

64106; telephone: (816) 426-6934; facsimile: (816) 426-2169.

**SUPPLEMENTARY INFORMATION:** The FAA published AD 98-21-16 as a direct final rule with request for comments in the **Federal Register** on October 8, 1998 (63 FR 54039). That direct final rule amended part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all BAe HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 airplanes. That AD would have superseded AD 98-12-23 with a new AD to require repetitively replacing the windshield wiper arm, attachment bolts, and assembly; measuring the material thickness of the upper and lower toggle attachment brackets on the nose landing gear of the affected airplanes, and replacing the toggle attachment bracket lugs.

AD 98-21-16 was the result of additional mandatory continuing airworthiness information (MCAI) pertaining to this subject received from the airworthiness authority for the United Kingdom. The actions specified in that AD were intended to prevent the windshield wiper arm from corroding, detaching from the airplane during flight, and penetrating the fuselage, which could result in possible injury to the pilot and passengers; and to prevent collapse of the nose landing gear caused by the current design, which could result in loss of control of the airplane during landing operations.

#### The Direct Final Rule Procedure

The FAA anticipated that AD 98-21-16 would not result in adverse or negative comment and therefore issued it as a direct final rule. The requirements of AD 98-21-16 addressed an unsafe condition identified by a foreign civil airworthiness authority and do not impose a significant burden on affected operators. In accordance with Section 11.17 of the Federal Aviation Regulations (14 CFR 11.17), unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment was received within the comment period, AD 98-21-16 would have become effective on January 6, 1999. If any written comment(s) was received within the comment period that was adverse or negative comment or written notice was received of the intent to submit such a comment, the FAA would publish in the **Federal Register** a document withdrawing the direct final rule (AD 98-21-16). The FAA could then issue a notice of proposed rulemaking with a new comment period.

#### Actions Since the Issuance of the Direct Final Rule

During the comment period for the 98-21-16, the FAA received a written adverse comment. The commenter objects to the 90-day repetitive replacement requirement of the windshield wiper arm attachment bolt and windshield arm assembly. The commenter suggests that these replacements occur at 8 year intervals as specified in the service information.

Accordingly, the direct final rule is hereby withdrawn.

Withdrawal of this direct final rule constitutes only such action, and does not preclude the agency from issuing a notice in the future, nor does it commit the agency to any course of action in the future.

#### Regulatory Impact

Since this action only withdraws a direct final rule, it has no adverse economic impact and imposes no additional burden on any person. It will have no 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 action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action 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.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Withdrawal

Accordingly, direct final rule AD 98-21-16, Amendment 39-10825, Docket No. 98-CE-70-AD, published in the **Federal Register** on October 8, 1998 (63 FR 54039), is withdrawn.

Issued in Kansas City, Missouri, on November 16, 1998.

**Michael Gallagher,**

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

[FR Doc. 98-31315 Filed 11-23-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-SW-45-AD; Amendment 39-10908; AD 98-21-09]

#### Airworthiness Directives; Robinson Helicopter Company Model R22 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) 98-21-09, which was sent previously to all known U.S. owners and operators of Robinson Helicopter Company (RHC) Model R22 helicopters by individual letters. This AD requires installing fuel tank vent tube(s), with modified attachment to the mast tube, if not previously accomplished; installing a spring into the flexible tube leading to the main fuel tank; and installing a spring into the flexible tube leading to the auxiliary fuel tank, if an auxiliary fuel tank is installed. This amendment is prompted by an incident in which the flexible vent connecting the rigid vent tube to the main fuel tank kinked, resulting in fuel starvation and a hard landing after uncommanded engine shutdown. The actions specified by this AD are intended to prevent fuel starvation, loss of engine power, and a subsequent forced landing.

**DATES:** Effective December 9, 1998, to all persons except those persons to whom it was made immediately effective by Priority Letter AD 98-21-09, issued on September 28, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before January 25, 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-45-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth Bumann, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, Propulsion Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627-5265, fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** On September 28, 1998, the FAA issued Priority Letter AD 98-21-09, applicable

to RHC Model R22 helicopters, which requires installing fuel tank vent tube(s), with modified attachment to the mast tube, if not previously accomplished; installing a spring into the flexible tube leading to the main fuel tank; and installing a spring into the flexible tube leading to the auxiliary fuel tank, if an auxiliary fuel tank is installed. That action was prompted by an incident in which a hard landing resulted from an uncommanded engine shutdown. The pilot reported that the fuel quantity gauges indicated fuel consumption from the auxiliary fuel tank only, with the main fuel tank indication remaining at or near full. When the auxiliary fuel tank quantity gauge reached empty, the engine misfired and then stopped. An inspection revealed a kink in the flexible vent tube connecting the rigid vent tube to the main fuel tank. Two similar incidents have occurred with this single vent design. This condition, if not corrected, could result in fuel starvation, loss of engine power, and a subsequent forced landing.

