

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 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 mailed 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. 2002-SW-33-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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:

2003-02-06 Bell Helicopter Textron

Canada Limited: Amendment 39-13023. Docket No. 2002-SW-33-AD.

Applicability: Model 407 helicopters, serial numbers (S/N) 53000 through 53475, with tailboom assemblies, part numbers (P/Ns) 407-030-801-105 or -107, or 407-530-014-103, having S/N 53390 through 53440, 53449, BP921, BP1014, and tail rotor gearbox support casting (casting), part number (P/N) 406-030-121-105, having S/N 980867/01-2, 980867/01-3, 980867/01-4, 980867/01-5, 980867/01-8, 980867/01-9, and 980867/01-10, 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 (d) 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 detect a crack in the casting, failure of the tail rotor, loss of the tailboom, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 10 hours time-in-service (TIS) or 7 days, whichever occurs first, determine if an affected tailboom is installed, and if so, determine if an affected casting is installed, in accordance with Part I of the Accomplishment Instructions in Bell Helicopter Textron Alert Service Bulletin No. 407-02-53, dated June 5, 2002 (ASB), except reporting to the manufacturer is not required.

(b) If an affected tailboom and casting are installed, before further flight and thereafter at intervals not to exceed 25 hours TIS until replacement tailboom, P/N 407-030-801-203, is installed, visually inspect the casting for a crack in accordance with Part II, steps 3-5 and 8, of the Accomplishment Instructions of the ASB, except that reporting to the manufacturer is not required.

(1) If a crack is found, before further flight, replace the tailboom assembly with an airworthy tailboom assembly having a serial number other than those serial-numbered tailboom assemblies listed in the Applicability section of this AD.

(2) If a crack is found, report the following information within 7 days to the FAA, Rotorcraft Directorate, ASW-111, Attention: Sharon Miles, 2601 Meacham Blvd., Fort Worth, TX 76137; or via Email to: sharon.y.miles@faa.gov; or via FAX at (817) 222-5961: Tailboom P/N, S/N, number of hours TIS, crack location, and crack size. Information collection requirements contained in this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(c) Replacing the tailboom with a tailboom assembly having a serial number other than those listed in the Applicability section of this AD is a terminating action for the requirements of this AD.

(d) 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, 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, Regulations Group.

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

(e) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(f) Determining if affected parts are installed and visually inspecting for a crack shall be done in accordance with Bell Helicopter Textron Alert Service Bulletin, No. 407-02-53, dated June 5, 2002, Part I and Part II, Accomplishment Instructions. 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 Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437-2862 or (800) 363-8023, fax (450) 433-0272. 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.

(g) This amendment becomes effective on February 10, 2003.

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD CF-2002-32R1, dated July 31, 2002.

Issued in Fort Worth, Texas, on January 14, 2003.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

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