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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-0055; Directorate Identifier 2007-SW-12-AD; Amendment 39-15237; AD 2007-22-01]

RIN 2120-AA64

#### Airworthiness Directives; Bell Helicopter Textron Canada Model 206A and 206B Series Helicopters

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

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

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Bell Helicopter Textron Canada (Bell) Model 206A and 206B series helicopters. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority to identify and correct an unsafe condition on an aviation product. The aviation authority of Canada, with which we have a bilateral agreement, states in the MCAI:

Transportation Safety Board of Canada (TSB) investigation into an accident involving Model 206B has revealed that the Spindle repaired by Cadorath Aerospace Inc., failed during flight resulting in loss of control of the helicopter. A similar repair was performed by H-S Tools & Parts Inc.

This AD requires actions that are intended to address this unsafe condition related to certain repaired transmission pylon support spindles.

**DATES:** This AD becomes effective November 6, 2007.

We must receive comments on this AD by December 21, 2007.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, Fort Worth, Texas 76193-0111, telephone (817) 222-5122, fax (817) 222-5961.

#### SUPPLEMENTARY INFORMATION:

##### Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. This streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

This AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

## Discussion

Transport Canada, which is the aviation authority for Canada, has issued Airworthiness Directive No. CF-2007-02R1, dated August 23, 2007 (referred to after this as the MCAI), to correct an unsafe condition for the specified products. The MCAI states:

Transportation Safety Board of Canada (TSB) investigation into an accident involving Model 206B has revealed that the Spindle repaired by Cadorath Aerospace Inc., failed during flight resulting in loss of control of the helicopter. A similar repair was performed by H-S Tools & Parts Inc.

All serial-numbered spindles that were repaired by Cadorath Aerospace, Inc., and H-S Tools & Parts, Inc., have reduced strength which could result in failure of the spindle and create an unsafe condition.

You may obtain further information by examining the MCAI in the AD docket.

#### FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of Canada, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, we have been notified of the unsafe condition described in the MCAI and any service information. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between the AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in the "FAA AD Differences" section in the AD.

### FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because investigation of a Bell Model 206B fatal accident in Canada revealed that the pylon support spindle repaired by Cadorath Aerospace, Inc. failed during flight resulting in loss of control of the helicopter. We have determined that all spindles repaired by the same company and H-S Tools & Parts, Inc., which performed a similar repair, must be replaced within a very short time interval. Therefore, we have determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2007-0055; Directorate Identifier 2007-SW-12-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

### Costs of Compliance

We estimate that this AD will affect 87 helicopters of U.S. registry. We also estimate that it will take about 8 work-hours per helicopter to comply with this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$2111 per helicopter. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$239,337 or \$2751 per helicopter.

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII:

Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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.

For the reasons discussed above, I certify this AD:

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. 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.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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. The FAA amends § 39.13 by adding the following new AD: 2007-22-01: Amendment 39-15237. Docket No. FAA-2007-0055; Directorate Identifier 2007-SW-12-AD.

### Effective Date

(a) This airworthiness directive (AD) becomes effective November 6, 2007.

### Other Affected ADs

(b) None.

### Applicability

(c) This AD applies to Bell Helicopter Textron Canada (BHTC) Model 206A and 206B series helicopters, certificated in any category, that have the following serial numbered transmission pylon support spindle (spindle), part number (P/N) 206-031-554, installed:

Spindles repaired by Cadorath Aerospace Inc., B12-11568, B12-12244, B12-12260, B12-12647, B12-12676, B12-12847, B12-13292, B12-14395, B12-15750, B12-17149, B12-17266, B12-1828, B12-18649, B12-19330, B12-19381, B12-20668, B12-2224, B12-2286, B12-3595, B12-3774, B12-3808, B12-5171, B12-757, B12-8053, B12-8605, B12-932, B-21223, B-21297, B22005, B22515, B-22558, CAI3852, CAI3853, EA287, EA318, EA322, EA393, EA751, EA-761, MW546, RE1044, RE113, or RE743.

Spindles repaired by H-S Tools & Parts Inc., B12-11127, B12-12883, B12-13158, B12-13535, B12-13545, B12-13593, B12-13657, B12-13716, B12-14061, B12-14078, B12-15131, B12-15908, B12-16078, B12-16267, B12-16825, B12-16867, B12-17149, B12-17266, B12-18157, B12-18163, B12-18456, B12-19450, B12-21573, B12-3106, B12-605, B12-7627, B-22385, EA-391, MW445, MW506, MW546, RE278, RE329, or RE582.

### Reason

(d) The mandatory continued airworthiness information (MCAI) states:

Transportation Safety Board of Canada (TSB) investigation into an accident involving Model 206B has revealed that the Spindle repaired by Cadorath Aerospace Inc., failed during flight resulting in loss of control of the helicopter. A similar repair was performed by H-S Tools & Parts Inc.

All serial-numbered spindles that were repaired by Cadorath Aerospace, Inc., and by H-S Tools & Parts, Inc., have reduced strength which could result in failure of the spindle and create an unsafe condition.

### Actions and Compliance

(e) Within the next 16 hours time-in-service, unless already done, replace the spindle with an airworthy spindle that does not contain a serial number listed in the applicability of this AD.