The FAA has reviewed RHC R22 Service Bulletin SB-83 dated March 4, 1997 (SB-83), which describes procedures for modifying attachment of the fuel tank vent(s); and RHC R22 Service Bulletin SB-84 dated September 8, 1998 (SB-84), which describes procedures for installing springs in the vent tubes to prevent kinks. RHC kit instructions KI-118-1 R22 Fuel Tank Vent Upgrade For Ships Without Auxiliary Tank, dated March 4, 1997, and RHC KI-118-2 R22 Fuel Tank Vent Upgrade For Ships With Auxiliary Tank, dated April 29, 1997, which describe procedures for installing fuel tank vent tube(s), part number (P/N) A731-3, are attached to SB-83. RHC kit instructions KI-140 R22 Fuel Tank Vent Upgrade For Fuel Tanks With Single Vent, dated September 3, 1998, which describe procedures for installing springs into the flexible tube leading to the main fuel tank, and, if an auxiliary fuel tank is installed, into the flexible tube leading to the auxiliary fuel tank, are attached to SB-84.

Since the unsafe condition described is likely to exist or develop on other RHC Model R22 helicopters of the same type design, the FAA issued priority letter AD 98-21-09 to prevent fuel starvation, loss of engine power, and a subsequent forced landing. The AD requires, within 25 hours time-in-service (TIS) or 30 calendar days after the effective date of this AD, whichever occurs first, installing fuel tank vent tube(s), P/N A731-3, with modified attachment to the mast tube, if not previously accomplished; installing a spring, P/N B408-2, into the flexible

tube leading to the main fuel tank; and installing a spring, P/N B408-1, into the flexible tube leading to the auxiliary fuel tank, if an auxiliary fuel tank is installed. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter.

Therefore, the installations are required prior to further flight, 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 September 28, 1998, to all known U.S. owners and operators of RHC Model R22 helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

The only change to the priority letter in this published version of this AD is that the reference in Note 1 to the alternative methods of compliance is corrected from paragraph "(d)" to paragraph "(c)".

The FAA estimates that 700 helicopters of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per helicopter to accomplish the required actions, and the average labor rate is \$60 per work hour. Required parts will cost approximately \$65 for each helicopter without an auxiliary fuel tank installed or \$105 for each helicopter with an auxiliary fuel tank installed. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$225 per helicopter for helicopters with an auxiliary fuel tank installed, or \$185 per helicopter for helicopters without an auxiliary fuel tank installed.

#### 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-45-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:

**98-21-09 Robinson Helicopter Company:**  
Amendment 39-10908. Docket No. 98-WW-45-AD.

**Applicability:** Model R22 helicopters, serial numbers 0002 through 1451, inclusive, 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 within 25 hours time-in-service or 30 calendar days after the effective date of this AD, whichever occurs first, unless accomplished previously.

To prevent fuel starvation, loss of engine power, and a subsequent forced landing, for helicopters overhauled by Robinson Helicopter Company (RHC) prior to January 1, 1991, which do not have a main fuel tank (only) with dual vent tubes, or, if the auxiliary fuel tank is installed, do not have a crossover vent tube between the fuel tanks, accomplish the following:

(a) Visually inspect the fuel tank vent tube(s) in the mast fairing. If each fuel tank vent tube is attached only to the mast tube at two locations, the helicopter complies with the requirements of paragraph (a) of this AD. If each fuel tank vent tube is attached to the mast tube at one location, and to the rain

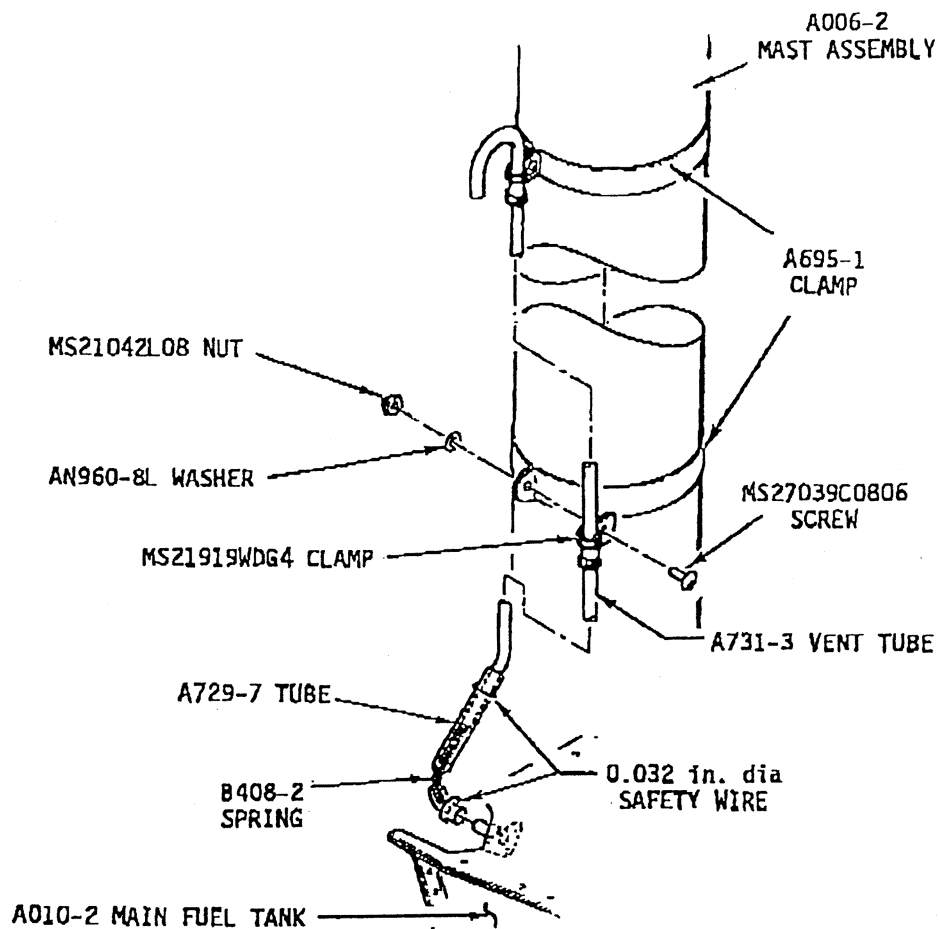
scupper (channel), part number (P/N) A032-16, on the fuel tank cowling at another location:

(1) For helicopters without an auxiliary fuel tank installed, remove the existing vent tube, P/N A731-1, and install an airworthy vent tube, P/N A731-3, with flexible tube, P/N A729-7, using an MS27039C0806 screw and AN960-8L washer (alternate P/N NAS1149FN816P) at the lower clamp, P/N A695-1 (see Figure 1).

(2) For helicopters with an auxiliary fuel tank installed, remove the existing main fuel tank vent tube, P/N A731-1, and auxiliary fuel tank vent tube, P/N A731-2, and install airworthy vent tubes, P/N A731-3, with flexible tube, P/N A729-7, for main tank and flexible tube, P/N A729-17, for auxiliary tank using MS27039C0807 screw and AN960-8L washer (alternate P/N NAS1149FN816P) at lower clamp, P/N A695-1 (see Figure 2).

