

effective immediately by individual letters issued on December 17, 2002, to all known U.S. owners and operators of Agusta Model A109E helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to 14 CFR 39.13 to make it effective to all persons.

The FAA estimates that 48 helicopters of U.S. registry will be affected by this AD, that it will take approximately:

- 1 work hour to placard each helicopter;
- 0.5 work hour to visually inspect the T/R blades;
- 1.0 work hour to dye-penetrant inspect the T/R blades;
- 7 work hours to inspect the T/R grip bushing;
- 2.0 work hours to replace each set of T/R blades; and
- 16 work hours to modify the T/R grips.

The average labor rate is \$60 per work hour. Required parts will cost approximately \$58,690 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$3,005,760, assuming for each helicopter, five T/R blade visual inspections, five dye-penetrant inspections, and five bushing inspections.

#### 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 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-55-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:

**2002-25-51 Agusta S.p.A (Agusta):** Docket No. 2002-SW-55-AD. Supersedes AD 2002-17-51, Amendment 39-12936, Docket No. 2002-SW-42-AD.

*Applicability A:* Model A109E helicopters with tail rotor (T/R) hub and blade assembly, part number (P/N) 109-8131-02-151 (the T/R hub and blade assembly consists of two T/R blades, P/N 109-8132-01-111, and T/R hub and grip assembly, P/N 109-8131-02-127), certificated in any category.

*Applicability B:* Model A109E helicopters with T/R hub and blade assembly, P/N 109-8131-02-157 (the T/R hub and blade assembly consists of two T/R blades, P/N 109-8132-01-111, and T/R hub and grip assembly, P/N 109-8131-02-159), 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 (n) 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 fatigue failure of the T/R blade and subsequent loss of control of the helicopter, accomplish the following:

#### Applicability A

(a) Before further flight, placard the helicopter and mark the airspeed indicator to reduce the helicopter never-exceed speed (Vne) by 28 KIAS in addition to any reduction in Vne caused by optional equipment installation, in accordance with the Compliance Instructions, Part I, paragraph 1 of Agusta Alert Bollettino Tecnico 109EP-30, Revision B, dated November 27, 2002 (ABT).

(b) Before each start of the helicopter engines, visually check both sides of each tail rotor 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 visual check and must enter compliance with this paragraph into the aircraft maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v). See Figure 1: