

During normal operation, propeller pitch is governed at 100 percent Np. Low airspeed and power combinations result in propeller pitch going to the mechanical low pitch stop (similar to a fixed-pitch propeller). During large power transitions below 100 percent Np (idle to takeoff power), the PMU will control propeller pitch. The PMU is utilized to control the thrust response of the engine-propeller combination and it prohibits operation of the engine-propeller combination in propeller RPM ranges with adverse vibration characteristics. There is no guidance in part 23 concerning the protection of the PMU from the indirect effects of lightning.

#### Suction Defuel Capability

The Model 3000 design includes a suction defuel capability not envisaged when part 23 was developed. It is understood that suction defuel is a common feature in part 25 airplanes. The Model 3000 airplane will have pressure fuel and defuel as well as gravity fuel and defuel capability. Pressure defueling essentially entails reversing the pumps on the fueling vehicle and "sucking" fuel from the airplane through the servicing port. Section 23.979 addresses pressure fueling but not suction defueling. Any suction defuel system components, in addition to meeting the general requirements for part 23 fuel systems, must also function as intended.

#### Discussion of Comments

Notice of proposed special conditions No. 23-98-03-SC for the Raytheon Aircraft Company Model 3000 was published in the **Federal Register** on August 27, 1998 (63 FR 45772). No comments were received, and the special conditions are adopted as proposed.

#### Applicability

As discussed above, these special conditions are applicable to the Model 3000. Should Raytheon Aircraft Company apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

#### Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

#### List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

#### Citation

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113 and 44701; 14 CFR part 21, 21.16 and 21.17; and 14 CFR part 11, 11.28 and 11.49.

#### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Raytheon Aircraft Company Model 3000 airplanes.

##### 1. Digital Electronic Engine/Propeller Control (PMU)

(a) Any failure of the Power Management Unit must be annunciated to the crew.

(b) Failures of the Power Management Unit that affect flight characteristics must be identified and evaluated, and appropriate flight manual procedures developed, including possible prohibitions on continued flight or dispatch.

(c) The functioning of the Power Management Unit must be protected to ensure that the control will continue to perform critical functions (functions whose failure condition would prevent continued safe flight and landing) after the aircraft is exposed to lightning.

##### 2. Suction Defuel

(a) The airplane defueling system (not including fuel tanks and fuel tank vents) must withstand an ultimate load that is 2.0 times the load arising from the maximum permissible defueling pressure (positive or negative) at the airplane fueling connection.

Issued in Kansas City, Missouri on October 26, 1998.

**Marvin Nuss,**

*Assistant Manager, Small Airplane Directorate.*

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BILLING CODE 4910-13-P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-SW-56-AD; Amendment 39-10874; AD 98-22-16]

#### Airworthiness Directives; Robinson Helicopter Company (RHC) Model R44 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) 98-22-16 which was sent previously to all known U.S. owners and operators of RHC Model R44 helicopters by individual letters. This amendment supersedes AD 98-12-19, issued August 5, 1998, applicable to RHC Model R44 helicopters, that currently requires main rotor blade inspections and replacement if a crack is found. This amendment requires the same inspections as AD 98-12-19, but mandates replacement of all the affected main rotor blades prior to further flight after November 15, 1998. This amendment is prompted by an incident in which a crack was discovered in a main rotor blade. The actions specified by this AD are intended to prevent failure of a main rotor blade and subsequent loss of control of the helicopter.

**DATES:** Effective November 10, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 98-22-16, issued on October 22, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before January 11, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-56-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**FOR FURTHER INFORMATION CONTACT:** Frederick Guerin, Aerospace 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:** On October 22, 1998, the FAA issued priority letter AD 98-22-16, applicable to RHC Model R44 helicopters, which

requires inspecting each main rotor blade for cracks every 5 hours time-in-service (TIS) until each main rotor blade is replaced with a redesigned main rotor blade. The main rotor blade must be replaced prior to further flight after November 15, 1998. The AD was prompted by an incident in which a pilot heard a loud noise and felt severe vibrations while hovering, resulting in a forced landing. Upon inspection, a crack was found in a main rotor blade. The crack started at the mid-span inboard trim tab, ran chordwise to the spar, and turned along the spar for about an inch. The crack originated from a hole in the main rotor blade skin. Subsequent investigations revealed that the manufacturing process utilized to drill the holes in the main rotor blade skin can allow a fatigue crack to originate at these holes and propagate in the skin. That condition, if not corrected, could result in failure of a main rotor blade and subsequent loss of control of the helicopter.

This AD supersedes AD 98-12-19, Amendment 39-10712 (63 FR 43299, August 13, 1998), that required the same inspections as this AD. However, since the issuance of that AD, it has been determined that continued inspections are inadequate to ensure continued operational safety and that mandatory terminating action is required to permanently resolve this unsafe condition. Therefore, this AD mandates replacement of all the affected main rotor blades prior to further flight after November 15, 1998.

The FAA has reviewed RHC R44 Service Bulletin SB-27B, Revision B, which recommends replacing daily preflight inspections with repetitive inspections at intervals not to exceed 5 hours TIS and clarifies the inspection procedure. The FAA has also reviewed RHC R44 Service Bulletin SB-28, which describes procedures for main rotor blade replacement and recommends replacement by December 31, 1998. Both service bulletins are dated June 18, 1998.

RHC has also issued a Safety Alert to all Model R44 helicopter owners, operators, and service centers which states that long term usage of main rotor blades, part number (P/N) C016-1, is not recommended. RHC recently commented to Rules Docket No. 98-SW-25-AD (AD 98-12-19). RHC states that AD 98-12-19 should not permit visual inspections of main rotor blade, P/N C016-1, to continue indefinitely, and requests that the compliance procedures be modified to require the installation of redesigned main rotor blades, P/N C016-2, to "avoid possible catastrophic failure." The commenter

also requests that NOTE 5 reference "Revision B of R44 Service Bulletin 27" for blade inspection and "R44 Service Bulletin 28" for blade replacement. The FAA concurs that as the TIS and total number of repetitive inspections on these main rotor blades increase, so does the possibility for a crack to develop and remain undetected. Based on that re-evaluation, the FAA has determined that the required compliance time for main rotor blade replacement should be earlier than the date stated in RHC R44 Service Bulletin SB-28 in order to ensure public safety.

Since an unsafe condition has been identified that is likely to exist or develop on other RHC Model R44 helicopters of the same type design, the FAA issued priority letter AD 98-22-16 to require repetitively inspecting both holes on both the upper and lower surfaces of each main rotor blade for cracks until the main rotor blades are replaced with redesigned main rotor blades. The main rotor blades must be replaced prior to further flight after November 15, 1998.

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 October 22, 1998 to all known U.S. owners and operators of RHC Model R44 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.

The FAA estimates that 96 helicopters of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per helicopter to perform the inspections and 10 work hours to replace both main rotor blades on each helicopter, and the average labor rate is \$60 per work hour. Required parts will cost approximately \$3,900 per main rotor blade. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$817,920, assuming one inspection and replacement of both main rotor blades on all helicopters.

#### **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-56-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 removing Amendment 39-10712 (63 FR

43299, August 13, 1998), and by adding a new airworthiness directive (AD), Amendment 39-10874, to read as follows:

**AD 98-22-16 Robinson Helicopter**

**Company:** Amendment 39-10874.  
Docket No. 98-SW-56-AD. Supersedes AD 98-12-19, Amendment 39-10712, Docket No. 98-SW-25-AD.

**Applicability:** Model R44 helicopters, serial numbers (S/N) 0002 through 0486, with main rotor blades, part number (P/N) C016-1, 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 (f) 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 failure of a main rotor blade and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 5 hours time-in-service (TIS), perform a dye-penetrant inspection of the main rotor blade skin around both inboard trim tab alignment rivets as follows, referring to Figure 1.

