

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

To detect corrosion of the bearings and prevent bearing failure, breakup of the tail rotor assembly, tail rotor contact with the tailboom, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 20 hours time-in-service (TIS) and thereafter at intervals not to exceed 300 hours TIS or 12 months, whichever occurs first, inspect the pitch control assembly for roughness or binding of the pitch control bearings by hand-rotating the pitch control bearing housing (housing) in accordance with Robinson Helicopter Company Service Bulletin SB-90A, Revision A, dated June 10, 2002. If the housing does not rotate freely, before further flight, replace the unairworthy pitch control assembly with an airworthy unit.

(b) 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, Los Angeles Aircraft Certification Office (LAACO), FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, LAACO.

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

(c) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on August 28, 2002.

**Eric D. Bries,**

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

[FR Doc. 02-22897 Filed 9-9-02; 8:45 am]

**BILLING CODE** 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-SW-45-AD]

RIN 2120-AA64

#### Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes adopting a new airworthiness directive (AD) for Robinson Helicopter Company (RHC) Model R44 helicopters. The AD would require inspecting the pitch control assembly for roughness or

binding of the pitch control bearings (bearings) by hand-rotating the pitch control bearing housing (housing). If the housing does not rotate freely, the proposed AD would require replacing the unairworthy pitch control assembly with an airworthy unit. This proposal is prompted by reports of failure of the tail rotor assembly due to improperly lubricated bearings on the RHC Model R22 and R44 helicopters. The actions specified by the proposed AD are intended to detect corrosion of the bearings and prevent bearing failure, breakup of the tail rotor assembly, tail rotor contact with the tailboom, and subsequent loss of control of the helicopter.

**DATES:** Comments must be received on or before November 12, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001-SW-45-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: [9-asw-adcomments@faa.gov](mailto:9-asw-adcomments@faa.gov). Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Fred Guerin, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627-5232, fax (562) 627-5210.

#### 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 will be considered before taking action on the proposed rule. The proposals contained in this document 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 mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2001-SW-45-AD." The postcard will be date stamped and returned to the commenter.

#### Discussion

This document proposes adopting an AD for RHC Model R44 helicopters. The AD would require inspecting the pitch control assembly for roughness or binding of the bearings by hand-rotating the housing. If the housing does not rotate freely, this AD would require replacing each unairworthy pitch control assembly with an airworthy unit. This proposal is prompted by reports of failure of the tail rotor assembly due to improperly lubricated bearings. This condition, if not corrected, could result in bearing failure, breakup of the tail rotor assembly, tail rotor contact with the tailboom, and subsequent loss of control of the helicopter.

The FAA has reviewed RHC Service Bulletin SB-43A, Revision A, dated June 10, 2002, which describes procedures for inspecting the pitch control assembly for roughness or binding of the bearings by hand-rotating the housing. If the housing does not rotate freely, this service bulletin specifies replacing each unairworthy pitch control assembly, part number (P/N) C031-1, with an airworthy unit in accordance with the maintenance manual.

This unsafe condition is likely to exist or develop on other RHC Model R44 helicopters of the same type design. Therefore, the proposed AD would require, within a certain time and at specified intervals, inspecting the pitch control assembly for roughness or binding of the bearings by hand rotating the housing. If the housing does not rotate freely, this AD would require, before further flight, replacing any unairworthy pitch control assembly with an airworthy unit. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that this proposed AD would affect 440 helicopters of U.S. registry. The FAA estimates that it would take approximately 2.3 work hours per helicopter to inspect and replace a pitch control assembly at an average labor rate of \$60 per work hour. Required parts would cost

approximately \$1145 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$564,520, assuming the pitch control assembly is replaced in the entire fleet.

The regulations proposed herein would not have a substantial direct effect 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, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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 adding a new airworthiness directive to read as follows:

**Robinson Helicopter Company:** Docket No. 2001-SW-45-AD.

**Applicability:** Model R44 helicopters, up to and including serial number 1208, except serial numbers 1143, 1165, 1183, 1189, 1192, 1196, 1197, 1198, 1200, 1203, and 1204, with pitch control assembly, part number (P/N) C031-1, Revision G or prior, 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

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 (b) 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 corrosion of the bearings and prevent bearing failure, breakup of the tail rotor assembly, tail rotor contact with the tailboom, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 20 hours time-in-service (TIS) and thereafter at intervals not to exceed 300 hours TIS or 12 months, whichever occurs first, inspect the pitch control assembly for roughness or binding of the pitch control bearings by hand rotating the pitch control bearing housing (housing) in accordance with Robinson Helicopter Company Service Bulletin SB-43A, Revision A, dated June 10, 2002. If the housing does not rotate freely, before further flight, replace the unworthy pitch control assembly with an airworthy unit.

(b) 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, Los Angeles Aircraft Certification Office (LAACO), FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, LAACO.

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

(c) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on August 28, 2002.

**Eric Bries,**

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

[FR Doc. 02-22898 Filed 9-9-02; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 135

[Docket No. 28937; Notice No. 97-10]

RIN 2120-AG42

#### Revised Standards for Cargo or Baggage Compartments in Transport Category Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); withdrawal and disposition of comments.

**SUMMARY:** The FAA is withdrawing a portion of Notice of Proposed Rulemaking No. 97-10 which proposed to upgrade fire safety standards for cargo or baggage compartments in certain transport category aircraft and remove Class D compartments as an alternative for future type certification. The FAA published a final rule that adopted the NPRM's proposed amendments to parts 25 and 121, but requested further comments on the issues relating to part 135. We are withdrawing the part 135 proposal based on the existing safety record and the cost/benefit analysis revised in the light of comments received.

**FOR FURTHER INFORMATION CONTACT:** Gary Davis, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone 202-497-4857.

#### SUPPLEMENTARY INFORMATION:

##### Background

Between 1946 and 1958, the FAA created five categories of baggage or cargo compartments, assigned letters A through E. In recent years there have been a number of fires in the baggage or cargo compartments of transport category airplanes, especially in Class D compartments. Both Class C and Class D compartments are airtight compartments with protective liners. Unlike Class C compartments, Class D compartments do not have fire detection or suppression capabilities. On some occasions, fires in these compartments have caused accidents and loss of life. In May 1996, a fire that originated in a Class D compartment of a McDonnell Douglas DC-9 operated by ValuJet Airlines caused the aircraft to crash. As a result, 110 passengers and crewmembers lost their lives.

Class D compartments have a higher risk of an unknown fire developing and burning out of control because they