

FEDERAL ELECTION COMMISSION**11 CFR Part 111**

[Notice 2009–24]

Amendment of Agency Procedures for Probable Cause Hearings**AGENCY:** Federal Election Commission.**ACTION:** Agency procedure; amendment.

SUMMARY: On November 19, 2007, the Federal Election Commission (“Commission”) published a procedural rule making permanent a program allowing respondents in enforcement proceedings under the Federal Election Campaign Act, to have a hearing before the Commission. The Commission is now amending its procedures to provide that the Commissioners may ask questions of the General Counsel and the Staff Director, and their staff, during probable cause hearings. This amendment will conform the procedures for enforcement hearing with the Commission’s procedures for audit hearing published earlier this year.

DATES: The amended hearing procedures will be effective on October 28, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Mark D. Shonkwiler, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Federal Election Commission is amending its procedures to provide that Commissioners may ask questions of the General Counsel and the Staff Director, and their staff, during probable cause hearings.

I. Background

On October 25, 2007, the Commission adopted an agency procedure that made permanent a program that allows respondents in enforcement proceedings under the Federal Election Campaign Act (“FECA”), to have a hearing before the Commission prior to the Commission’s consideration of the General Counsel’s recommendation on whether to find probable cause to believe that a violation has occurred. See Procedural Rules for Probable Cause Hearings, 72 FR 64919 (Nov. 19, 2007) (“PC Hearing Procedures”). In PC Hearing Procedures, the Commission indicated that during probable cause hearings, “[r]espondents (or their counsel) will have the opportunity to present their arguments, and Commissioners, the General Counsel, and the Staff Director will have the opportunity to pose questions to the

respondent, or respondent’s counsel, if represented.” PC Hearing Procedures, 72 FR at 64920. The PC Hearing Procedures did not specifically address whether Commissioners could pose questions to the General Counsel and the Staff Director during probable cause hearings.

On June 25, 2009, based in part upon its experience with the probable cause hearing program, the Commission adopted a new agency procedure providing committees that are audited by the Commission, pursuant to the FECA, with the opportunity to have a hearing before the Commission prior to the Commission’s adoption of a Final Audit Report. See Procedural Rules for Audit Hearings, 74 FR 33140 (July 10, 2009) (“Audit Hearing Procedures”). In Audit Hearing Procedures, the Commission indicated that during audit hearings, “Commissioners will have the opportunity to pose questions to the audited committee, and Commissioners may ask questions designed to elicit clarification from the Office of General Counsel or Office of the Staff Director.” Audit Hearing Procedures, 74 FR at 33142.

II. Amendment of Agency Procedures for Probable Cause Hearings

Consistent with the recently adopted agency procedures for audit hearings, the Commission is amending its procedures for probable cause hearings to specifically provide that Commissioners may ask questions during probable cause hearings designed to elicit clarification from the Office of General Counsel or Office of the Staff Director. The Commission is not making any other changes to its procedures for probable cause hearings.

Conclusion

This document amends an agency practice or procedure. This document does not constitute an agency regulation requiring notice of proposed rulemaking, opportunities for public comment, prior publication, and delay effective under 5 U.S.C. 553 of the Administrative Procedure Act (“APA”). The provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b), which apply when notice and comment are required by the APA or another statute, are not applicable.

On behalf of the Commission.

Dated: October 22, 2009.

Steven T. Walther,

Chairman, Federal Election Commission.

[FR Doc. E9–25900 Filed 10–27–09; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 25**

[Docket No. NM416; Special Conditions No. 25–393–SC]

Special Conditions: Bombardier Model Challenger CL–600–2B16 (CL–605, Ref. Note 9 of TC No. A21EA); Enhanced Flight Vision System (EFVS)**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Model CL–600–2B16 (CL–605) airplane. This airplane, as modified by Rockwell Collins Aerospace & Electronics, Inc., will have an Enhanced Flight Vision System (EFVS). The EFVS is a novel or unusual design feature which consists of a head-up display (HUD) system modified to display forward-looking infrared (FLIR) radar imagery. The airworthiness regulations applicable to pilot compartment view do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is October 9, 2009. We must receive your comments by December 14, 2009.

