

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.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 98-13-39 Eurocopter France:

Amendment 39-10630. Docket No. 97-SW-39-AD.

Applicability: AS 332C, L, and L1 helicopters, with tail rotor shaft flapping hinge retainer, part number 330A33.3165.00, 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 (c) 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 detect cracks on a tail rotor shaft flapping hinge retainer (retainer) that could lead to high tail rotor vibrations, loss of tail rotor control, and subsequent loss of control of the helicopter, accomplish the following:

(a) Prior to further flight, and thereafter before the first flight of each day, perform a dye penetrant inspection of each retainer for cracks.

(b) If a crack is found on any retainer, replace it with an airworthy retainer.

Note 2: Eurocopter Service Bulletin No. 05.00.41, dated January 29, 1996, pertains to the subject of this AD.

(c) 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(d) 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.

(e) This amendment becomes effective on July 31, 1998.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 96-074-057(B), dated March 27, 1996.

Issued in Fort Worth, Texas, on June 18, 1998.

Eric Bries,

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

[FR Doc. 98-17041 Filed 6-25-98; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-SW-11-AD; Amendment 39-10633; AD 98-06-04]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 and Model SA330F, G, and J Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 98-06-04 which was sent previously to all known U.S. owners and operators of Eurocopter France Model AS332C, L, and L1 and Model SA330F, G, and J helicopters by individual letters. This AD requires performing a procedure to determine the angular play of the tail rotor gearbox, and repeating the procedure at certain intervals. This amendment is prompted by an accident involving a Model SA330 helicopter which resulted from the loss of the tail rotor drive. An investigation determined that the loss of the tail rotor drive was caused by excessive play between the tail rotor gearbox bevel gear and the bevel wheel. This condition, if not corrected, could result in failure of the tail rotor gearbox, loss of tail rotor drive, and subsequent loss of control of the helicopter.

DATES: Effective July 13, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 98-06-04, issued on March 4, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before August 25, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-11-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Horn, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5125, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: On March 4, 1998, the FAA issued priority letter AD 98-06-04, applicable to Eurocopter France Model AS332C, L, and L1 and Model SA330F, G, and J helicopters, which requires performing a procedure to determine the play of the tail rotor gearbox within 25 hours time-in-service (TIS), and repeating the procedure at intervals of 100 hours TIS or 520 hours TIS depending on the amount of play that is detected. That action was prompted by an accident involving a Model SA330 helicopter that occurred on October 21, 1997, which resulted from the loss of the tail rotor drive. An investigation determined that the loss of tail rotor drive was caused by excessive play between the tail rotor gearbox bevel gear and the bevel wheel. This condition, if not corrected, could result in failure of the tail rotor gearbox, loss

of tail rotor drive and subsequent loss of control of the helicopter.

Since the unsafe condition described is likely to exist or develop on other Eurocopter France Model AS332C, L, and L1 and Model SA330F, G, and J helicopters of the same type design, the FAA issued priority letter AD 98-06-04 to prevent failure of the tail rotor gearbox, loss of tail rotor drive and subsequent loss of control of the helicopter. The AD requires, within 25 hours TIS after the effective date of this AD, and thereafter at specified intervals, performing a procedure to determine the angular play of the tail rotor gearbox and replacing the tail rotor gearbox with an airworthy gearbox if the specified angular play limit is exceeded. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore, inspections of the tail rotor gearbox for excessive play is required within 25 hours TIS or upon or before attaining 520 hours TIS and this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on March 4, 1998 to all known U.S. owners and operators of Eurocopter France Model AS332C, L, and L1 and Model SA330F, G, and J helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons. However, the FAA has made several nonsubstantive editorial changes since the issuance of Priority Letter AD 98-06-04; the word "excess" was changed to "excessive," the incorrect placement of the number "12" in Figure 1 has been corrected, and a new paragraph was added to clarify that brackets and mounts installed during the required inspection are to be removed between inspections. The FAA has determined that these changes will neither increase the economic burden on an operator nor increase the scope of the AD.

The FAA estimates that 4 helicopters of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per helicopter to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$100 per helicopter to create the necessary tools and \$45,000 to replace the gearbox, if necessary. Based on these

figures, the total cost impact of the AD on U.S. operators is estimated to be \$45,280 per 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-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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

98-06-04 Eurocopter France: Amendment 39-10633. Docket No. 98-SW-11-AD.

Applicability: Model AS332C, L, and L1 and Model SA330F, G, and J helicopters, 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 (e) 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 within the next 25 hours time-in-service (TIS) for tail rotor gearboxes (TGB) with 495 or more hours TIS since manufacture or overhaul; or, for TGB with less than 495 hours TIS since manufacture or overhaul, required upon or before attaining 520 hours TIS, unless accomplished previously.

To detect excessive play between the splines of the TGB bevel gear and the bevel wheel and to prevent failure of the TGB, which could result in loss of tail rotor drive and subsequent loss of control of the helicopter, accomplish the following:

(a) For TGB that are not equipped with a tail rotor blade deicing system as shown in Figure 1, fabricate a steel angle bracket (angle bracket) (No. 1 of Figure 1) and an aluminum mount (No. 2 of Figure 1).

(1) Place a tail rotor blade in the horizontal position with the blade's tip facing forward.

(2) Immobilize the TGB input flange by placing a wooden block between the TGB input flange and the deck.

(3) Secure the angle bracket on the TGB output casing with a nut (No. 3 of Figure 1) and a washer (No. 5 of Figure 1).

(4) Secure the mount on the rotor shaft.

(5) Secure the dial indicator gage (No. 4 of Figure 1) on the angle bracket.

(6) Install the feeler of the dial indicator on the mount at the index mark which is 120 mm from the rotor shaft center line.

(7) Using a dynamometer, apply a 1 daN (2.25 lbs.) load in both directions (indicated by letter "F" in Figure 1), 30 mm from the blade tip, to measure the total play.