**BILLING CODE** 4910-13-U

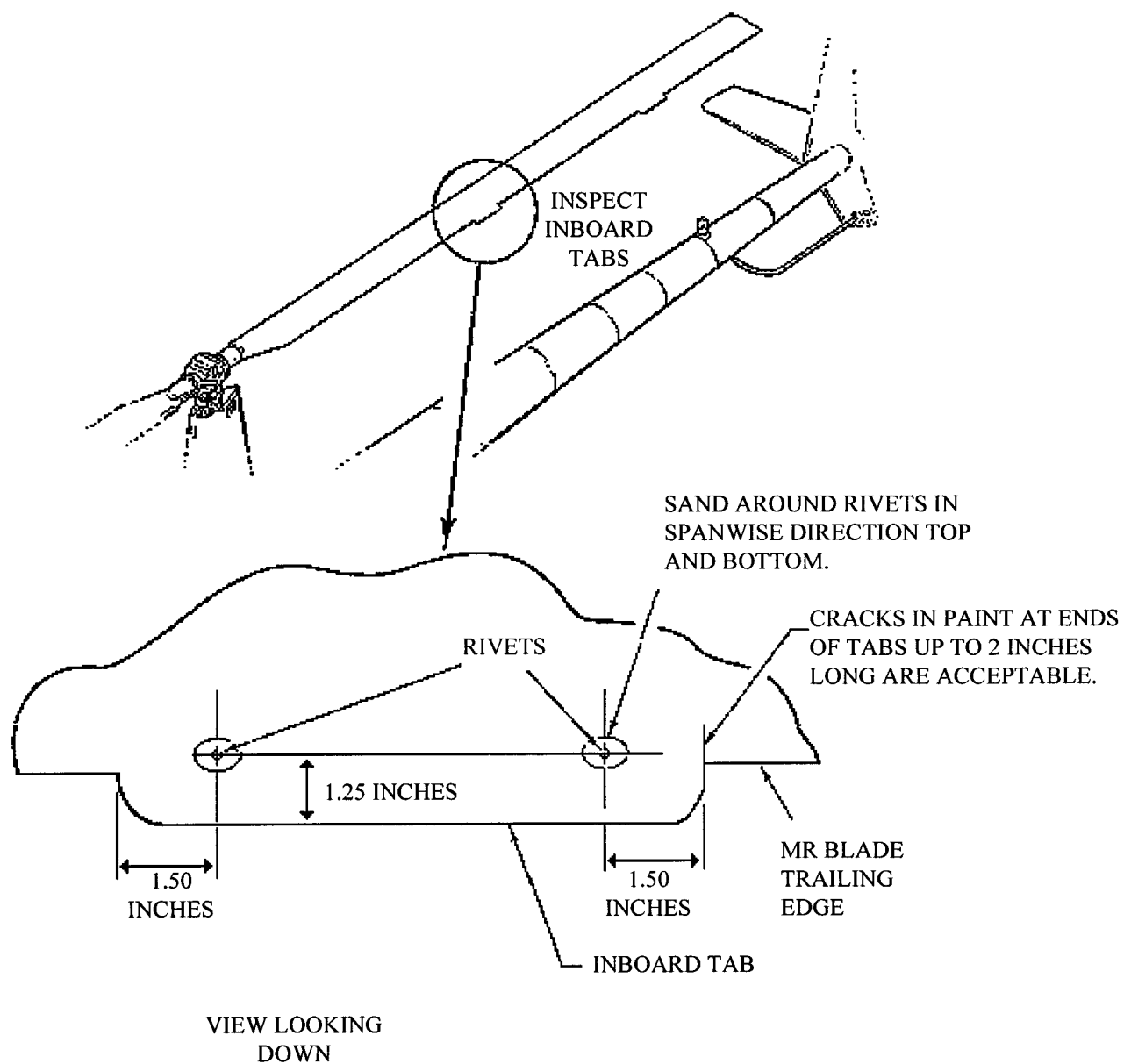


Figure 1

(1) Remove all paint around both rivets, exposing an area of approximately 3/4" in diameter, at the inboard trim tab on the top and bottom of each main rotor blade (4 places per main rotor blade). Use 180 grit or finer abrasive paper, followed by 600 grit or finer paper to eliminate course sanding marks. Sand only in a spanwise direction. Do not use chemical paint strippers.

(2) Inspect the main rotor blade skin around the rivets on the upper and lower surfaces (4 locations) using a dye-penetrant inspection method.

**Note 2:** Chordwise cracks in the paint up to 2 inches long which are located along either inboard or outboard edge of the trim tab are acceptable.

(b) Clean the sanded areas prepared in accordance with paragraph (a) of this AD with 111-Trichloroethane or methyl ethyl ketone (MEK) and then apply clear lacquer to seal the unpainted areas.

**Note 3:** Do not bend the inboard main rotor blade tabs from their present position or utilize them for any subsequent main rotor blade tracking adjustment.

(c) Thereafter, prior to the first flight of each day, or at intervals not to exceed 5 hours TIS, whichever occurs first, using a 5-power or higher magnifying glass, visually inspect both upper and lower main rotor blade skin surfaces around the inboard trim tab rivets (4 locations) for cracks.

(d) If a crack is found, replace the main rotor blade with an airworthy main rotor blade before further flight.

(e) Prior to further flight after November 15, 1998, install a set of main rotor blades, main rotor blade P/N C016-2. This constitutes terminating action for the inspections required by this AD.

**Note 4:** Robinson Helicopter Company R44 Service Bulletin SB-27B, Revision B, and Robinson Helicopter Company Service Bulletin SB-28, both dated June 18, 1998, pertain to the subject of this AD.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

**Note 5:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(g) Special flight permits will not be issued.

(h) This amendment becomes effective on November 10, 1998, to all persons except those persons to whom it was made immediately effective by Priority Letter AD 98-22-16, issued October 22, 1998, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on November 1, 1998.

**Eric Bries,**

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

[FR Doc. 98-30046 Filed 11-9-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-SW-38-AD; Amendment 39-10875; AD 98-23-09]

RIN 2120-AA64

#### Airworthiness Directives; Eurocopter France Model SA 330F, G, and J Helicopters

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to Eurocopter France Model SA 330F, G, and J helicopters, that requires an initial and repetitive inspections of each tail rotor shaft flapping hinge retainer (retainer) for cracks and replacement of a retainer if a crack is discovered. This amendment is prompted by a report of high vibrations due to a cracked retainer occurring on a helicopter while it was in service. The actions specified by this AD are intended to detect cracks in the retainers that, if left undetected, could lead to high tail rotor vibrations, loss of tail rotor control, and subsequent loss of control of the helicopter.

**EFFECTIVE DATE:** December 15, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Mathias, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5123, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Eurocopter France Model SA 330F, G, and J helicopters was published in the **Federal Register** on April 21, 1998 (63 FR 19672). That action proposed to require an initial and repetitive inspections of each retainer for cracks and replacement of a retainer if a crack is discovered.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of

the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 4 helicopters of U.S. registry will be affected by this AD, that it will take approximately 0.5 work hour per helicopter to accomplish each dye-penetrant inspection, 2.0 work hours to replace the retainers on each helicopter, if necessary, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$56,900. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$252,080, assuming that the retainers on the tail rotor blades are replaced on all 4 helicopters and each helicopter is dye-penetrant inspected 200 times per year.

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.

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 Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97-SW-38-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

#### 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: