already contains that requirement. Finally, another paragraph has been inserted to state that special flight permits will not be issued to operators for the purpose of obtaining and inserting the three pages into the rotorcraft flight manual. Due to the immediate compliance time and the criticality of preventing M/R blade contacts with the fuselage, this rule is being issued immediately to revise the operating limitation of the helicopter to a safer level.

Since an unsafe condition has been identified that is likely to exist or develop on other Robinson Helicopter Company Model R22 helicopters of the same type design, this AD supersedes Priority Letter AD 95-02-03 to require the same revisions to the Limitations section, the Normal Procedures section, and the Emergency Procedures section of the R22 Rotorcraft Flight Manual, revised February 4, 1993, that were required by the existing Priority Letter AD, but deletes the words "areas of forecasted or reported" from the wind turbulence limitation; adds the word "spreads" when referencing wind gusts; adds the phrase "but no lower than 60 knots" to the same section; deletes the reference to the requirement to record compliance that was contained in paragraph (b) of the existing Priority Letter AD; and, adds another paragraph to state that special flight permits will not be issued to accomplish the requirements of this AD.

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.

# **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. 95–SW–11–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, 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

## § 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD), Amendment 39–9166, to read as follows:

# 95-04-14 Robinson Helicopter Company:

Amendment 39–9166. Docket No. 95– SW-11–AD. Supersedes Priority Letter AD 95–02–03, issued January 12, 1995.

*Applicability:* Model R22 helicopters, certificated in any category.

Compliance: Required before further flight, unless accomplished previously.

To prevent main rotor (M/R) stall or mast bumping, which could result in the M/R blades contacting the fuselage causing failure of the M/R system and subsequent loss of control of the helicopter, accomplish the following:

(a) Insert the following information into the Model R22 Rotorcraft Flight Manual, revised February 4, 1993. Compliance with the Limitations section is mandatory. The Normal Procedures and Emergency Procedures sections are informational.

## **Limitations Section**

- (1) Flight when surface winds exceed 25 knots, including gusts, is prohibited.
- (2) Flight when surface wind gust spreads exceed 15 knots is prohibited.
  - (3) Flight in wind shear is prohibited.
- (4) Flight in moderate, severe, or extreme turbulence is prohibited.
- (5) Adjust forward airspeed to between 60 knots and 0.7  $V_{\rm ne}$  but no lower than 60 knots upon inadvertently encountering moderate, severe, or extreme turbulence.

**Note:** Moderate turbulence is turbulence that causes: (1) changes in altitude or attitude; (2) variations in indicated airspeed; and (3) aircraft occupants to feel definite strains against seat belts.

## **Normal Procedures Section**

#### Note

Until the FAA completes its research into the conditions and aircraft characteristics that lead to main rotor blade/fuselage contact accidents, and corrective type design changes and operating limitations are identified, R22 pilots are strongly urged to become familiar with the following information and comply with these recommended procedures.

Main Rotor Stall: Many factors may contribute to main rotor stall and pilots should be familiar with them. Any flight condition that creates excessive angle of attack on the main rotor blades can produce a stall. Low main rotor RPM, aggressive maneuvering, high collective angle (often the result of high-density altitude, over-pitching [exceeding power available] during climb, or high forward airspeed) and slow response to the low main rotor RPM warning horn and