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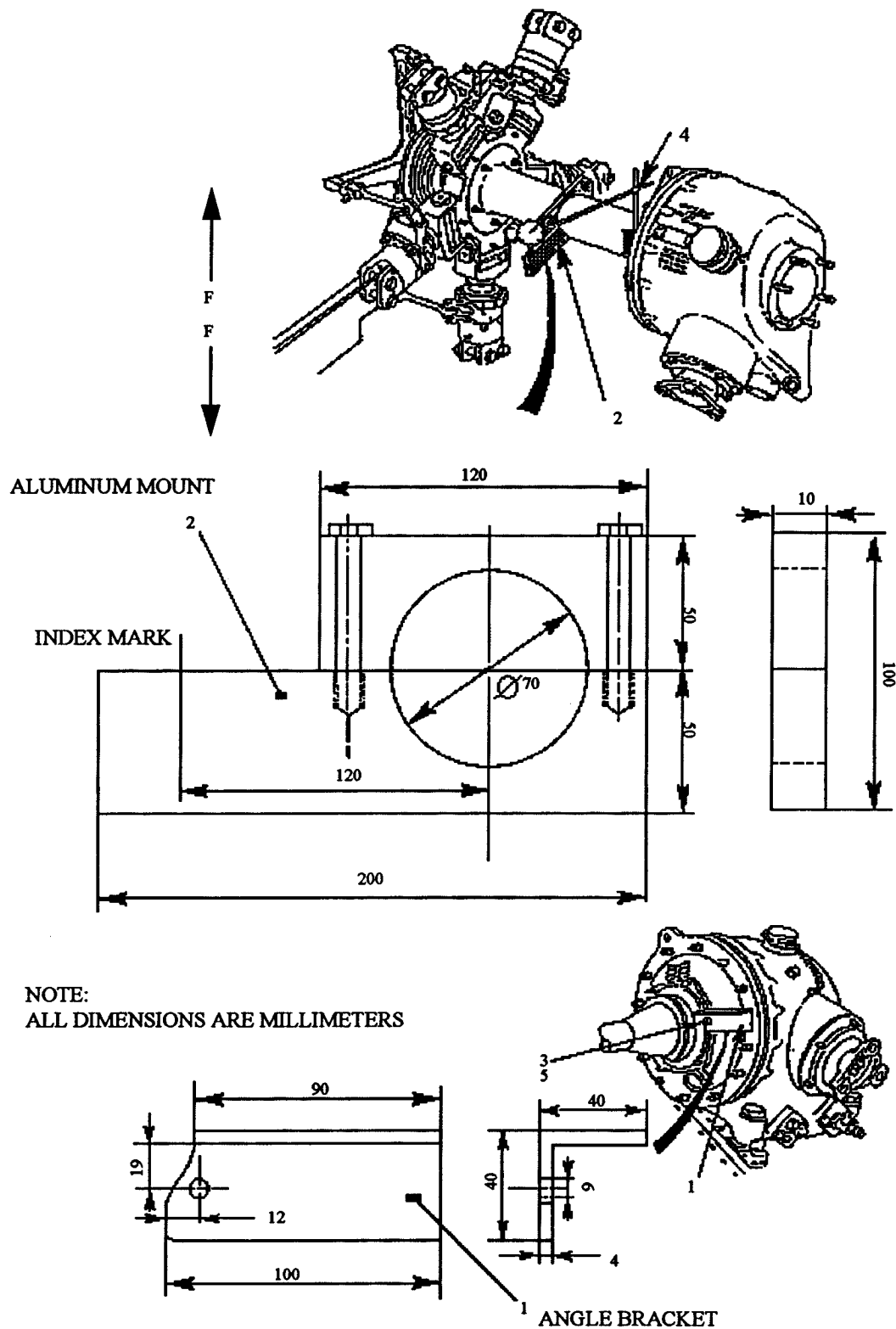


FIGURE 1

(b) For TGB that are equipped with a tail rotor blade deicing system as shown in Figure 2, fabricate a steel angle bracket (angle bracket) (No. 6 of Figure 2) from a 90° formed steel sheet.

(1) Place a tail rotor blade in the horizontal position with the blade's tip facing forward.

