

any diagonal cross-member and to replace it with an airworthy diagonal cross-member if any crack is found.

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 with the exception of some editorial changes. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 47 helicopters of U.S. registry will be affected by this AD, that it will take approximately one work hour per helicopter to inspect the diagonal cross-member and 10 work hours per helicopter to replace the diagonal cross-member, if necessary, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$9,950. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$498,670, assuming one inspection per helicopter, and replacement of a diagonal cross-member on each helicopter.

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 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 98-08-14 Eurocopter France:

Amendment 39-10463. Docket No. 97-SW-21-AD.

Applicability: Model SA-365N, N1, and AS-365N2 helicopter with main gearbox suspension diagonal cross-member (diagonal cross-member), part number (P/N) 365A38-3023-20, -21, -23, or -24, 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 (d) 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 the diagonal cross-member, which could cause the main gearbox to pivot, resulting in severe vibrations and a subsequent forced landing, accomplish the following:

(a) For Model SA-365N and N1 helicopters, prior to the accumulation of 50,000 operating cycles; and for Model AS-365N2 helicopters, prior to the accumulation of 30,000 operating cycles:

Note 2: The Master Service Recommendations and the flight log contain accepted procedures that are used to determine the cumulative operating cycles on the rotorcraft.

(1) Inspect the diagonal cross-member for cracks in the area of the center bore hole, using a borescope with a 90° angle drive, or a video assembly with optical fiber illumination, or any other appropriate device that makes it possible to visually inspect the center area of the part.

(2) Repeat the inspection required by paragraph (a)(1) of this AD at intervals not to exceed 500 operating cycles, or 100 hours time-in-service, whichever occurs first.

(b) If any crack is found as a result of the inspections required by paragraphs (a)(1) or (a)(2) of this AD, remove the diagonal cross-member and replace it with an airworthy diagonal cross-member.

(c) Installation of modification MOD 073880 that installs a diagonal cross-member, P/N 356A38-3062-20, constitutes a terminating action for the requirements of this AD.

(d) 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.

(e) 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.

(f) This amendment becomes effective on May 15, 1998.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 97-093-041(AB)R1, dated July 30, 1997.

Issued in Fort Worth, Texas, on April 3, 1998.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98-9476 Filed 4-9-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-SW-08-AD; Amendment 39-10461; AD 98-04-12]

RIN 2120-AA64

Airworthiness Directives; Robinson Helicopter Company 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) 98-04-12 which was sent previously to all known U.S. owners and operators of Robinson Helicopter Company (RHC)

Model R44 helicopters by individual letters. This AD requires an initial and repetitive measurement of the lateral cyclic trim spring shaft (shaft) diameter and replacement of the shaft spring assembly (spring assembly) if the shaft diameter is excessively worn. Replacement of the spring assembly with a modified spring assembly is considered terminating action for this AD. This amendment is prompted by an incident in which a pilot felt binding in the cyclic control when attempting to move it to the left. A precautionary landing was made using only right-hand turns. Subsequent inspection revealed that a notch was worn in the shaft, which caused the shaft and spring to move from the lower mount and interfere with the lateral control. Inspection of a second RHC Model 44 helicopter revealed similar wear. Excessive wear can create a notch on the shaft, which can cause the spring assembly to move out of its lower mount. This condition, if not corrected, could lead to the shaft interfering with lateral cyclic control, which could result in loss of control of the helicopter.

DATES: Effective April 27, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 98-04-12, issued on February 4, 1998, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 27, 1998.

Comments for inclusion in the Rules Docket must be received on or before June 9, 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-08-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The applicable service information may be obtained from Robinson Helicopter Company, 2901 Airport Drive, Torrance, California 90505 telephone (310) 539-0508, fax (310) 539-5198. 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. Fredrick A. Guerin, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562)-627-5232, fax (562)-627-5210.

SUPPLEMENTARY INFORMATION: On February 4, 1998, the FAA issued priority letter AD 98-04-12, applicable to RHC Model R44 helicopters, which requires an initial and repetitive measurement of the shaft diameter, and replacement of the spring assembly if the shaft diameter is excessively worn. That action was prompted by an incident in which a pilot felt binding in the cyclic control when attempting to move it to the left. A precautionary landing was made using only right-hand turns. Subsequent inspection revealed that a notch was worn in the shaft, which caused the shaft and spring to move from the lower mount and interfere with the lateral control. Inspection of a second RHC Model 44 helicopter revealed similar wear. Excessive wear can create a notch on the shaft, which can cause the spring assembly to move out of its lower mount. This condition, if not corrected, could lead to the shaft interfering with lateral cyclic control, which could result in loss of control of the helicopter.

