

owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) 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 within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent main landing gear failure, which, if not corrected, could result in loss of control of the airplane during landing operations, accomplish the following:

(a) Replace the main landing gear (MLG) axle housing assembly (P/N's A-511000D00F, A-521000D00F, A-511000E00F, and A-521000E00F, or FAA-approved equivalent part numbers), with a new MLG axle housing assembly of improved design in accordance with Dornier 228 Service Bulletin No. SB-228-214, dated January 28, 1994.

(b) 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 airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be used if approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(d) The replacement required by this AD shall be done in accordance with Dornier 228 Service Bulletin No. SB-228-214, dated January 28, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dornier Luftfahrt GmbH, Product Support, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in German AD 94-042 Dornier, dated February 9, 1994.

(e) This amendment becomes effective on June 15, 1998.

Issued in Kansas City, Missouri, on March 5, 1998.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-6452 Filed 3-13-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-SW-26-AD; Amendment 39-10383; AD 98-06-06]

RIN 2120-AA64

#### Airworthiness Directives; GKN Westland Helicopters Ltd., 30 Series Helicopters

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to GKN Westland Helicopters Ltd. (Westland) 30 series helicopters. This action requires determining the total hours time-in-service (TIS) of the six tail rotor drive shafts (drive shafts), creating a component history card or an equivalent record for each shaft, and replacing those drive shafts that exceed a certain TIS with an airworthy drive shaft. This amendment is prompted by findings of drive shaft attachment flange cracks on similar British military model helicopters. This condition, if not corrected, could result in failure of the drive shaft coupling attachment flanges that could result in loss of power to the tail rotor and subsequent loss of control of the helicopter.

**DATES:** Effective March 31, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 31, 1998.

Comments for inclusion in the Rules Docket must be received on or before May 15, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97-SW-26-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from GKN Westland Helicopters Ltd., Customer Support Division, Yeovil, Somerset BA20 2YB, England, telephone (01935) 703884, fax (01935) 703905. 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:** Mr. Shep Blackman, Aerospace Engineer,

FAA, Rotorcraft Directorate, ASW-111, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone 817-222-5296, fax 817-222-5961.

**SUPPLEMENTARY INFORMATION:** The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), recently notified the FAA that an unsafe condition may exist on Westland 30 series helicopters. The UK CAA advises that two incidents of drive shaft attachment flange cracking occurred on the Lynx model helicopters, the UK military version of the Westland 30 helicopters. Consequently, the appropriate drive shaft lives for the Westland 30 series helicopters have been reconsidered.

Westland has issued GKN Westland Helicopters Ltd. Service Bulletin (SB) Nos. W30-65-48, dated November 29, 1995, and W30-65-48, Annex A, dated November 8, 1996, which specify the procedure to establish the current TIS of the Westland 30 series helicopters' drive shafts, the hours at which the drive shafts should be replaced or inspected, and the inspection procedure. The UK CAA classified these SB's as mandatory and issued UK CAA AD 013-11-95, dated January 31, 1996, to ensure the continued airworthiness of these helicopters in the UK.

These helicopter models, manufactured in Yeovil, England, are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the UK CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the UK CAA, 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 Westland 30 series helicopters of the same type design eligible for registration in the United States, this AD is being issued to prevent failure of the drive shaft coupling attachment flanges that could result in loss of power to the tail rotor and the subsequent loss of control of the helicopter. This AD requires that the TIS of each of the six drive shafts be determined from the helicopter records and that a component history card or an equivalent record be created for each drive shaft. If drive shaft No. 1, 2, 3, 4, or 5 exceeds 1,000 hours TIS or drive shaft No. 6 exceeds 500 hours TIS,

replacement with an airworthy drive shaft in accordance with the SB is required. Alternatively, inspection of any drive shaft (No. 1, 2, 3, 4, or 5) with over 1,000 hours TIS and drive shaft No. 6 with over 500 hours TIS is required in accordance with GKN Westland Helicopters Ltd. SB No. W30-65-48, paragraph 2.B.(3), dated November 29, 1995, prior to further flight and thereafter at intervals not to exceed 3 hours TIS. The actions are required to be accomplished in accordance with the SB's previously described.

None of the Westland 30 series helicopters affected by this action are on the U.S. Register. All helicopters included in the applicability of this rule are currently operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers this rule necessary to ensure that the unsafe condition is addressed in the event that any of these subject helicopters are imported and placed on the U.S. Register in the future.

Should an affected helicopter be imported and placed on the U.S. Register, it will require approximately 2 work hours to accomplish each required inspection at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this AD will be \$1200 per helicopter for accomplishment of 10 drive shaft flange inspections.

Since this AD action does not affect any helicopter that is currently on the U.S. Register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, it is found that notice and opportunity for prior public comment hereon are unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

#### 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. 97-SW-26-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 notice and public comment are unnecessary in promulgating this regulation, that the regulation can be issued immediately to correct an unsafe condition in aircraft since none of these model helicopters are registered in the United States, 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, Incorporation by reference, 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 98-06-06 GKN Westland Helicopters

**Ltd.:** Amendment 39-10383. Docket No. 97-SW-26-AD.

**Applicability:** Westland 30 Series 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 aircraft from the applicability of this AD.

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

To prevent failure of the tail rotor drive shaft (drive shaft) coupling attachment flanges that could lead to loss of tail rotor drive and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 7 calendar days after the effective date of this AD:

(1) Determine from the helicopter records the total hours time-in-service (TIS) for drive shaft number (No.) 1, 2, 3, 4, 5, and 6.

(2) Create a component history card or an equivalent record for each drive shaft in accordance with paragraph 2.A.(2) of GKN Westland Helicopters Ltd. Service Bulletin No. W30-65-48, dated November 29, 1995.

(b) Before further flight and at intervals not to exceed 3 hours TIS thereafter, inspect the drive shaft attachment flanges for cracks in accordance with paragraph 2.B.(3) of the Accomplishment Instructions of GKN Westland Helicopters, Ltd. Service Bulletin (SB) W30-65-48, dated November 29, 1995, as follows:

(1) Drive shaft No. 1, 2, 3, 4, or 5 that has exceeded 1,000 hours TIS;

(2) Drive shaft No. 6 that has exceeded 500 hours TIS; and

(3) Any drive shaft identified by serial number or flange serial number in Annex A to GKN Westland Helicopter, Ltd. SB W30-65-48, dated November 8, 1996, that has exceeded 500 hours TIS.

No more than 10 repetitive inspections are permitted for any affected drive shaft.

(c) If a crack is found as a result of the inspections required by paragraph (b) of this AD, before further flight, replace the drive shaft with an airworthy drive shaft.

(d) Before further flight, or after 10 repetitive inspections have been accomplished, replace with an airworthy drive shaft any drive shaft that has reached or exceeded the applicable TIS stated in paragraph (b) of this AD.

(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, Rotorcraft Directorate. 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, Rotorcraft Directorate.

**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) The inspection shall be done in accordance with GKN Westland Helicopters Ltd. Service Bulletin No. W30-65-48, dated November 29, 1995, and Annex A, dated November 8, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from GKN Westland Helicopters Ltd., Customer Support Division, Yeovil, Somerset BA20 2YB, England, telephone (01935) 703884, fax (01935) 703905. Copies may be inspected at the FAA, Office of 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.

(h) This amendment becomes effective on March 31, 1998.

**Note 3:** The subject of this AD is addressed in Civil Aviation Authority (United Kingdom) AD 013-11-95, dated January 31, 1996.

Issued in Fort Worth, Texas, on March 4, 1998.

**Eric Bries,**

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

[FR Doc. 98-6450 Filed 3-13-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-64-AD; Amendment 39-10397; AD 98-06-19]

RIN 2120-AA64

#### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes**

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-145 series airplanes. This action requires draining and sealing of the ground spoiler and speed brake actuators. This action also requires replacement of the spoiler actuator assembly and the speed brake actuator assembly with modified actuator assemblies. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent asymmetric deployment of the speed brakes during flight and consequent reduced controllability of the airplane; or failure of the ground spoilers to deploy during landing or rejected takeoff, which could result in increased aircraft stopping distances.

**DATES:** Effective March 31, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 31, 1998.

Comments for inclusion in the Rules Docket must be received on or before April 15, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-64-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft

Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Neil Berryman, Systems Engineer, Systems and Flight Test Branch, ACE-116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6066; fax (770) 703-6097.

**SUPPLEMENTARY INFORMATION:** The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB-145 series airplanes. The DAC advises that it has received reports indicating that the ground spoilers and/or speed brakes may fail to deploy. The cause of these failures has been attributed to moisture penetration into the respective actuators in combination with freezing temperatures, which can result in jamming of the actuators. These conditions, if not corrected, can result in asymmetric deployment of the speed brakes during flight and consequent reduced controllability of the airplane; or failure of the ground spoilers to deploy during landing or rejected takeoff, which could result in increased aircraft stopping distances.

#### **Explanation of Relevant Service Information**

EMBRAER has issued Service Bulletin 145-27-0029, dated November 10, 1997, which describes procedures for draining and sealing of the ground spoiler and speed brake actuators.

EMBRAER has also issued Service Bulletins 145-27-0013 and 145-27-0014, both dated August 20, 1997, which describe procedures for replacement of the spoiler actuator assembly and the speed brake actuator assembly with modified actuator assemblies. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

The DAC classified these service bulletins as mandatory and issued Brazilian airworthiness directive 97-10-04 (undated) in order to assure the continued airworthiness of these airplanes in Brazil.

#### **FAA's Conclusions**

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal