

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 99-23-04 Bell Helicopter Textron**

**Canada:** Amendment 39-11400. Docket No. 98-SW-51-AD.

**Applicability:** Model 222 helicopters, serial numbers (S/N) 47006 through 47089; Model 222B helicopters, S/N 47131 through 47156, and Model 222U helicopters, S/N 47501 through 47574, certificated in any category.

**Note 1:** This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been 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 (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 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 torque of the vertical fin attachment bolts (bolts), which could lead to fracture of the bolts, separation of the vertical fin from the helicopter, and subsequent loss of control of the helicopter accomplish the following:

(a) Within 25 hours time-in-service (TIS), verify the torque on the bolts in accordance with Part I of the Accomplishment Instructions in Bell Helicopter Textron Alert Service Bulletin (ASB) No. 222-98-82, Revision A (applicable to Model 222 and Model 222B helicopters), or ASB No. 222U-98-53, Revision A (applicable to Model 222U helicopters), both dated June 9, 1998.

(b) On or before the next 150 hour TIS inspection, inspect the vertical fin fitting and tailboom fitting for cracks, elongated bolt holes, distortion and corrosion in accordance with Part II of the Accomplishment Instructions in ASB No. 222-98-82, Revision A (applicable to Model 222 and Model 222B helicopters), or ASB No. 222U-98-53, Revision A, (applicable to Model 222U helicopters), both dated June 9, 1998. If bolt holes are elongated, modify the vertical fin fitting and tailboom fitting in accordance with the Accomplishment Instructions in Bell Helicopter Textron Technical Bulletin (TB) No. 222-98-156 (applicable to Model 222 and 222B helicopters), or TB No. 222U-98-84 (applicable to Model 222U helicopters), both dated June 17, 1998.

(c) After the inspection required by paragraph (b) and after at least 5 hours TIS but within 10 hours TIS, re-verify the torque on the bolts in accordance with Part III, Special Inspections, Step 1 of the Accomplishment Instructions in ASB No. 222-98-82, Revision A (applicable to Model 222 and Model 222B helicopters), or ASB No. 222U-98-53, Revision A, (applicable to Model 222U helicopters), both dated June 9, 1998.

(d) Thereafter, at intervals not to exceed 150 hours TIS, verify the torque of the vertical fin attachment bolts in accordance with the 150 flight hour, Part III, Scheduled Inspections of the Accomplishment Instructions in the ASB No. 222-98-82, Revision A (applicable to Model 222 and Model 222B helicopters), or ASB No. 222U-98-53, Revision A, (applicable to Model 222U helicopters), both dated June 9, 1998.

(e) 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 an 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.

(f) 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.

(g) The inspections shall be done in accordance with Bell Helicopter Textron Alert Service Bulletin No. 222-98-82, Revision A (applicable to Model 222 and Model 222B helicopters), or Bell Helicopter Textron Alert Service Bulletin 222U-98-53, Revision A (applicable to Model 222U helicopters), both dated June 9, 1998; and Bell Helicopter Textron Technical Bulletin No. 222-98-156 (applicable to Model 222 and 222B helicopters), or Bell Helicopter Textron Technical Bulletin No. 222U-98-84 (applicable to Model 222U helicopters), both dated June 17, 1998. These incorporations by reference were 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 Bell Helicopter Textron

Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463-3036, fax (514) 433-0272. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on November 19, 1999.

**Note 3:** The subject of this AD is addressed in Transport Canada (Canada) AD CF-98-21, dated August 7, 1998.

Issued in Fort Worth, Texas, on October 26, 1999.

**Eric Bries,**

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

[FR Doc. 99-28653 Filed 11-3-99; 8:45 am]

BILLING CODE 4910-13-P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-SW-50-AD; Amendment 39-11399; AD 99-23-03]

RIN 2120-AA64

#### Airworthiness Directives; Bell Helicopter Textron Canada Model 430 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 Bell Helicopter Textron Canada (BHTC) Model 430 helicopters. This action requires verifying the torque on each vertical fin attachment bolt (bolt); modifying the vertical fin and tailboom and replacing the attachment hardware; and re-verifying the torque on the bolts after inspecting the fittings. This amendment is prompted by a report of a loose vertical fin, which was discovered during a post-flight inspection. The actions specified in this AD are intended to prevent loss of torque of the bolts, which could lead to fracture of the bolts, separation of the vertical fin from the helicopter, and subsequent loss of control of the helicopter.

**DATES:** Effective November 19, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 19, 1999.

Comments for inclusion in the Rules Docket must be received on or before January 3, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-50-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463-3036, fax (514) 433-0272. 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:** Sharon Miles, Aerospace Engineer, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5122, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** Transport Canada, which is the airworthiness authority for Canada, has notified the FAA that an unsafe condition may exist on BHTC Model 430 helicopters. Transport Canada advises that, in one instance, loss of torque on the bolts resulted in fracture of four of the eight bolts and a loose vertical fin on a Model 230 helicopter which is of similar design to the Model 430 series helicopters.

