TABLE 3—MATERIAL INCORPORATED BY REFERENCE—Continued

Service Bulletin—	Date—
Airbus Mandatory Service Bulletin A340–57–5018	October 1, 2007.

Issued in Renton, Washington, on November 16, 2008.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–27940 Filed 11–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–1244; Directorate Identifier 2008–SW–59–AD; Amendment 39–15752; AD 2008–22–52]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters, Inc. Model 500N and 600N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document supersedes AD 2008–18–52 and publishes in the **Federal Register** an amendment adopting Emergency Airworthiness Directive (AD) 2008–22–52 which was sent previously to all known U.S. owners and operators of MD Helicopters, Inc. (MDHI) Model 500N and 600N helicopters by individual letters. This AD requires turning OFF the Yaw Stability Augmentation System (YSAS); installing a placard that limits airspeed to 100 KTS or V_{NE}, whichever is less; and revising the limitations section of the Rotorcraft Flight Manual (RFM) to reflect that limitation. Finally, replacing the adapter tubes with airworthy adapter tubes that have a production date code stamp is required. This AD is prompted by several occurrences of failed adapter tubes on the Model MD900 helicopter which uses the same adapter tubes. The actions specified by this AD are intended to prevent loss of yaw control and subsequent loss of control of the helicopter.

DATES: Effective December 15, 2008, to all persons except those persons to whom it was made immediately effective by Emergency AD 2008–22–52, issued on October 23, 2008, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before January 27, 2009.

ADDRESSES: Use one of the following addresses to submit comments on this AD:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this AD from MD Helicopters Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, Arizona 85215–9734, telephone 1–800–388–3378, fax 480–346–6813, or on the Web at *http://www.mdhelicopters.com*.

Examining the Docket: You may examine the docket that contains the AD, any comments, and other information on the Internet at *http://www.regulations.gov*, or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located in Room W12–140 on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Eric D. Schrieber, FAA, Los Angeles Aircraft Certification Office, Aviation Safety Engineer, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone 562–627–5348, fax 562–627–5210.

SUPPLEMENTARY INFORMATION: On August 20, 2008, we issued Emergency AD 2008–18–51 for 500N, 600N, and MD900 helicopters. Emergency AD 2008–18–51 was prompted by reports that 2 MD900 helicopters experienced failed vertical stabilizer control system (VSCS) adapter tubes. In one case, the helicopter experienced an uncommanded yaw, resulting in loss of a window and a door. The Emergency AD required several actions related to the YSAS for the Model 500N and 600N helicopters and to the vertical stabilizer control system (VSCS) for the Model MD900 helicopters.

After we issued Emergency AD 2008–18–51, we discovered that pulling the circuit breaker per the Emergency AD caused impaired directional control, which could result in loss of control of the helicopter. Therefore, on August 27, 2008, we issued superseding Emergency AD 2008–18–52, which requires, for Model 500N, 600N and MD900 helicopters, turning OFF the VSCS or YSAS switches instead of pulling the circuit breakers and installing placards that limit airspeed to 100 KIAS or V_{NE}, whichever is less. For the Model MD900 helicopters, limiting flight to VFR, prohibiting use of the autopilot, and making changes to the Emergency Procedures and Airworthiness (sic) Limitations sections of the RFM are also required. For all of the helicopter models, Emergency AD 2008–18–52 requires, within 45 days, terminating action by replacing the adapter tube with an airworthy adapter tube that has a date stamp of August 15, 2008 or later, and then removing the placards, removing the AD limitation changes from the RFM, and returning all switches and circuit breakers to their normal positions.

Since the issuance of Emergency AD 2008–18–52, we have had additional occurrences of failed adapter tubes on the MD900 helicopters. The replacement adapter tube that was terminating action for the requirements of Emergency AD 2008–18–52 failed on 2 of the MD900 helicopters. Furthermore, adapter tubes without a production date code stamp remain a safety concern on the 500N and 600N helicopters because they may not conform to the FAA-approved design. Therefore, we separated the AD actions and issued 2 superseding Emergency ADs; 2008–22–52 for the 500N and 600N helicopters, and 2008–22–53 for the MD900 helicopters.

Emergency AD 2008–22–52 applies to the 500N and 600N helicopters and continues to require the same actions as Emergency AD 2008–18–52; however,

we made minor editorial changes as well as the following changes:

• We do not include any serial numbers in the applicability because this unsafe condition can occur on any helicopter with the affected adapter tube installed.

• We require that the limitations section of the RFM be revised to reflect the airspeed limitation required by the placard.

• We require that replacement adapter tubes have a production date code stamped on them to determine that the parts are airworthy (e.g., 08–08 indicates a production date of August 2008).

We have reviewed MDHI Service Bulletin (SB) SB500N–040R1/SB600N–047R1 dated August 27, 2008. The SB specifies de-energizing the YSAS, installing a placard that limits the airspeed, and replacing the YSAS adapter.

Since the unsafe condition described is likely to exist or develop on other MDHI Model 500N and 600N helicopters of the same type designs, we issued superseding Emergency AD 2008–22–52 to prevent loss of yaw control and subsequent loss of control of the helicopter. The Emergency AD requires the following before further flight:

• Turning OFF the YSAS switch.

• Installing a placard on the instrument panel as close as practicable to the airspeed indicator that states:

''YSAS SYSTEM IS OFF. AIRSPEED LIMIT 100 KIAS or V_{NE}, WHICHEVER IS LESS.''

• Revising the limitations section of the RFM to limit the airspeed to 100 KIAS or V_{NE}, whichever is less.

The Emergency AD also requires replacing adapter tubes without a production date code stamp with adapter tubes that have a production date code stamp within 45 days and is terminating action for the requirements of the Emergency AD. After replacing the affected adapter tubes, the Emergency AD requires removing the placards, removing the revisions that were made to the RFM because of the Emergency AD, and returning the YSAS system to its normal position. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore, the actions described previously are required before further flight and within 45 days, and this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on October 23, 2008 to all known U.S. owners and operators of MDHI Model 500N and 600N 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.

We estimate that this AD will affect 65 helicopters of U.S. registry. The required actions will take about 6 work hours per helicopter, at an average labor rate of $80 per work hour. Required parts will cost about $920 per helicopter. Based on these figures we estimate the total cost impact of the AD on U.S. operators to be $91,000 ($1,400 per helicopter). However, MDHI states in their service information that required YSAS adapters will be supplied at no cost and labor costs of 5.7 hours will be covered under labor warranty. Assuming operators take advantage of these credits, we estimate that this AD will have a negligible cost impact on U.S. operators.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2008–1244; Directorate Identifier 2008–SW–59–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared an economic evaluation of the estimated costs to comply with this AD. See the AD docket to examine the economic evaluation.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

2008–22–52 MD Helicopters, Inc.: Amendment 39–15752. Docket No. FAA–2008–1244; Directorate Identifier 2008–SW–59–AD. Supersedes Emergency AD 2008–18–52, Directorate Identifier 2008–SW–52–AD.

Applicability: Model 500N and 600N helicopters, with a Yaw Stability Augmentation System (YSAS) adapter tube, part number 500N7218–1, installed, certificated in any category. Adapter tubes that have a production date code stamp are not included in the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of yaw control and subsequent loss of control of the helicopter, do the following:

(a) Before further flight:

(1) Turn OFF the YSAS switch.

(2) Install a placard on the instrument panel as close as practicable to the airspeed indicator that states:

''YSAS SYSTEM IS OFF. AIRSPEED LIMIT 100 KIAS or V_{NE}, WHICHEVER IS LESS.''

Note: MDHI Service Bulletin SB500N–040R1/SB600N–047R1, dated August 27, 2008, and maintenance manual CSP–HMI–3, Section 96–00–00, pertain to the subject of this AD.

(3) Make pen and ink changes or place a copy of this AD in the limitations section of the rotorcraft flight manual (RFM) to revise the limitations as follows: ''V_{NE} is limited to 100 KIAS or less as determined by referring to the airspeed V_{NE} placard already installed on the helicopter.''

(b) Within 45 days, replace each affected adapter tube with an airworthy adapter tube that has a production date code stamp. This replacement is terminating action for the requirements of this AD. Once this replacement has been done, remove the placards, remove the airspeed restriction revisions that were made to the RFM, and return the YSAS system to its normal position.

(c) 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 Manager, Los Angeles Aircraft Certification Office, FAA, ATTN: Eric D. Schrieber, Aviation Safety Engineer, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone 562–627–5348, fax 562–627–5210, for information about previously approved alternative methods of compliance.

(d) Copies of the applicable service information may be obtained from MD Helicopters Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, Arizona 85215–9734, telephone 1–800–388–3378, fax 480–346–6813, or on the Web at *http://www.mdhelicopters.com.*

(e) This amendment becomes effective on December 15, 2008, to all persons except those persons to whom it was made immediately effective by Emergency AD 2008–22–52, issued October 23, 2008, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on November 14, 2008.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E8–28110 Filed 11–26–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0752; Directorate Identifier 2008–NE–22–AD; Amendment 39–15750; AD 2008–24–10]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Corp. JT15D–5; –5B; –5F; and –5R Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as follows:

There have been several reported incidents of high altitude, dual engine flameout on JT15D–5 engine powered aircraft operating in certain meteorological conditions. Subsequent to the investigation of incidents, review of the engine design has revealed that the Fuel Control Hydro Mechanical Unit (HMU) P3 servo can be exposed to excessive moisture and freezing.

We are issuing this AD to prevent engine flameouts of one or both engines, caused by excessive moisture and freezing in the P3 servo during certain flight conditions.

DATES: This AD becomes effective January 2, 2009. The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 2, 2009.

ADDRESSES: The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *ian.dargin@faa.gov;* telephone (781) 238–7178; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on August 22, 2008 (73 FR 49619). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states the following:

There have been several reported incidents of high altitude, dual engine flameout on JT15D–5 engine powered aircraft operating in certain meteorological conditions. Subsequent to the investigation of incidents, review of the engine design has revealed that the Fuel Control Hydro Mechanical Unit (HMU) P3 servo can be exposed to excessive moisture and freezing.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Request To Reference Hawker Beechcraft Service Bulletin for Wire Harness

One commenter, Flight Options, requests that we reference Hawker Beechcraft Service Bulletin (SB) No. SB 73–3888, Revision 1, dated July, 2008, in the AD. That SB instructs to re-route and secure the throttle solenoid wire harness, and instructs to install a serviceable compressor air to HMU delivery tube, using Pratt & Whitney Canada Corp. (P&WC) Alert SB No. JT15D–72–A7611, Revision 1, dated June 16, 2008. The commenter states that without the proposed AD referring to the Hawker Beechcraft SB, operators could leave wire harnesses unsecured, potentially leading to other system failures.

We partially agree. We recognize that instructions to re-route and secure the throttle solenoid wire harness are contained in the Hawker Beechcraft SB, and operators should refer to these requirements during the modification. We do not agree that securing the throttle solenoid wire harness needs to be mandated by this AD. However, we have added the Hawker Beechcraft SB reference to the Related Information paragraph in the AD.

Suggestion To Use Hawker Beechcraft SB for AD Compliance

Flight Options suggests that the Hawker Beechcraft SB No. SB 73–3888,