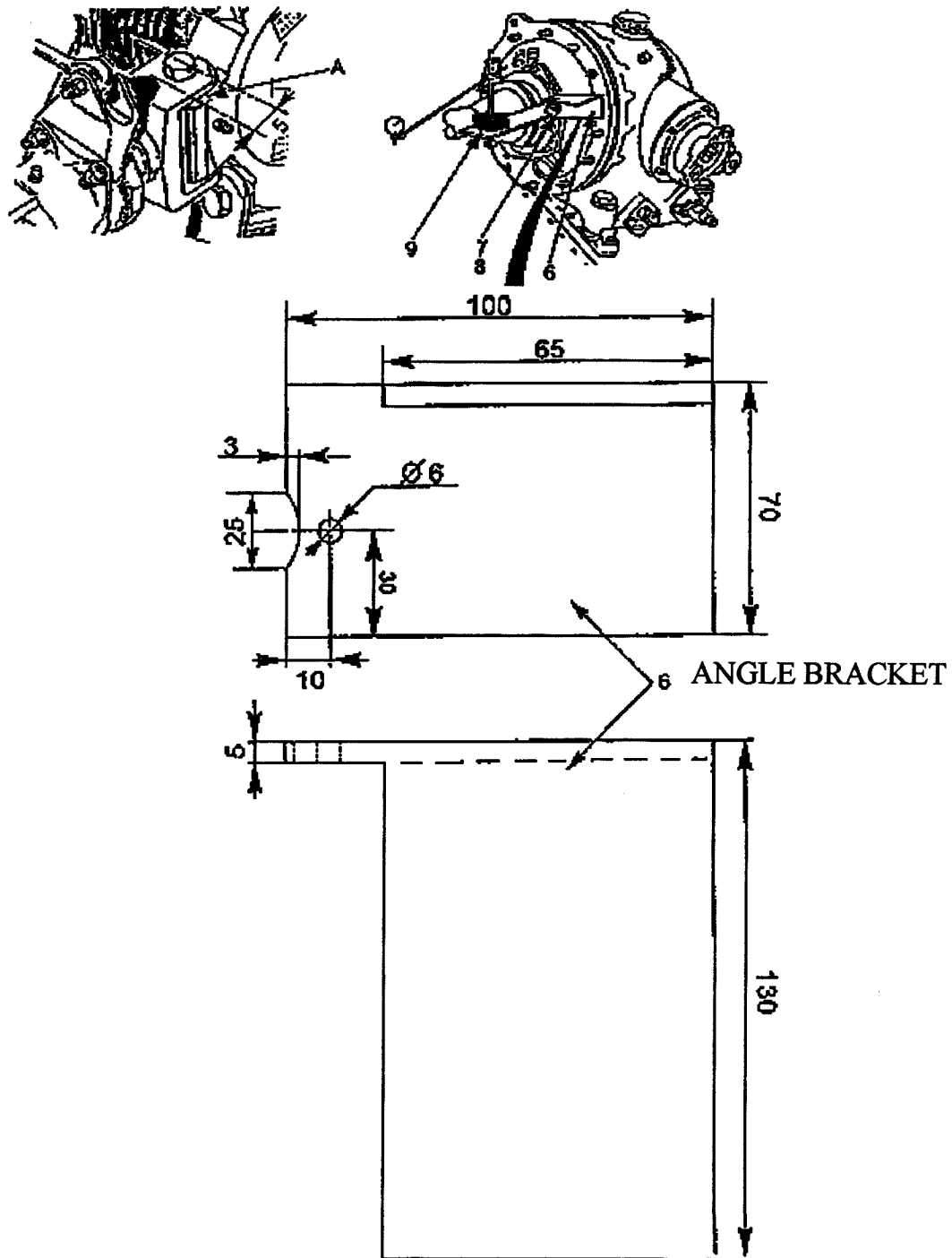
(2) Immobilize the TGB input flange by placing a wooden block between the TGB input flange and the deck.

(3) Secure the angle bracket on the TGB output casing with a nut (No. 7 of Figure 2) and a washer (No. 8 of Figure 2).

(4) Secure the dial indicator gage (No. 9 of Figure 2) on the angle bracket.

(5) Install the feeler of the dial indicator on the tail rotor hub, 5 mm from the spindle attachment bolt (Item A of Figure 2).

(6) Using a dynamometer, apply a 1 daN (2.25 lbs.) load in both directions (indicated by letter "F" in Figure 1), 30 mm from the blade tip, to measure the total play.



NOTE:
ALL DIMENSIONS ARE MILLIMETERS

FIGURE 2

(c) Record the play measurement on the equipment log card or equivalent record.

(1) If the play is 0.37 mm or less, comply with paragraphs (a) or (b) of this AD, as applicable, at intervals not to exceed 520 hours TIS.

(2) If the play is greater than 0.37 mm and less than 0.52 mm, comply with paragraphs (a) or (b) of this AD, as applicable, at intervals not to exceed 100 hours TIS.

(3) If the play is equal to or greater than 0.52 mm, remove the TGB and replace it with an airworthy TGB.

(d) Brackets and mounts installed to perform the requirements of this AD, as applicable, are to be removed prior to flight.

(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, 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 will not be issued.

(g) This amendment becomes effective on July 13, 1998, to all persons except those persons to whom it was made immediately effective by Priority Letter AD 98-06-04, issued March 4, 1998, which contained the requirements of this amendment.

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 97-322-067(AB) and AD 97-323-079(AB), both dated November 19, 1997.

