

Action	Compliance time	Procedures
(1) Inspect, using magnetic particle methods, the NLG upper strut, part number 4.4173-1 (or FAA-approved equivalent part number), for evidence of cracking (cracks or crack beginnings).	Within the next 200 hours time-in-service (TIS) after the effective date of this AD.	Do this inspection in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Vulcanair Service Bulletin No. 98, dated July 31, 1999.
(2) If there is evidence of cracking, replace the NLG upper strut with a new NLG upper strut, part number 4.4173-1 (or FAA-approved equivalent part number).	Prior to further flight after the inspection where evidence of cracking is found.	Use the procedures in the maintenance manual.
(3) Do not install any NLG upper strut, part number 4.4173-1, unless it is new from the factory, or has been inspected as required in paragraph (d)(1) of this AD and is found to not have any evidence of cracking.	As of the effective date of this AD	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes 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 (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) Where can I get information about any already-approved alternative methods of compliance? Contact Roman Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4141; facsimile: (816) 329-4090.

(g) What if I need to fly the airplane to another location to comply with this AD? The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from Vulcanair S.p.A., Via G. Pascoli, 7, 80026 Casoria (Naples), Italy. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Note 2: The subject of this AD is addressed in Italian AD 2000-004, dated January 10, 2000.

Issued in Kansas City, Missouri, on September 13, 2000.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-SW-07-AD]

Airworthiness Directives; Agusta S.p.A. (Agusta) Model A109E Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to Agusta Model A109E helicopters, that currently requires inspections of the exhaust ejector locking system, clamp, and dampers for each engine. The existing AD also requires verifying the torque of the metallic clamps and installing safety wire on the metallic clamps; inspecting and modifying the ejector saddles and the locking metallic clamps; and inspecting the metallic clamps, locking mechanisms, and dampers. This action would require modifying the engine exhaust ejectors. This proposal is prompted by the development of a kit to modify the engine exhaust ejectors to provide terminating action from the

requirements of the current AD. The actions specified by the proposed AD are intended to prevent loss of the metallic clamp or the engine exhaust ejector, damage to the main or tail rotor system and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before November 6, 2000.

ADDRESSES: Submit mailed comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000-SW-07-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. You may inspect comments at the Office of the Regional Attorney between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Paul Madej, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193-0110, telephone (817) 222-5125, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may

be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2000-SW-07-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

You may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000-SW-07-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Ente Nazionale per L'Aviazione Civile (ENAC), which is the airworthiness authority for Italy, has notified the FAA that an unsafe condition may exist on Agusta Model A109E helicopters. The ENAC advises that modifying the engine exhaust ejectors, part number (P/N) 109-0601-51, is necessary.

On March 10, 1999, the FAA issued AD 99-03-10, Amendment 39-11080 (64 FR 13502, March 19, 1999), to require, before further flight, inspections of the exhaust ejector to ejector saddle locking system, the torque of the metallic clamps, and the dampers at the bottom of the ejector saddle. Installing safety wire on the metallic clamp for each engine is also required. Within the next 10 hours time-in-service (TIS), that AD required inspecting the dampers and metallic clamps, and repositioning and modifying the ejector saddles and the locking metallic clamps. Thereafter, at intervals not to exceed 25 hours TIS, inspecting the metallic clamps, locking mechanisms, and dampers is required. That action was prompted by an inflight incident in which a metallic clamp that secured the left-hand engine exhaust ejector to the ejector saddle became detached and separated from the helicopter. The requirements of that AD are intended to prevent loss of the

metallic clamp or the engine exhaust ejector, damage to the main or tail rotor system, and subsequent loss of control of the helicopter.

Since the issuance of that AD, the manufacturer has issued a technical bulletin that specifies installing new saddle assemblies and new damper supports with improved shock characteristics. Additionally, the technical bulletin specifies installing a redesigned ejector saddle locking system using mounting bolts instead of a metallic clamp.