ADDRESSES: You must mail two copies of your comments to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM–113), Docket No. NM416, 1601 Lind Avenue, SW., Renton, Washington 98057–3356. You may deliver two copies to the Transport Airplane Directorate at the above address. You must mark your comments: Docket No. NM416. You can inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Dale Dunford, FAA, ANM–111, Airplane and Flight Crew Interface, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2239; fax (425) 227–1320; e-mail: dale.dunford@faa.gov.

SUPPLEMENTARY INFORMATION: The FAA has determined that the substance of these special conditions has previously

been subject to the public-comment process. These particular special conditions were recently issued and only three non-substantive comments were received during the public-comment period. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel about these special conditions. You can inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive by the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want us to acknowledge receipt of your comments on these special conditions, include with your comments a self-addressed, stamped postcard on which you have written the docket number. We will stamp the date on the postcard and mail it back to you.

Background

On November 28, 2008, Rockwell Collins Aerospace & Electronics, Inc., applied for a supplemental type certificate for installation of a HUD/EFVS system in the Bombardier Model CL-600-2B16 (CL-605). The Model No. CL-600-2B16 (CL-605) is a transport category airplane certified to carry a maximum of 19 passengers and a minimum of 2 crew members. The Model CL-605 is a marketing designation for the Challenger CL-600-2B16 (CL-604 Variant) with Modsums 604DX10000, 604DX20000 and 604DX30000 incorporated, beginning with aircraft S/N 5701 and subsequent numbers. The modification involves the installation of an EFVS. This system consists of a Rockwell Collins HUD system, modified to display FLIR imagery, and an FLIR camera.

The electronic infrared image displayed between the pilot and the forward windshield represents a novel or unusual design feature in the context of 14 CFR 25.773. Section 25.773 was not written in anticipation of such technology. The electronic image has the potential to enhance the pilot's awareness of the terrain, hazards, and airport features. At the same time, the image may partially obscure the pilot's direct outside-compartment view. Therefore, the FAA needs adequate safety standards to evaluate the EFVS to determine that the imagery provides the intended visual enhancements without undue interference with the pilot's outside-compartment view. The FAA intends that the pilot be able to use a combination of the information, seen in the image and the natural view of the outside scene appearing beyond and through the image, as safely and effectively as a pilot-compartment view without an EFVS image and that is compliant with § 25.773.

Although the FAA has determined that the existing regulations are not adequate for certification of EFVSs, the FAA believes that EFVSs could be certified through the application of appropriate safety criteria. Therefore, the FAA has determined that special conditions should be issued for certification of EFVS to provide a level of safety equivalent to that provided by the standard in § 25.773.

Note: The term "enhanced vision system" (EVS) has been commonly used to refer to a system comprised of a HUD, imaging sensor(s), and avionics interfaces that display the sensor imagery on the HUD, and overlay it with alpha-numeric and symbolic flight information. However, the term has also been commonly used in reference to systems that display the sensor imagery, with or without other flight information, on a head-down display. To avoid confusion, the FAA created the term "Enhanced Flight Vision System" (EFVS) to refer to certain EVS systems that meet the requirements of the new operational rules—in particular the requirement for a HUD and specified flight information—and can be used to determine "enhanced flight vision." An EFVS can be considered a subset of systems otherwise labeled EVS.

On January 9, 2004, the FAA published revisions to operational rules in 14 CFR parts 1, 91, 121, 125, and 135 to allow aircraft to operate below certain altitudes during a straight-in instrument approach while using an EFVS to meet visibility requirements.

