

rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2003-SW-26-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:

2003-12-13 Agusta S.p.A.: Amendment 39-13198. Docket No. 2003-SW-26-AD.

Applicability: Model A109K2 helicopters with tail rotor blades (blades), part number (P/N) 109-8132-01-107, having 1,500 or more hours time-in-service (TIS), installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect a fatigue crack on the blades, which could result in loss of the blades and loss of control of the helicopter, accomplish the following:

(a) Before each start of the helicopter engines, visually check the upper and lower surfaces of each blade for a crack in the area depicted in Figure 1 of this AD. An owner/operator (pilot) holding at least a private pilot certificate may perform this check, but must enter compliance with this paragraph into the aircraft records in accordance with 14 CFR sections 43.11 and 91.417(a)(2)(v). See Figure 1:

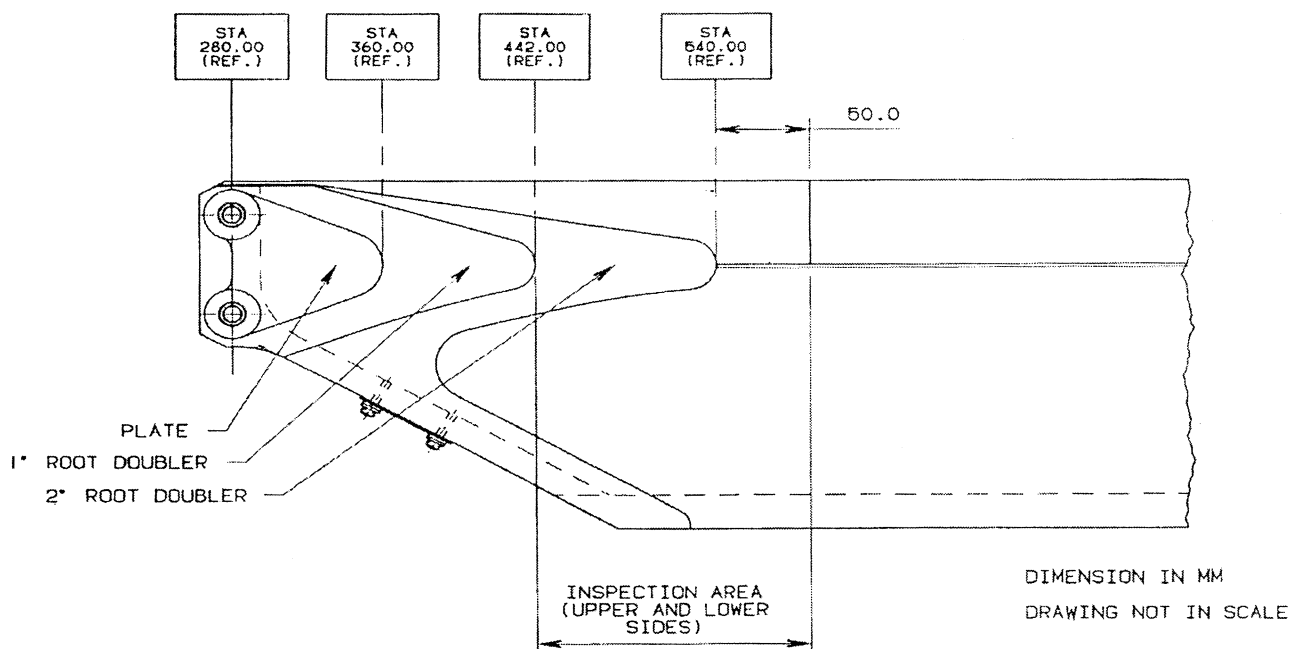


FIGURE 1

Note 1: Paint irregularities on the blade may be due to a crack.

(b) Before the first flight of each day, and thereafter at intervals not to exceed 5 hours TIS, and anytime an increase in vibration levels occurs, inspect each blade for a crack using a 5x or higher magnifying glass in accordance with Part II of the Compliance Instructions of Alert Bollettino Tecnico No.

109K-35, dated May 13, 2003 (ABT) and Figure 1 of this AD.

(c) After each visual inspection using a 5x or higher magnifying glass and before further flight, if you are unable to determine by the visual inspection whether there is a crack, inspect each blade for a crack using a dye-penetrant method in accordance with Part II of the Compliance Instructions of the ABT and Figure 1 of this AD.

(d) If a crack is found, replace each cracked blade with an airworthy blade before further flight.

(e) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Safety Management Group, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

(f) Special flight permits will not be issued.