

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-SW-65-AD]

#### Airworthiness Directives; Eurocopter France Model SE 3130, SA 3180, SE 313B, SA 318B, and SA 318C Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to Eurocopter France Model SE 3130, SA 3180, SE 313B, SA 318B, and SA 318C helicopters. The existing AD currently requires visual inspections and modification, if necessary, of the horizontal stabilizer spar tube (spar tube). This action would require the same corrective actions as the existing AD but would also require visually inspecting the four half-shell attachment clamps for cracks and fitting a safety wire around the attachment clamps. This proposal is prompted by an in-service report of fatigue cracks that initiated from corrosion pits. The actions specified by the proposed AD are intended to prevent fatigue failure of the spar tube, separation of the horizontal stabilizer and impact with the main or tail rotor, and subsequent loss of control of the helicopter.

**DATES:** Comments must be received on or before January 18, 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-65-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Richard Monschke, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5116, fax (817) 222-5961.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-SW-65-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-65-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

#### Discussion

On June 2, 1998, the FAA issued AD 98-12-20, Amendment 39-10574 (63 FR 31350, June 9, 1998), to require initial and repetitive visual inspections and modification, if necessary, of the spar tube. That action was prompted by an in-service report of fatigue cracks that initiated from corrosion pits. The requirements of that AD are intended to prevent fatigue failure of the spar tube, separation and impact of the horizontal stabilizer with the main or tail rotor, and subsequent loss of control of the helicopter.

Since the issuance of that AD, Eurocopter France has issued Eurocopter France SA3130/3180 Service Bulletin No. 55.10, Revision 3, dated May 4, 1998, which specifies a visual inspection of the spar tube, inspection and modification of the stabilizer supports, modification of the stabilizer, visually inspecting the four attachment clamps for cracking, and fitting a lockwire around the four attachment clamps.

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 SE 3130, SA 3180, SE 313B, SA 318B, and SA 318C helicopters. The DGAC advises that improving the horizontal stabilizer fatigue strength is necessary in these model helicopters and has issued AD 96-278-054(A)R2, dated July 29, 1998.

These helicopter models are manufactured in France and are 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, 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 Model SE 3130, SA 3180, SE 313B, SA 318B, and SA 318C helicopters of the same type design, this proposed AD would supersede AD 98-12-20 to require the same actions required by that AD but would also require visually inspecting the four half-shell attachment clamps for cracks, replacing any cracked attachment clamp, and fitting a safety wire around the attachment clamps.

#### Cost Impact

The FAA estimates that 14 helicopters of U.S. registry would be affected by this proposed AD. It would take approximately 0.5 work hour per helicopter to accomplish the inspection, 3 work hours per helicopter to accomplish the modification, and 1 work hour to accomplish the attachment clamp inspection and to install the safety wire. The average labor rate is \$60 per work hour. Required parts would cost approximately \$1,100 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$19,180.

#### Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed 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) if promulgated, 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 removing Amendment 39-10574 (63 FR 31350, June 9, 1998), and by adding a new airworthiness directive (AD), to read as follows:

**Eurocopter France:** Docket No. 98-SW-65-AD. Supersedes AD 98-12-20, Amendment 39-10574, Docket No. 98-SW-03-AD.

**Applicability:** Model SE 3130, SA 3180, SE 313B, SA 318B, and SA 318C helicopters with horizontal stabilizer, part number (P/N) 3130-35-60-000, 3130-35-60-000-1, 3130-35-60-000-2, 3130-35-60-000-3, 3130-35-60-000-4 or higher dash numbers, installed, 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 use the authority provided in paragraph (g) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent fatigue failure of the horizontal stabilizer spar tube (spar tube), separation of the horizontal stabilizer and impact with the main or tail rotor, and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight:

(1) Inspect the aircraft records and the horizontal stabilizer to determine whether Modification 072214 (installing the spar tube without play) or Modification 072215 (adding two half-shells on the spar) has been accomplished.

(2) If Modification 072214 has not been installed, comply with paragraphs 2.A., 2.B.1), 2.B.2)a), and 2.B.2)b) of the Accomplishment Instructions of Eurocopter

France SA3130/3180 Service Bulletin No. 55.10, Revision 3, dated May 4, 1998 (SB). If the fit and dimensions of the components specified in paragraph 2.B.2)a) exceed the tolerances in the applicable structural repair manual, replace with airworthy parts.

(3) If Modification 072215 has not been installed, first comply with paragraphs 2.A., 2.B.1), and 2.B.3), and then comply with paragraph 2.B.2)c) of the Accomplishment Instructions of the SB.

**Note 2:** Modification kit P/N 315A-07-0221571 contains the necessary materials to accomplish this modification.

(b) Before the first flight of each day:

(1) Visually inspect the installation of the half-shells, the horizontal stabilizer supports, and the horizontal stabilizer for corrosion or cracks. Repair any corroded parts in accordance with the applicable maintenance manual. Replace any cracked components with airworthy parts before further flight.

(2) Confirm that there is no play in the horizontal stabilizer supports by lightly shaking the horizontal stabilizer. If play is detected, comply with paragraphs 2.A. and 2.B.2)a) of the SB. If the fit and dimensions of the components specified in paragraph 2.B.2)a) exceed the tolerances in the applicable structural repair manual, replace with airworthy parts before further flight.