Agusta has issued Agusta Technical Bulletin No. 109EP-5, dated December 22, 1999, which specifies modifying the engine exhaust ejectors, P/N 109-0601-51, by installing a kit, P/N 109-0822-94. The ENAC classified this service bulletin as mandatory and issued AD No. 2000-001, dated January 4, 2000, 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, ENAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the ENAC, 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 A109E model helicopters of the same type design, the proposed AD would supersede AD 99-03-10 to require modifying the engine exhaust ejectors, P/N 109-0601-51, by installing a kit, P/N 109-0822-94.

The FAA estimates that 13 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. The manufacturer has stated that 12 work hours labor costs at \$40 per hour and kit will be provided under warranty if requested prior to December 31, 2000. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$3,120, assuming that all operators take full advantage of all the warranty coverage stated by the manufacturer.

The regulations proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 removing Amendment 39-11080 (64 FR 13502, March 19, 1999), and by adding a new airworthiness directive (AD), to read as follows:

Agusta S.p.A.: Docket No. 2000-SW-07-AD. Supersedes AD 99-03-10, Amendment 39-11080, Docket No. 99-SW-10-AD.

Applicability: Model A109E helicopters, up to and including serial numbers 11057, excluding serial numbers 11001, 11005, 11047, 11049, 11055 and 11056, with engine exhaust ejectors, part number 109-0601-51, 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 (f) 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 loss of the metallic clamp or the engine exhaust ejector, damage to the main or tail rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Prior to further flight, in accordance with Part I of the Compliance Instructions in Agusta Bollettino Tecnico No. 109EP-3, dated December 22, 1998 (Technical Bulletin), inspect the exhaust ejector to ejector saddle locking system, the dampers at the bottom of the ejector saddle, and the torque of the metallic clamp, and install safety wire on the metallic clamp. If any damage is found as a result of the inspection, accomplish Part II of the Compliance Instructions in the Technical Bulletin prior to further flight.

(b) Within the next 10 hours time-in-service (TIS), inspect the dampers and metallic clamps, and reposition and modify the ejector saddle and the locking metallic clamp in accordance with Part II of the Compliance Instructions in the Technical Bulletin.

(c) Thereafter, at intervals not to exceed 25 hours TIS, inspect the metallic clamp, locking mechanism, and dampers in accordance with Part III of the Compliance Instructions in the Technical Bulletin.

(d) Before further flight after December 31, 2000, modify the engine exhaust ejectors, part number (P/N) 109-0601-51, by installing a kit, P/N 109-0822-94, in accordance with the Compliance Instructions in Agusta Technical Bulletin No. 109EP-5, dated December 22, 1999.

(e) Installing a kit, P/N 109-0822-94, is terminating action for the requirements of this AD.

(f) 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 a 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.

(g) 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.

Note 3: The subject of this AD is addressed in Ente Nazionale per l'Aviazione Civile (Italy) AD No. 2000-001, dated January 4, 2000, and 2000-088, dated February 10, 2000.

Issued in Fort Worth, Texas, on September 15, 2000.

Eric Bries,

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00-ASO-35]

Proposed Amendment of Class D and Class E4 Airspace; Gainesville, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to amend Class D and Class E4 airspace at Gainesville, FL. The Gainesville VORTAC has been relocated and renamed. As a result the VHF Omni-directional Range (VOR) Standard Instrument Approach Procedure (SIAP) is amended. Therefore, the Class E4 extension to the Class D surface area will be rotated clockwise seven degrees. This proposed action will also remove the reference to the Gainesville VORTAC from the Class D airspace description.

DATES: Comments must be received on or before October 23, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 00-ASO-35, Manager, Airspace Branch, ASDO-520, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305-5586.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5586.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments

are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Comments wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 00-ASO-35." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Regional Counsel for Southern Region, Room 50, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace Branch, ASO-520, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend Class D airspace and Class E4 airspace at Gainesville, FL. Class D airspace designations for airspace areas extending upward from the surface and Class E4 airspace designations for airspace areas designated as an extension to a Class D airspace area are published in Paragraphs 5000 and 6004 respectively, of FAA Order 7400.9H, dated September 1, 2000 and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E4 airspace designations listed in this document would be published subsequently in the Order.