

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-SW-09-AD; Amendment 39-10479; AD 98-04-40]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 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) 98-04-40 which was sent previously to all known U.S. owners and operators of Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 helicopters by individual letters. This AD requires, for certain blades, inspecting each blade spar for cracks using a dye-penetrant inspection, and visually inspecting each blade cuff for cracks. If a crack is discovered in either a blade spar or cuff, removal and replacement of the blade with an airworthy blade is required prior to further flight. This amendment is prompted by an accident in which a Model SA.315B helicopter lost a main rotor blade (blade) just prior to take-off. The cause of the blade failure was determined to be fatigue cracks that originated from the outboard blade-to-cuff attachment bolt hole and progressed through the blade spar and cuff. This condition, if not corrected, could result in separation of a blade and subsequent loss of control of the helicopter.

DATES: Effective May 4, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 98-04-40, issued on February 12, 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 May 4, 1998.

Comments for inclusion in the Rules Docket must be received on or before June 16, 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-09-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The applicable service information may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. 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, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5296, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: On February 12, 1998, the FAA issued priority letter AD 98-04-40, applicable to Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 helicopters, which requires, for blades with 400 or more hours time-in-service (TIS), within 25 hours TIS, inspecting each blade spar for cracks using a dye-penetrant method, and visually inspecting each blade cuff for cracks using a 10-power or higher magnifying glass. If a crack is discovered in either a blade spar or cuff, removal and replacement of the blade with an airworthy blade is required prior to further flight. That action was prompted by an accident in which a Model SA.315B helicopter lost a main rotor blade (blade) just prior to take-off. Although the main gearbox and the remainder of the main rotor assembly separated from the helicopter and passed through the cockpit, there were no fatalities. The cause of the blade failure was determined to be fatigue cracks that originated from the outboard blade-to-cuff attachment bolt hole and progressed through the blade spar and cuff. This condition, if not corrected, could result in separation of a blade and subsequent loss of control of the helicopter.

The FAA has reviewed Eurocopter France Service Telex No. 00055/0034/98, dated February 3, 1998 (Eurocopter Service Telex: 316/319 No. 01-64 and 315 No. 01-29), which describes procedures for inspecting each blade spar for cracks using a dye-penetrant method, and visually inspecting each blade cuff for cracks using a 10-power or higher magnifying glass. Additionally, the Direction Generale De L'Aviation Civile, which is the airworthiness authority for France, has issued AD 98-088-055(A) and 98-089-038(A), both dated February 25, 1998, to mandate these actions.

Since the unsafe condition described is likely to exist or develop on other Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 helicopters of the same type design, the FAA issued priority letter AD 98-04-40 to prevent separation of a blade and subsequent loss of control of the helicopter. The AD requires, for blades with 400 or more hours time-in-service (TIS), within 25 hours TIS, inspecting each blade spar for cracks using a dye-penetrant method, and visually inspecting each blade cuff for cracks using a 10-power or higher magnifying glass. If a crack is discovered in either a blade spar or cuff, removal and replacement of the blade with an airworthy blade is required prior to further flight. The actions are required to be accomplished in accordance with the service telex 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 12, 1998 to all known U.S. owners and operators of Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 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 106 helicopters of U.S. Registry will be affected by this AD, that it will take approximately 4 work hours per helicopter to inspect each helicopter and 4 work hours to replace a main rotor blade, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$49,700 per helicopter. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$5,319,080, assuming one blade replacement 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-09-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:

98-04-40 Eurocopter France: Amendment 39-10479. Docket No. 98-SW-09-AD.

Applicability: Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 helicopters, with main rotor blades, part numbers 3160S11-10000 all dash numbers, 3160S11-30000 all dash numbers, 3160S11-35000 all dash numbers, 3160S11-40000 all dash numbers, 3160S11-45000 all dash numbers, 3160S11-50000 all dash numbers, 3160S11-55000 all dash numbers, 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, for helicopters with main rotor blades (blades) having 400 or more hours time-in-service (TIS).

To prevent separation of a blade and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours TIS, inspect each blade spar for cracks using a dye-penetrant method in accordance with paragraphs CC.1 through CC.4 of the Operational Procedures in Eurocopter France Service Telex No. 00055/0034/98, dated February 3, 1998 (Eurocopter Service Telex: 316/319 No. 01-64 and 315 No. 01-29).

(b) Within 25 hours TIS, visually inspect the upper and lower surfaces of each blade cuff for cracks, especially around the attachment pins, using a 10-power or higher magnifying glass.

(c) If a crack is found in a blade spar or cuff, remove the blade and replace it with an airworthy blade prior to further flight.

(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 2: 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 will not be issued.

(f) The inspection shall be done in accordance with paragraphs CC.1 through CC.4 of the Operational Procedures in Eurocopter France Service Telex No. 00055/0034/98, dated February 3, 1998 (Eurocopter Service Telex: 316/319 No. 01-64 and 315 No. 01-29). 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. 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 May 4, 1998, to all persons except those persons to whom it was made immediately effective by Priority Letter AD 98-04-40, issued February 12, 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 98-088-055(A) and 98-089-038(A), dated February 25, 1998.

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

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98-10175 Filed 4-16-98; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use In Animal Feeds; Bacitracin Zinc; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulation for use of bacitracin zinc Type A medicated articles to make Type C medicated feeds