The FAA has reviewed Robinson Helicopter Company R44 Service Bulletin SB-26, dated January 31, 1998, which describes procedures for measurement of the shaft diameter, and replacing the spring assembly with a modified spring assembly if the shaft diameter varies more than 0.004 inch in any 0.50 inch of length.

Since the unsafe condition described is likely to exist or develop on other RHC Model R44 helicopters of the same type design, the FAA issued priority letter AD 98-04-12 to prevent the shaft from interfering with lateral cyclic control, which could result in loss of control of the helicopter. The AD requires, within 10 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 20 hours TIS until replacement of the spring assembly with a modified spring assembly is accomplished, a measurement of the shaft diameter; and replacement of the C056-1 Rev. A through G spring assembly with a C056-1 Rev. H spring assembly if the shaft diameter measurement varies more than 0.004 inch in any 0.50 inch of length. Replacement of the C056-1 Rev. A through G spring assembly with a C056-1 Rev. H spring assembly is considered terminating action for the requirements of this AD. The actions are required to be accomplished in accordance with the service bulletin described previously.

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 February 4, 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.

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-08-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, 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:

98-04-12 Robinson Helicopter Company: Amendment 39-10461. Docket No. 98-SW-08-AD.

Applicability: Model R44 helicopters, serial numbers 0002 through 0420, 0425, 0426, and 0427, with a C056-1 Rev. A through G spring assembly 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 (d) 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 excessive wear on the lateral cyclic trim spring shaft (shaft), which could allow the shaft to move from its lower mount and interfere with lateral cyclic control resulting in loss of control of the helicopter, accomplish the following:

(a) Within 10 hours time-in-service (TIS), and thereafter at intervals not to exceed 20 hours TIS, measure the diameter of the shaft in accordance with the Compliance Procedure contained in Robinson Helicopter Company R44 Service Bulletin SB-26, dated January 31, 1998 (SB-26).

(b) If the shaft diameter varies more than 0.004 inch in any 0.50 inch of length, in the measurement area shown in Figure 1 of SB-26, replace the C056-1 Rev. A through G spring assembly with a C056-1 Rev. H spring assembly before further flight.

(c) Replacing the C056-1 Rev. A through G spring assembly with a C056-1 Rev. H spring assembly in accordance with the service bulletin is considered terminating action for the requirements of this AD.

(d) 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, 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 2: 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.

(e) Special flight permits will not be issued.

(f) The inspection shall be done in accordance with the Compliance Procedure contained in Robinson Helicopter Company R44 Service Bulletin SB-26, dated January 31, 1998. 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 Robinson Helicopter Company, 2901 Airport Drive, Torrance, California 90505, telephone (310) 539-0508, fax (310) 539-5198. Copies may be inspected 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.

(g) This amendment becomes effective on April 27, 1998, to all persons except those persons to whom it was made immediately effective by Priority Letter AD 98-04-12, issued February 4, 1998, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on April 3, 1998.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98-9478 Filed 4-9-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-98-018]

Drawbridge Operation Regulations: Harlem River, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The District Commander, First Coast Guard District has issued a temporary deviation from the regulations listed under 33 CFR 117.789, governing the operation of the Willis Avenue Swing Bridge, mile 1.5, across the Harlem River in New York. This deviation allows the bridge owner, the City of New York, to not open the swing span on weekends to facilitate repairs to the bridge deck wearing surface. The east channel will be closed to marine traffic during the repairs but the west channel will be open to vessels which can pass under the bridge without a bridge opening.

DATES: This deviation is effective from 6 a.m. Saturdays to 8 p.m. on Sundays, March 14 & 15, 21 & 22, 28 & 29, April 4 & 5, 25 & 26, and May 2 & 3, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Kassof, Chief, Bridge Branch at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Willis Avenue Swing Bridge, mile 1.5, over the Harlem River has a vertical clearance of 24 feet at mean high water (MHW) and 30 feet at mean low water (MLW) in the closed position.

The City of New York requested a temporary deviation from the operating regulations for the Willis Avenue Swing Bridge in order to conduct repairs to the bridge deck wearing surface. This work is essential for public safety. The existing bridge deck wearing surface has deteriorated and must be replaced as soon as possible.

The repairs to the west channel deck have been completed. The remaining work will be performed on the bridge deck over the east channel and will require that the bridge be closed to navigation. Vessels that can pass under the bridge without an opening may use