BHTC has issued Bell Helicopter Textron Alert Service Bulletin No. 430-98-5, dated June 12, 1998 (ASB), which specifies a bolt torque check within 25 hours after receipt of the ASB; removal, inspection, and installation of the tailboom and vertical fin modification with attaching hardware replacement at the next scheduled 150-hour inspection after receipt of the ASB; and verifying the bolt torque within 5 to 10 hours after each fin removal and installation, and at every 150 hours of operation. Transport Canada classified this ASB as mandatory and issued AD CF-98-23, dated August 7, 1998, in order to assure the continued airworthiness of these helicopters in Canada.

This helicopter model is manufactured in Canada 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, Transport Canada has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada, 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 BHTC Model 430 helicopters of the same type design registered in the United States, this AD is being issued to prevent loss of torque of the bolts, which could lead to fracture of the bolts, separation of the vertical fin from the helicopter, and subsequent loss of control of the helicopter. This AD requires verifying the bolt torque within 25 hours time-in-service (TIS); modifying the vertical fin and tailboom fittings and replacing the attachment hardware at or before the next 150-hour TIS inspection; and re-verifying the torque on the bolts within 10 hours TIS after inspecting the vertical fin. The actions are required to be accomplished in accordance with the bulletin described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, verifying the torque is required within 25 hours time-in-service (TIS), 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.

#### **Cost Impact**

The FAA estimates that 14 helicopters will be affected by this AD, that it will take approximately 3 work hours to accomplish the initial torque verifications and vertical fin inspection, 12 work hours to modify the vertical fin and install the attachment hardware, 1 work hour to accomplish the repetitive torque verification after the modification, and 1 work hour to accomplish each 150-hour inspection, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$1,692 if the CA430-98-5-2 kit is used or \$2,399 if the CA430-98-05-1 kit is used. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$47,866, assuming only the CA430-98-05-1 kit is installed and one repetitive 150-hour inspection on each helicopter.

#### **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-50-AD." The postcard will be date stamped and returned to the commenter.

#### **Regulatory Impact**

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 99-23-03 Bell Helicopter Textron

**Canada:** Amendment 39-11399. Docket No. 98-SW-50-AD.

**Applicability:** Model 430 helicopters, serial numbers 49001 through 49036, certificated in any category.

**Note 1:** This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been 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 (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 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 torque of the vertical fin attachment bolts (bolts), which could lead to fracture of the bolts, separation of the vertical fin from the helicopter, and subsequent loss of control of the helicopter accomplish the following:

(a) Within 25 hours time-in-service (TIS), verify the torque on the bolts in accordance with Part I of the Accomplishment Instructions in Bell Helicopter Textron Alert Service Bulletin No. 430-98-5, dated June 12, 1998 (ASB).

(b) On or before the next scheduled 150-hour TIS inspection, modify the tailboom and vertical fin and replace the attachment hardware in accordance with Part II of the Accomplishment Instructions in the ASB.

(c) After accomplishing the modification required by paragraph (b) and after at least 5 hours TIS but within 10 hours TIS, verify the torque on the bolts in accordance with Part III of the Accomplishment Instructions in the ASB.

(d) Thereafter, at intervals not to exceed 150 hours TIS, verify the torque of the vertical fin attachment bolts in accordance with the 150 flight hour scheduled inspections, Part III, of the Accomplishment Instructions in the ASB.

(e) 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 an 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.

(f) 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.

(g) The inspections shall be done in accordance with Bell Helicopter Textron Canada Alert Service Bulletin No. 430-98-5, dated June 12, 1998.

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 Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463-3036, fax (514) 433-0272. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on November 19, 1999.

**Note 3:** The subject of this AD is addressed in Transport Canada (Canada) AD CF-98-23, dated August 7, 1998.

Issued in Fort Worth, Texas, on October 26, 1999.

**Eric Bries,**

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

[FR Doc. 99-28652 Filed 11-3-99; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 175

[Docket No. 91F-0431]

#### Indirect Food Additives: Resinous and Polymeric Coatings

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2,2'-[(1-methylethylidene)bis[4,1-phenyleneoxy[1-(butoxymethyl)-2,1-ethanediyl]oxymethylene]]bisoxirane as a component of epoxy coatings intended for use in contact with bulk dry foods. This action is in response to a petition filed by Ciba-Geigy Corp.

**DATES:** This regulation is effective November 4, 1999; written objections and requests for a hearing by December 6, 1999.

**ADDRESS:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Vivian Gilliam, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3094.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In a notice published in the **Federal Register** of December 5, 1991 (56 FR 63737), FDA announced that a food additive petition (FAP 1B4278) had been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532-2188. The petition proposed to amend the food additive regulations in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) to provide for the safe use of 2,2'-[(1-methylethylidene)bis[4,1-phenyleneoxy[1-(butoxymethyl)-2,1-ethanediyl]oxymethylene]]bisoxirane as a component of resinous and polymeric coatings intended for use in contact with dry bulk foods.

In FDA's evaluation of the safety of this additive, the agency reviewed the safety of the additive itself and the chemical impurities that may be present in the additive resulting from its manufacturing process. Although the additive itself has not been shown to cause cancer, it has been found to