Issued in Fort Worth, Texas, on June 18, 1998.

Eric Bries,

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

[FR Doc. 98-17043 Filed 6-25-98; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-SW-18-AD; Amendment 39-10632; AD 98-09-11]

RIN 2120-AA64

Airworthiness Directives; Eurocopter Deutschland GmbH Model EC 135 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 98-09-11 which was sent previously to all known U.S. owners and operators of

Eurocopter Deutschland GmbH (Eurocopter) Model EC 135 helicopters by individual letters. This AD requires, before further flight, a review of aircraft records to determine if a tail rotor drive shaft vibration survey and installation of a Fenestron Shaft Retrofit Kit have been accomplished; before further flight, and thereafter at intervals not to exceed 15 hours time-in-service, inspecting the tail rotor drive shaft bearing (bearing) attaching lock plates for bent-open tabs, and broken or missing slippage marks; and visually inspecting each bearing support for cracks. This amendment is prompted by three reports of loose bearings and attachment bolts, and one report of a cracked bearing support. Excessive vibrations in the tail rotor drive shaft can loosen attachment bolts or cause cracking in the bearing supports. This condition, if not corrected, could result in loss of drive to the tail rotor and subsequent loss of control of the helicopter.

DATES: Effective July 13, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 98-09-11, issued on April 17, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before August 25, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-18-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Horn, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5125, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: On April 17, 1998, the FAA issued priority letter AD 98-09-11, applicable to Eurocopter Model EC 135 helicopters, which requires, before further flight, a review of aircraft records to determine if a tail rotor drive shaft vibration survey and installation of a Fenestron Shaft Retrofit Kit L 535M3002 882 have been accomplished. If a tail rotor vibration survey has not been accomplished or if a Fenestron Shaft Retrofit Kit has not been installed, the FAA must be contacted. Also, before further flight, and thereafter at intervals not to exceed 15 hours time-in-service, the AD requires inspecting the bearing attaching lock plates at each bearing support for bent-open tabs, and inspecting for broken or missing slippage marks. If a bearing attaching lock plate tab is bent

open, or if a slippage mark is broken or missing, the FAA must be notified. Finally, the AD requires visually inspecting each bearing support for cracks, and if a crack is found, replacing the bearing support with an airworthy bearing support. That action was prompted by three reports of loose bearings and attachment bolts, and one report of a cracked bearing support. Excessive vibrations in the tail rotor drive shaft can loosen attachment bolts or cause cracking in the bearing supports. This condition, if not corrected, could result in loss of drive to the tail rotor and subsequent loss of control of the helicopter.

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for the Federal Republic of Germany, recently notified the FAA that an unsafe condition may exist on Eurocopter Deutschland GmbH (ECD) Model EC 135 helicopters. The LBA advises that the loosening of bolt connections at the bearing supports may lead to a tail rotor failure and thus to the loss of the helicopter. The LBA issued AD 1998-033/5, dated April 6, 1998, applicable to ECD Model EC 135 helicopters.

The FAA has reviewed Eurocopter EC 135 Alert Service Bulletin No. EC 135-53A-002, dated December 12, 1997, which describes procedures for visually inspecting the bearing supports, and Eurocopter EC 135 Alert Service Bulletin No. EC 135-53A-005, Revision 1, dated April 6, 1998, which describes procedures for measuring vibrations on the tail rotor drive shaft and replacement of roller bearing attaching hardware at bearing locations.

This helicopter model is manufactured in the Federal Republic of Germany and is type certificated for operation in the United States under the provision 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 LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operations in the United States.

Since the unsafe condition described is likely to exist or develop on other Eurocopter Model EC 135 helicopters of the same type design, the FAA issued priority letter AD 98-09-11 to detect loose bearing attachment bolts, or cracked bearing supports, which could result in loss of drive to the tail rotor and subsequent loss of control of the helicopter. The AD requires, before