### Differences Between FAA AD and the MCAI

(f) None.

### Subject

(g) Air Transport Association of America (ATA) Code 6320: Main Rotor Gearbox.

### Other Information

(h) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, Safety Management Group, Rotorcraft Directorate, FAA, has the authority to approve AMOCs for this AD, if

requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Sharon Miles, Aviation Safety Engineer, Fort Worth, Texas 76193-0111, telephone (817) 222-5122, fax (817) 222-5961.

(2) Airworthy Product: Use only FAA-approved corrective actions. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent) if that State of Design has an appropriate bilateral agreement with the United States. You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(i) Mandatory Continuing Airworthiness Information (MCAI) Transport Canada Airworthiness Directive CF-2007-02R1, dated August 23, 2007, contains related information.

Issued in Fort Worth, Texas, on October 11, 2007.

**David A. Downey,**

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E7-20681 Filed 10-19-07; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

[KY-251-FOR]

#### Kentucky Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** We are announcing the approval of an amendment to the Kentucky Abandoned Mine Land Reclamation (AMLR) Plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The amendment makes several revisions to Kentucky's AMLR Plan and is intended to update and improve the effectiveness of the AMLR Plan. Kentucky submitted the amendment in response to the passage of the Tax Relief and Health Care Act of 2006 (SMCRA amendments of 2006).

**EFFECTIVE DATE:** October 22, 2007.

**FOR FURTHER INFORMATION CONTACT:** Joe Blackburn, Acting Field Office Director,

Telephone: (859) 260-8400. Telefax number: (859) 260-8410.

- I. Background on the Kentucky Abandoned Mine Land Reclamation Plan
- II. Submission of the Amendment
- III. OSM's Findings
- IV. Summary and Disposition of Comments
- V. OSM's Decision
- VI. Procedural Determinations

#### I. Background on the Kentucky Abandoned Mine Land Reclamation Plan

The Kentucky Abandoned Mine Land (AML) Reclamation Plan was established by Title IV of SMCRA (30 U.S.C. 1201 *et seq.*) in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal mined to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Indian Tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit to the Secretary of the Interior (Secretary) for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mines. On the basis of these criteria, the Secretary approved the Kentucky AMLR Plan on May 18, 1982. You can find background information on the Plan, including the Secretary's findings, the disposition of comments, and the approval of the Plan in the May 18, 1982, **Federal Register** (47 FR 21435). You can find later actions concerning the Kentucky AMLR Plan and amendments to the Plan at 30 CFR 917.20 and 917.21.

#### II. Submission of the Amendment

By letter dated April 23, 2007, Kentucky sent us a proposed amendment to its AMLR Plan under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative ([KY-251-FOR], Administrative Record No. K-74). With the passage of the Tax Relief and Health Care Act of 2006, Pub. L. 109-432 which included amendments to SMCRA, the Kentucky General Assembly enacted corresponding amendments to the Kentucky Revised Statutes at Chapter 350. It is these statutory changes that Kentucky has submitted as an amendment to its AMLR Plan.

Typically, States do not request that OSM accept changes to AML statutes or regulations as amendments to AMLR Plan, which is a narrative document that usually is not in the form of a statute or regulation. However, there is no provision in SMCRA or the Federal

regulations governing submission and approval of AMLR Plans and amendments thereto that prohibits a State from including statutes or regulations within its AMLR Plan. Therefore, when we approve a change to a statutory provision in this rulemaking, we mean that we are approving that provision as an amendment to the AMLR Plan. However, for the sake of clarity and ease of reference, we recommend that Kentucky submit changes to its actual AMLR Plan narrative document that are consistent with these statutory amendments. The full text of the amendment is available for you to read at the location listed above under **ADDRESSES**. A summary of the proposed changes follows.

Kentucky enacted Senate Bill 187 on February 21, 2007, to create a new section of the Kentucky Revised Statutes (KRS) Chapter 350 to allow the Environmental and Public Protection Cabinet (Cabinet) to do the following: expend for reclamation projects which are of a lower priority, if done in conjunction with a project assigned a higher priority; amend KRS 350.550 to delete use of AML funds for studies conducted by State agencies; amend KRS 350.555 to allow for expenditure on a reclamation project located adjacent to one already assigned a priority by the cabinet; delete research and development, work on public facilities, and development of publicly owned lands as a priority; amend KRS 350.560 to delete restriction on the use of funds allocated to the Commonwealth by the Secretary of the Interior; amend KRS 350.575 to prohibit a lien filed against a property owner who did not consent to mining operations requiring reclamation; and to amend KRS 350.597 to retain up to 30% of the funds allocated to Kentucky in a special trust fund.

#### III. OSM's Findings

Following are the findings we made concerning the amendment. OSM's standard for comparison of State AMLR amendments with SMCRA and the Federal regulations is found in Directive STP-1, Appendix 11. This policy provides that "in accordance with 30 CFR 884.14(a), the proposed plan must meet all applicable requirements of the Federal statute and rules. That is, a State's statutes, rules, policy statements, procedures, and similar materials must compare, altogether, with applicable requirements of the Federal statute and rules, to ensure that the State's plan, as a whole, meets all Federal requirements." In addition, any amendments to AMLR plans must be approved in accordance with the