes.

#### **Interim Action**

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the

FAA may consider additional rulemaking.

### Determination of Rule's Effective Date

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 shall 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 Number 99-NM-340-AD." The postcard will be date stamped and returned to the commenter.

### 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.

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 the following new airworthiness directive:

**99-24-13 Empresa Brasileira De Aeronautica S.A. (Embraer):**  
Amendment 39-11437. Docket 99-NM-340-AD.

**Applicability:** All Model EMB-135 and EMB-145 series airplanes, certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the autopilot to automatically disconnect from flight director #2, as intended, at a low altitude during windshear conditions, which could result in reduced controllability of the airplane, accomplish the following:

#### AFM Revision/Placard Installation

(a) Within 20 flight hours after the effective date of this AD, accomplish the actions required by paragraphs (a)(1) and (a)(2) of this AD.

(1) Revise the Limitations Section of the FAA-approved Airplane Flight Manual

(AFM) to include the following statement. This may be accomplished by inserting a copy of this AD into the AFM.

"Operations are prohibited with flight director #2 coupled to autopilot below 1,500 feet above ground level (AGL)."

(2) Install a warning placard on the glareshield panel of the cockpit in accordance with Embraer Service Bulletin No. 145-31-0017, Change No. 01, dated October 22, 1999, which states:

"DO NOT OPERATE FLIGHT DIRECTOR #2 COUPLED TO AUTOPILOT BELOW 1,500 FT. AGL."

**Note 1:** Installation of the warning placard, prior to the effective date of this AD, in accordance with Embraer Service Bulletin No. 145-31-0017, dated October 15, 1999, is considered acceptable for compliance with the requirements of paragraph (a)(2) of this AD.

### Alternative Methods of Compliance

(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, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

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

### Special Flight Permits

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

### Incorporation by Reference

(d) The placard installation shall be done in accordance with Empresa Brasileira De Aeronautica Service Bulletin 145-31-0017, Change No. 01, dated October 22, 1999 which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 2 .....	01 .....	October 22, 1999.
3-5 .....	Original .....	October 15, 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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected 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.

**Note 3:** The subject of this AD is addressed in Brazilian airworthiness directive 1999-10-01, dated October 20, 1999.

(e) This amendment becomes effective on December 15, 1999.

Issued in Renton, Washington, on November 18, 1999.

**D.L. Riggin,**

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

[FR Doc. 99-30625 Filed 11-29-99; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-SW-41-AD; Amendment 39-11443; AD 99-24-18]

**RIN 2120-AA64**

#### **Airworthiness Directives; Eurocopter France Model AS-350B, B1, B2, B3, BA, and D, and AS-355E, F, F1, F2, and N Helicopters**

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

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

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to Eurocopter France Model AS-350B, B1, B2, B3, BA, and D, and AS-355E, F, F1, F2, and N helicopters, that requires inspecting certain versions of the tail rotor spider plate bearing (bearing) for the proper rotational torque, axial play, and any brinelling of the bearing. This amendment has the same inspection requirements as the current AD. Also, this AD expands the applicability to include additional part numbers (P/N's) and reduces the initial and recurring inspection compliance times. This amendment is prompted by additional reports of deterioration of the bearing. The actions specified by this AD are intended to prevent seizure of the bearing, loss of tail rotor control, and subsequent loss of control of the helicopter.

**DATES:** Effective December 15, 1999. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 15, 1999.

Comments for inclusion in the Rules Docket must be received on or before January 31, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99-SW-41-

AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD 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 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### **FOR FURTHER INFORMATION CONTACT:**

Shep Blackman, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5296, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** On April 14, 1999, the FAA issued AD 99-09-06, Amendment 39-11139 (64 FR 19881, April 23, 1999), to require inspecting the bearing for the proper rotational torque, axial play, and any brinelling of the bearing. That action was prompted by service difficulty reports citing the need to prematurely replace bearings due to wear and by two in-flight incidents of increased tail rotor vibration levels due to bearing wear. That condition, if not corrected, could result in seizure of the bearing, loss of tail rotor control, and subsequent loss of control of the helicopter.

Since the issuance of that AD, the FAA has received additional reports of deterioration of the bearing affected by AD 99-09-06 and other bearings not covered by AD 99-09-06. Therefore, this AD expands the applicability to include additional bearing P/N's and to reduce the initial and recurring inspection compliance times.

Eurocopter France has issued Service Bulletin (SB) 05.00.29, Revision 2, applicable to Model AS-350 series helicopters, and SB 05.00.30, Revision 2, applicable to Model AS-355 series helicopters, both dated September 29, 1999. These SB's specify a check of the bearing for rotational torque. The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, classified these SB's as mandatory and issued AD's 1999-085-076(A)R2 and 1999-084-057(A)R2, both dated October 20, 1999, to ensure the continued airworthiness of these helicopters in France.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model AS-350B, B1, B2, B3, BA, and D, and AS-355E, F, F1, F2, and N helicopters of the same type design, this AD supersedes AD 99-09-06 (64 FR

19881, April 23, 1999). This AD has the same requirements as the current AD. This AD also expands the applicability to include additional P/N's 350A33-2004-00, -01 and -02, and 350A33-2009-00 and -01, installed, and excludes a bearing which has MOD 076551 incorporated. This AD also revises the initial and recurring inspection compliance times. The actions are required to be accomplished in accordance with the SB's described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore, including additional P/N's in the applicability, requiring an initial inspection within 10 hours time-in-service (TIS) to measure the bearing rotational torque, and inspecting the bearing for axial play or brinelling at intervals not to exceed 50 hours TIS or 6 months, whichever occurs first, are required and this AD must be issued immediately.

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.

The FAA estimates that 507 helicopters will be affected by this AD, that it will take approximately 1 work hour to accomplish the inspection, and 4 work hours to replace a bearing, if required, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$60 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$182,520 to inspect all affected helicopters and to replace one bearing in each helicopter in the fleet.

#### **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