

Set out below are factors that FSIS believes are relevant in determining whether *Listeria monocytogenes* contamination is a food safety hazard reasonably likely to occur in the production process and in identifying preventive measures that establishments can apply to control the hazard. Reassessments of HACCP plans should take these factors into account. FSIS is providing technical information and other Agency guidance material. (See ADDRESSES to obtain copies.) The Agency invites comments on this guidance material and the factors set out below.

(1) *Pathogen Levels in Starting Materials* FSIS believes that it is crucial that each establishment know the characteristics of its starting materials and, in particular, keep itself informed about evidence of *Listeria monocytogenes* contamination of the raw materials or source of raw materials that the establishments use.

(2) *Validation of Lethality Treatment* FSIS believes industry members must comply rigorously with the HACCP plan validation requirements of § 417.4(a)(1), especially in ensuring that the establishment can successfully apply a scientifically appropriate lethality treatment under its commercial operating conditions (see 61 FR 38826–38827). Until the establishment demonstrates that it achieves the anticipated lethality effect under actual in-plant conditions, effectiveness is theoretical, and the plan is not validated.

(3) *Exposure to Contamination After Lethality Treatment* The available evidence on the presence of *Listeria monocytogenes* in food processing environments appears to indicate an increased potential for the contamination of product after a food is processed to destroy pathogenic microorganisms. Therefore, an establishment's reassessment of its HACCP plans needs to address such potential contamination. Establishments should account for finished product characteristics such as water activity, pH, and the presence or absence of one or more barriers that inhibit pathogen growth. The HACCP plan must incorporate any hazards identified by the reassessment.

(4) *Evidence of Product Contamination* FSIS believes that any finding of *Listeria monocytogenes* in an establishment's ready-to-eat product, whether in government or industry test results, is substantial, and perhaps conclusive, evidence that *Listeria monocytogenes* contamination is a food safety hazard that is reasonably likely to occur in its production process for that

product. Therefore, in the event of such a finding, FSIS' position is as follows. If the establishment's HACCP plan does not already provide for the control of *Listeria monocytogenes*, and absent substantial, scientifically supportable reasons, that HACCP plan must be modified to address the *Listeria monocytogenes* hazard and incorporate appropriate controls. If the establishment's HACCP plan does address and control for *Listeria monocytogenes*, the establishment must take the appropriate corrective actions in accord with the requirements of 9 CFR 417.3. FSIS inspection personnel will verify that the establishment has taken the necessary corrective actions.

Done at Washington, DC, on May 19, 1999.  
**Thomas J. Billy,**  
Administrator.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98–SW–47–AD; Amendment 39–11182; AD 99–11–11]

RIN 2120–AA64

#### Airworthiness Directives; Eurocopter France Model SA–365N, N1, N2, N3, and SA–366G1 Helicopters

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to Eurocopter France Model SA–365N, N1 and SA–366G1 helicopters, that currently requires repetitive inspections of the main gearbox (MGB) magnetic chip plug and oil filter if certain part number/modification level MGB's are installed. This new action expands the helicopter model and MGB applicability to include the SA–365N2 and N3 helicopters and all variants of the MGB. It also requires installing a MGB planetary gear shaft (gear shaft) vibration level monitoring unit (VLMU); inserting procedures into the Rotorcraft Flight Manual (RFM) for a preflight vibration check using the VLMU and inserting a related emergency procedure and limitation for an inoperative VLMU into the RFM. This action is prompted by two occurrences of gear shaft cracks. The actions specified by this AD are intended to detect cracks in the MGB

planetary gear shaft, which could lead to failure of the MGB and subsequent loss of control of the helicopter.

**DATES:** Effective June 10, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 10, 1999.

Comments for inclusion in the Rules Docket must be received on or before July 26, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98–SW–47–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Shep Blackman, Aerospace Engineer, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5296, fax (817) 222–5961.

**SUPPLEMENTARY INFORMATION:** The FAA issued Priority Letter AD 97–15–15 on July 18, 1997, prompted by two occurrences of MGB planetary gear shaft cracks. AD 97–15–15 was published in the **Federal Register** on February 6, 1998 (63 FR 6069). It requires that the magnetic chip plug on any MGB that was not modified in accordance with MOD 077244 be inspected after every flight and the MGB oil filter be inspected after the last flight of each day or at intervals not to exceed 12 hours time-in-service (TIS). The presence of any ferrous chips or any reports of abnormal vibrations by the flight crew requires a MGB ground vibration evaluation before further flight. Eurocopter France has recently advised the FAA that the potential for planetary gear shaft cracks exists for all MGB variants, regardless of modification level, currently authorized for installation on FAA-certified Model SA–365/366 helicopters. The temporary installation of the VLMU enables the flight crew to more easily and accurately assess the vibration level of the MGB prior to each flight. The manufacturer is pursuing a redesign of the affected MGB that will probably result in a mandatory

modification of the MGB and constitute a terminating action for the requirements of this AD. It is anticipated that after the modification is accomplished, the VLMU will no longer be required.

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, has notified the FAA that an unsafe condition may exist on Eurocopter France Model SA-365N, N1, N2, and N3, and SA-366G1 helicopters. The DGAC advises that, based on two reports of cracks detected on the gear shaft, an AD is necessary to mandate the installation and the utilization of an MGB vibration level unit that detects vibrations at the shaft rotation frequency and indicates the potential for a crack in the gear shaft.

Eurocopter France has issued Eurocopter AS 365 Service Bulletin No. 31.00.03, applicable to Model SA-365N, N1, N2, and N3, helicopters; and Eurocopter SA 366 Service Bulletin No. 31.01, applicable to Model SA-366G1 helicopters, both dated June 23, 1998. These service bulletins provide for the installation of a VLMU that enables a ground check for vibrations amplitude at the shaft rotational frequency and provides an indication to the pilot when the amplitude of vibration reaches a level that could indicate the existence of a crack in the gear shaft. The service bulletins also provide for checks of the MGB chip plug and oil filter, and measurements of on-ground vibration levels if the VLMU becomes inoperative. The DGAC classified these service bulletins as mandatory and issued AD 98-324-045(A), applicable to Model 365N helicopters, and AD 98-323-023(A), applicable to Model 366 helicopters, both dated August 12, 1998, in order to assure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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 Eurocopter France SA-365N, N1, N2, and N3, and SA-

366G1 helicopters of the same type design registered in the United States, this AD is being issued to detect cracks in the MGB planetary gear shaft, which could lead to failure of the MGB and subsequent loss of control of the helicopter. This AD requires installing a MGB VLMU to enable a preflight MGB vibration check, revising the RFM normal, emergency and limitations sections, and if the VLMU becomes inoperative, inspecting the MGB magnetic plug after every flight and the oil filter each day in which flights are conducted (not to exceed 12 hours time-in-service between inspections). The actions are required to be accomplished in accordance with the applicable service bulletins described previously. If metallic particles are found on the magnetic plug or oil filter, drive system ground vibration measurements must be conducted. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, the actions are required within 25 hours time-in-service and this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 26 helicopters will be affected by this AD, that it will take approximately 10 work hours to install the VLMU, and that the average labor rate is \$60 per work hour. The manufacturer has stated that required parts are available at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$15,600.

#### 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, both before and after the closing date for comments, 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 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. 98-SW-47-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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:

#### AD 99-11-11 Eurocopter France:

Amendment 39-11182. Docket No. 98-SW-47-AD. Supersedes AD 97-15-15, Amendment 39-10313, Docket No. 97-SW-23-AD.

**Applicability:** Model SA-365N, N1, N2, and N3 helicopters, serial numbers up to and including 6538, and SA-366G1 helicopters, 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 (d) 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 detect cracks in the main gearbox (MGB) planetary gear shaft (shaft), which could lead to failure of the MGB and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service, install a MGB shaft vibration level monitoring unit (VLMU), in accordance with paragraph B. of the Accomplishment Instructions of either Eurocopter AS 365 Service Bulletin No. 31.00.03, applicable to Model SA-365N, N1, N2, and N3 helicopters; or Eurocopter SA 366 Service Bulletin No. 31.01, applicable to Model SA-366G1 helicopters, both dated June 23, 1998 (SB's).

(b) Before further flight, accomplish the following:

(1) Insert paragraphs 2D1), 2D2), and 2D3) of the SB's into the applicable Rotorcraft Flight Manual post-start normal procedures section.

(2) Insert the following statement in the Emergency Procedures section of the applicable Rotorcraft Flight Manual: "If vertical vibrations at approximately 4/rev frequency are detected, reduce power, land as soon as practicable, and perform a VLMU vibration level check."

(3) Insert the following statement into the Limitations section of the applicable Rotorcraft Flight Manual: "If the VLMU becomes inoperative, it must be returned to

service within 30 calendar days or the helicopter must be grounded until such repairs are made."

(c) If the VLMU becomes inoperative, inspect the MGB magnetic plug; it must be inspected before every flight and inspect the MGB oil filter each day in which flights are conducted or at intervals not to exceed 12 hours time-in-service, whichever occurs first. When metallic particles are found on either the magnetic plug or the oil filter element, conduct drive system ground vibration measurements before further flight.

(d) 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, Rotorcraft Standards Staff, 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, Rotorcraft Standards Staff.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(e) 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.

(f) The actions shall be done in accordance with the Eurocopter AS 365 Service Bulletin No. 31.00.03, or Eurocopter SA 366 Service Bulletin No. 31.01, both dated June 23, 1998, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 10, 1999.

**Note 3:** The subject of this AD is addressed in Direction Generale de L'Aviation Civile (France) AD 98-324-045(A), applicable to Model SA-365N helicopters, and AD 98-323-023(A), applicable to Model SA-366 helicopters, both dated August 12, 1998.

Issued in Fort Worth, Texas, on May 18, 1999.

**Mark R. Schilling,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-SW-61-AD; Amendment 39-11181; AD 99-11-10]

RIN 2120-AA64

### Airworthiness Directives; Eurocopter France Model AS 332L2 Helicopters

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Eurocopter France Model AS 332L2 helicopters with a certain power-loss printed circuit board (PCB) installed. This action requires replacing that power-loss PCB with an airworthy power-loss PCB. This amendment is prompted by malfunctions discovered during environmental testing of the power-loss PCB conducted by the manufacturer. The actions specified in this AD are intended to prevent incorrect engine status indications, random activation of the maximum rotor revolutions-per-minute (RPM) alarm, and failure to reset the One-Engine Inoperative (OEI) logic after an actual loss of power from one engine.

**DATES:** Effective June 10, 1999.

Comments for inclusion in the Rules Docket must be received on or before July 26, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-61-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**FOR FURTHER INFORMATION CONTACT:** Shep Blackman, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5296, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, has notified the FAA that an unsafe condition may exist on Eurocopter France Model AS 332L2 helicopters. The DGAC advises that design anomalies of the power-loss PCB can lead to non-resetting of the OEI logic after failure of one engine.

Eurocopter France has issued Eurocopter Service Bulletin 31.00.11, dated September 8, 1998, which specifies replacing the power-loss PCB, part number (P/N) SE01958 (Eurocopter