(c) At intervals not to exceed 400 hours time-in-service (TIS) or four calendar months, whichever occurs first, inspect and lubricate the spar tube attachment bolts.

(d) For stabilizers, P/N 3130-35-60-000, 3130-35-60-000-1, 3130-35-60-000-2, or 3130-35-60-000-3, within 90 days and thereafter at intervals not to exceed 18 calendar months, visually inspect the inside of the horizontal spar tube in accordance with paragraph 2.A. and 2.B.1) of the SB.

(1) If corrosion is found inside the tube, other than in the half-shell area, replace the tube with an airworthy tube within the next 500 hours TIS or 24 calendar months, whichever occurs first.

(2) If corrosion is found inside the tube in the half-shell area, apply a protective treatment as described in paragraph 2.B.1)b) of the SB.

(e) For stabilizers, P/N 3130-35-60-000-4 or higher dash numbers, accomplish the following:

(1) At or before the next major inspection, 3,200 hours total TIS, or 144 calendar months total TIS, whichever occurs first, and thereafter at each major inspection, visually inspect the inside of the horizontal spar tube in accordance with paragraph 2.A. and 2.B.1) of the SB.

(2) If corrosion is found inside the tube, other than in the half-shell area, replace the tube with an airworthy tube within the next 500 hours TIS or 18 calendar months, whichever occurs first. If corrosion is found inside the tube in the half-shell area, apply a protective treatment as described in paragraph 2.B.1)b) of the SB.

(f) Within 30 calendar days, visually inspect the four attachment clamps of the half-shells and install a safety wire around the four attachment clamps in accordance with paragraph 2.B.2)d) of the SB. If any attachment clamp is found cracked, replace it with an airworthy attachment clamp and

install a safety wire around the replacement attachment clamp before further flight.

(g) 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, Regulations Group, 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, Regulations Group.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(h) 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.

**Note 4:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 96-278-054(A)R2, dated July 29, 1998.

Issued in Fort Worth, Texas, on November 10, 1999.

**Henry A. Armstrong,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 99-30147 Filed 11-17-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-146-AD]

RIN 2120-AA64

#### Airworthiness Directives; British Aerospace Jetstream Model 4101 Airplanes

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain British Aerospace Jetstream Model 4101 airplanes. That action would have required revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data that indicates that the specified AFM revision is not necessary. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Norman Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601

Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain British Aerospace Jetstream Model 4101 airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on July 16, 1999 (64 FR 38335). The proposed rule would have required revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. That action was prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The action specified by the proposed AD was intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. Such ice accumulation, if not corrected, could result in reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

#### Actions that Occurred Since the NPRM Was Issued

Since the issuance of that NPRM, the manufacturer of British Aerospace Jetstream Model 4101 airplanes has requested that the NPRM be withdrawn. The manufacturer advises that, based on the service history and data provided to the FAA, the proposed AFM revision for those models is unnecessary.

The FAA concurs that the notice of proposed rulemaking for British Aerospace Jetstream Model 4101 airplanes should be withdrawn based on the following information. British Aerospace submitted a summary of the handling and performance flight test results that were produced during the original flight in icing certification, and referenced the data summary in response to the proposed rulemaking. The FAA requested and subsequently received copies of the full handling and performance flight test results for certification in the icing conditions specified in Appendix C of part 25 of the Federal Aviation Regulations (14 CFR 25), and the draft issue of AMJ25.1419, which was used as guidance for compliance with JAR/FAR 25.1419. The FAA reviewed these reports and guidance material and finds that the Jetstream 4101 airplane was adequately tested with a variety of natural ice accretions on both the protected and unprotected surfaces.

Handling and performance flight test was accomplished for the following: Normal Operation of the Deicing Boots, 1/2-to 3/4-inch of ice on the protected wing leading edges and up to 3 inches of ice on unprotected leading edges; Simulated Failure of the Deicing Boots, approximately 1-to 1 1/2-inches of ice on all leading edges; and Ice Accreted During the Take-off Phase, a thin rough layer of ice accreted during the initial take-off phase to 400 feet, prior to operation of deicing boots.

These ice accretion depths are consistent with the operational procedure of the airframe deicing system, and were established to address the following: Ice accreted during the rest time of a deicing cycle, delayed operation or failure of the system, and residual ice accumulations. The flight testing examined stall speeds, stall warning margins, stall characteristics, maneuver margins, longitudinal controllability, flap configuration changes, ability to trim, susceptibility to tailplane stall, and longitudinal, lateral, and directional stability. The angles of attack for activation of the stall warning system and stall identification system (i.e., stick shaker or stick pusher) are reset to lower values (i.e., higher speeds) for flight in icing and safe flight speeds (minimum operating speeds) established accordingly. Affected AFM performance information was derived for icing conditions based on the higher operating speeds, in accordance with JAA draft AMJ25.1419.

#### FAA's Conclusions

Upon further consideration, the FAA has determined that, in light of the above information, it is unnecessary to require the AFM revision as proposed. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

#### Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.