Prior to this rule change, the FAA issued Special Conditions 25-180-SC, which approved the use of an EVS on Gulfstream Model G-V airplanes. These special conditions addressed the requirements for the pilot-compartment view and limited the scope of the

intended functions permissible under the operational rules at the time. The intended function of the EVS imagery was to aid the pilot during instrument approach, and to allow the pilot to detect and identify the visual references for the intended runway down to 100 feet above the touchdown zone. However, the EVS imagery alone was not to be used as a means to satisfy visibility requirements below 100 feet.

The recent operational-rule change expands the permissible application of certain EVSs that are certified to meet the new EFVS standards. The new rule allows the use of EFVSs for operation below the minimum descent altitude (MDA) or decision height (DH) to meet new visibility requirements of § 91.175(l). The purpose of this special condition is not only to address the issue of the "pilot-compartment view," as was done by 25-180-SC, but also to define the scope of intended function consistent with § 91.175(l) and (m).

Type Certification Basis

Under the provisions of 14 CFR 21.101, Rockwell Collins Aerospace & Electronics, Inc., must show that the Bombardier Model CL-600-2B16 (CL-605), as changed, continues to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A21EA or the applicable regulations in effect on the date of application for change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type-certification basis." The regulations incorporated by reference in A21EA are as follows:

- Model CL-600-2B16 (604 Variant)
Part 25 dated February 1, 1965, including Amendments 25-1 through 25-78 with the following exceptions at Amendment:
- 25-37 for §§ 25.109, 25.149, 25.365, 25.561, 25.625, 25.701, 25.772, 25.783 (except § 25.783(f)), 25.785 (except § 25.785(g)), 25.789, 25.791, 25.801, 25.803, 25.807, 25.809, 25.811, 25.812, 25.813, 25.831, 25.853, 25.855, 25.857, 25.1307, 25.1359, 25.1415, and 25.1419;
 - 25-37 for existing installations and Amendment 25-78 for new installations for §§ 25.963, 25.965, 25.994, 25.997, and 25.1438;
 - 25-38 for §§ 25.787 and 25.1439;
 - 25-40 for § 25.973;
 - 25-37 for § 25.109 (see note 7);
 - 25-44 for § 25.1413;
 - 25-54 for § 25.851;
 - 25-80 for § 25.1316.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Bombardier Model CL-600-2B16

(CL-605), because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Bombardier Model CL-600-2B16 (CL-605) must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34 and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should Rockwell Collins Aerospace & Electronics, Inc. (the applicant), apply for a supplemental type certificate to modify any other model, included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model.

Novel or Unusual Design Features

The Bombardier Model CL-600-2B16 (CL-605) airplanes will incorporate EFVS, which is a novel or unusual design feature, because it projects a video image derived from an FLIR camera through the HUD. The EFVS image is projected in the center of the “pilot-compartment view,” which is governed by § 25.773. The image is displayed with HUD symbology and overlays the forward outside view. Therefore, § 25.773 does not contain appropriate safety standards for the EFVS display.

Operationally, during an instrument approach, the EFVS image is intended to enhance the pilot’s ability to detect and identify “visual references for the intended runway” [see § 91.175(l)(3)] to continue the approach below DH or MDA. Depending on atmospheric conditions and the strength of infrared energy emitted and/or reflected from the scene, the pilot can see these visual references in the image better than through the window without EFVS.

Scene contrast detected by infrared sensors can be much different from that detected by natural pilot vision. On a dark night, thermal differences of objects, which are not detectable by the naked eye, will be easily detected by many imaging infrared systems. On the other hand, contrasting colors in visual wavelengths may be distinguished by the naked eye, but not by an imaging infrared system. Where thermal contrast in the scene is sufficiently detectable, the pilot can recognize shapes and

patterns of certain visual references in the infrared image. However, depending on conditions, those shapes and patterns in the infrared image can appear significantly different than they would with normal vision. Considering these factors, the EFVS image needs to be evaluated to determine that the pilot can interpret it accurately.

The image may improve the pilot’s ability to detect and identify items of interest. However, the EFVS needs to be evaluated to determine that the imagery allows the pilot to perform the normal duties of the flight crew and adequately see outside the window through and beyond the EFVS image, consistent with the safety intent of § 25.773(a)(2).

Compared to a HUD displaying the EFVS image and symbology, a HUD that only displays stroke-written symbols is easier to see through. Stroke symbology illuminates a small fraction of the total display area of the HUD, leaving much of that area free of reflected light that could interfere with the pilot’s view out the window through and beyond the display. However, unlike stroke symbology, the video image illuminates most of the total display area of the HUD (approximately 30 degrees horizontally and 25 degrees vertically), which is a significant fraction of the pilot compartment view. The pilot cannot see around the larger illuminated portions of the video image, but must see the outside scene through it.

Unlike the pilot’s external view, the EFVS image is a monochrome, two-dimensional display. Many, but not all, of the depth cues found in the natural view are also found in the image. The quality of the EFVS image and the level of EFVS infrared sensor performance could depend significantly on conditions of the atmospheric and external light sources. The pilot needs adequate control of sensor gain and image brightness, which can significantly affect image quality and transparency (*i.e.*, the ability to see the outside view through and beyond the image). Certain system characteristics could create distracting and confusing display artifacts. Finally, because this is a sensor-based system intended to provide a conformal perspective corresponding with the outside scene, the system must be able to ensure accurate alignment.

Hence, safety standards are required for each of the following factors:

- An acceptable degree of image transparency;
- Image alignment;
- Lack of significant distortion; and
- The potential for pilot confusion or misleading information.

Section 25.773—Pilot Compartment View, specifies that “Each pilot compartment must be free of glare and reflection that could interfere with the normal duties of the minimum flight crew * * *.” In issuing § 25.773, the FAA did not anticipate the development of EFVSs and does not consider § 25.773 to be adequate to address the specific issues related to such a system. Therefore, the FAA has determined that special conditions are needed to address the specific issues particular to the installation and use of an EFVS.

Discussion

The EFVS is intended to function by presenting an enhanced view during the approach. This enhanced view would help the pilot see and recognize external visual references, as required by § 91.175(l), and to visually monitor the integrity of the approach, as described in FAA Order 6750.24D (“Instrument Landing System and Ancillary Electronic Component Configuration and Performance Requirements,” dated March 1, 2000).

Based on this approved functionality, users would seek to obtain operational approval to conduct approaches—including approaches to Type I runways—in visibility conditions much lower than those for conventional Category I.

The purpose of these special conditions is to ensure that the EFVS to be installed performs the following functions:

- Present an enhanced view that aids the pilot during the approach.
- Provide enhanced flight visibility to the pilot that is no less than the visibility prescribed in the standard, instrument-approach procedure.
- Display an image that the pilot can use to detect and identify the “visual references for the intended runway” required by § 91.175(l)(3), to continue the approach with vertical guidance to 100-foot height above the touchdown-zone elevation.

Depending on the atmospheric conditions and the particular visual references that happen to be distinctly visible and detectable in the EFVS image, these functions would support its use by the pilot to visually monitor the integrity of the instrument-approach path.

Compliance with these special conditions does not affect the applicability of any of the requirements of the operating regulations (*i.e.*, 14 CFR parts 91, 121, and 135). Furthermore, use of the EFVS does not change the approach minima prescribed in the standard instrument approach

procedure being used; published minima still apply.

The FAA certification of this EFVS is limited as follows:

- The infrared-based EFVS image will not be certified as a means to satisfy the requirements for descent below 100 feet height above touchdown (HAT).
- The EFVS may be used as a supplemental device to enhance the pilot's situational awareness during any phase of flight or operation in which its safe use has been established.

An EFVS image may provide an enhanced image of the scene that may compensate for any reduction in the clear outside view of the visual field framed by the HUD combiner. The pilot must be able to use this combination of information displayed in the image and the natural view of the outside scene, seen through the image, as safely and effectively as the pilot would use a § 25.773-compliant pilot-compartment view without an EVS image. This is the fundamental objective of the special conditions.

The FAA also applies additional certification criteria, not as special conditions, for compliance with related regulatory requirements, such as § 25.1301 and § 25.1309. These additional criteria address certain image characteristics, installation, demonstration, and system safety.

Image-characteristic criteria include the following:

- Resolution,
- Luminance,
- Luminance uniformity,
- Low level luminance,
- Contrast variation,
- Display quality,
- Display dynamics (e.g., jitter, flicker, update rate, and lag), and
- Gain and brightness controls.

Installation criteria address visibility and access to EFVS controls and integration of EFVS in the cockpit.

The EFVS demonstration criteria address the flight and environmental conditions that need to be covered.

The FAA also intends to apply certification criteria relevant to high-intensity radiated fields (HIRF) and lightning protection.

Applicability

As discussed above, these special conditions are applicable to the Bombardier Model CL-600-2B16 (CL-605) airplane. Should Rockwell Collins Aerospace & Electronics, Inc., apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate, to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the Bombardier Model CL-600-2B16 (CL-605) airplane, as modified by Rockwell Collins Aerospace & Electronics, Inc. It is not a rule of general applicability and affects only the applicant that applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

- The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the amended type certification basis for Bombardier Model CL-600-2B16 (CL-605) airplanes, modified by Rockwell Collins Aerospace & Electronics, Inc.:

1. The EFVS imagery on the HUD must not degrade the safety of flight or interfere with the effective use of outside visual references for required pilot tasks during any phase of flight in which it is to be used.

2. To avoid unacceptable interference with the safe and effective use of the pilot compartment view, the EFVS device must meet the following requirements:

- a. The EFVS design must minimize unacceptable display characteristics or artifacts (e.g., noise, "burlap" overlay, running water droplets) that obscure the desired image of the scene, impair the pilot's ability to detect and identify visual references, mask flight hazards,

distract the pilot, or otherwise degrade task performance or safety.

b. Control of EFVS display brightness must be sufficiently effective in dynamically changing background (ambient) lighting conditions to prevent full or partial blooming of the display that would distract the pilot, impair the pilot's ability to detect and identify visual references, mask flight hazards, or otherwise degrade task performance or safety. If automatic control for image brightness is not provided, it must be shown that a single manual setting is satisfactory for the range of lighting conditions encountered during a time-critical, high-workload phase of flight (e.g., low-visibility instrument approach).

c. A readily accessible control must be provided that permits the pilot to immediately deactivate and reactivate EFVS image display on demand.

d. The EFVS image on the HUD must not impair the pilot's use of guidance information, or degrade the presentation and pilot awareness of essential flight information displayed on the HUD, such as alerts, airspeed, attitude, altitude and direction, approach guidance, windshear guidance, TCAS resolution advisories, or unusual-attitude recovery cues.

e. The EFVS image and the HUD symbols, which are spatially referenced to the pitch scale, outside view, and image, must be scaled and aligned (i.e., conformal) to the external scene. In addition, the EFVS image and the HUD symbols—when considered singly or in combination—must not be misleading, cause pilot confusion, or increase workload. Airplane attitudes or cross-wind conditions may cause certain symbols (e.g., the zero-pitch line or flight-path vector) to reach field-of-view limits, such that they cannot be positioned conformally with the image and external scene. In such cases, these symbols may be displayed, but with an altered appearance that makes the pilot aware they are no longer displayed conformally, such as with "ghosting."

f. A HUD system that displays EFVS images must, if previously certified, continue to meet all of the requirements of the original approval.

3. The safety and performance of the pilot tasks associated with the use of the pilot-compartment view must not be degraded by the display of the EFVS image. These tasks include the following:

- a. Detection, accurate identification, and maneuvering, as necessary, to avoid traffic, terrain, obstacles, and other hazards of flight.

- b. Accurate identification and utilization of visual references required

for every task relevant to the phase of flight.

4. Compliance with these special conditions will enable the EFVS to be used during instrument approaches in accordance with 14 CFR 91.175(l) such that it may be found acceptable for the following intended functions:

a. Presenting an image that would aid the pilot during a straight-in instrument approach.

b. Enabling the pilot to determine the "enhanced flight visibility," as required by § 91.175(l)(2), for descent and operation below MDA and DH.

c. Enabling the pilot to use the EFVS imagery to detect and identify the "visual references for the intended runway," required by § 91.175(l)(3), to continue the approach with vertical guidance to 100-foot height above touchdown-zone elevation.

5. Use of EFVS for instrument-approach operations must be in accordance with the provisions of § 91.175(l) and (m). Appropriate limitations must be stated in the Operating Limitations section of the Airplane Flight Manual to prohibit the use of the EFVS for functions that have not been found to be acceptable.

Issued in Renton, Washington, on October 9, 2009.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-0952; Directorate Identifier 2009-SW-04-AD; Amendment 39-16055; AD 2009-22-04]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France (ECF) Model EC 155B and EC155B1 Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the specified ECF model helicopters. This AD results from a mandatory continuing airworthiness information (MCAI) AD issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the

European Community. The MCAI AD states that freezing of the route display on the navigation display (ND) in the Sector mode occurs for flight plans that include procedures in the terminal zone (departure or arrival). The MCAI AD prohibits the use of the UNS-1D navigation system (also known as the Flight Management System (FMS)) for Standard Instrument Departure (SID), Standard Instrument Terminal Arrival Route (STAR), and instrument approach procedures. The actions are intended to prevent the flight crew from relying on a frozen route ND, unanticipated increases in flight crew workload, pilot confusion in the terminal airspace environment, and subsequent loss of control of the helicopter.

DATES: This AD becomes effective on November 12, 2009.

We must receive comments on this AD by December 28, 2009.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting your comments electronically.
- *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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053-4005, telephone 800-232-0323, fax (972) 641-3710 or at <http://www.eurocopter.com>.

Examining the Docket: You may examine the AD docket 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 AD docket contains this AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is stated in the **ADDRESSES** section of this AD. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, George Schwab, ASW-111, Aviation Safety Engineer, Rotorcraft Directorate, Safety Management Group, 2601 Meacham Blvd., Fort Worth, Texas 76137,

telephone (817) 222-5114, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION:

Discussion

EASA, which is the Technical Agent for the Member States of the European Community, has issued EASA AD No. 2009-0035-E, dated February 18, 2009, to correct an unsafe condition for the Model EC 155 B and B1 helicopters.

The route display on the ND in the Sector mode is no longer refreshed if the flight plan, processed and transmitted by the UNS-1D FMS, contains a procedure that includes a holding pattern or a Distance Measurement Equipment arc. Only the route display on the ND in the Sector mode is affected. The navigation and guidance parameter displays on the ND, the flight plan display on the UNS-1D, and the coupling to the autopilot are not affected. Freezing of the route display only occurs for flight plans that include procedures in the terminal zone (departure and arrival). If not corrected, unanticipated freezing of the route display during operations under IFR conditions, particularly during instrument meteorological conditions, would result in a significant increase in flight crew workload, causing pilot confusion in the more crowded terminal airspace environment and affecting the safety of the helicopter and its occupants. For those reasons, the MCAI AD prohibits the use of the UNS-1D navigation system for SID and STAR procedures. The Rotorcraft Flight Manual (RFM) currently prohibits the use of the GPS for approach procedures.

You may obtain further information by examining the MCAI AD and any related service information in the AD docket.

Related Service Information

Eurocopter has issued an Emergency Alert Service Bulletin No. 04A008, dated February 17, 2009. The service information specifies prohibiting the use of the UNS-1D navigation system for SID and STAR and for instrument approach procedures. The actions described in the MCAI AD are intended to correct the same unsafe condition as that identified in the service information.

FAA's Evaluation and Unsafe Condition Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, their technical agent, has notified us of the unsafe condition described in the MCAI