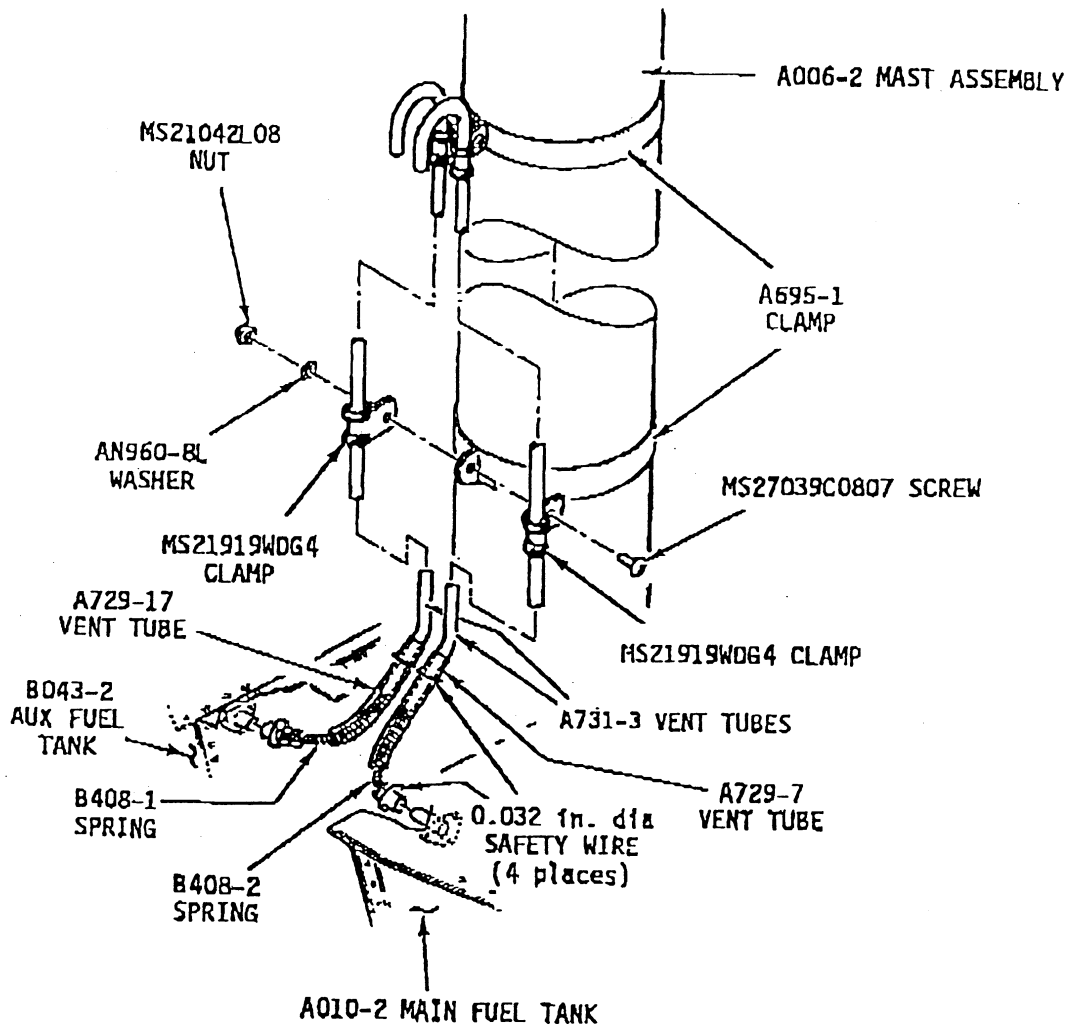
(b) Install spring, P/N B408-2, into the flexible vent tube, P/N A729-7, leading to the main fuel tank; and install spring, P/N B408-1, into the flexible vent tube, P/N A729-17, leading to the auxiliary fuel tank (if an auxiliary fuel tank is installed), in accordance with RHC kit instructions KI-140 R22 Fuel Tank Vent Upgrade For Fuel Tanks With Single Vent, dated September 3, 1998.

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# HELICOPTER WITHOUT AUXILIARY FUEL TANK

FIGURE 1



## HELICOPTER WITH AUXILIARY FUEL TANK

FIGURE 2

**Note 2:** RHC R22 Service Bulletin SB-83, dated March 4, 1997, and RHC R22 Service Bulletin SB-84, dated September 8, 1998, pertain 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, 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 3:** 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.

(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 December 9, 1998, to all persons except those persons to whom it was made immediately effective by Priority Letter AD 98-21-09, issued September 28, 1998, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on November 17, 1998.

**Eric Bries,**

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

[FR Doc. 98-31328 Filed 11-23-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-SW-19-AD; Amendment 39-10906; AD 98-24-21]

RIN 2120-AA64

#### **Airworthiness Directives; Eurocopter France Model AS 332C, AS 332L, AS 332L1, and AS 332L2 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 Eurocopter France (ECF) Model AS 332C, AS 332L, AS 332L1, and AS 332L2 helicopters. This action requires inserting instructions into the Model AS 332C, AS 332L, AS 332L1, and AS 332L2 Rotorcraft Flight Manuals (RFMs) regarding actions to take if either the "OVSP 1" or "OVSP 2" amber warning light illuminates. This action also requires, for the Model AS 332C, AS 332L, and AS 332L1 helicopters,

measuring the vibration levels of the engine-to-main gearbox (MGB) shaft, inspecting the torque on the MGB coupling bolts, and conducting an engine-to-MGB coupling 23,000 revolutions per minute (RPM) input check. This amendment is prompted by an accident involving a Model AS 332L1 helicopter in which the helicopter experienced an engine overspeed resulting in failure of both engines. The actions specified in this AD are intended to prevent failure of the rotor drive engine-to-MGB coupling, which, if undetected, could result in an engine overspeed leading to an uncontained engine turbine wheel burst and subsequent loss of control of the helicopter.

**DATES:** Effective December 9, 1998.

Comments for inclusion in the Rules Docket must be received on or before January 25, 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-19-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:** The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on ECF Model AS 332C, AS 332L, AS 332L1, and AS 332L2 helicopters. The DGAC advises that failure of the MGB coupling could cause loss of load on the engine, and result in engine overspeed. The DGAC warning stems from an accident involving a Model AS 332L1 helicopter in which the helicopter experienced an engine overspeed resulting in failure of both engines.

ECF has issued Eurocopter Service Telex (Telex) No. 00047/0275/97, dated October 2, 1997. That service telex specifies checking the tightening torque loads on the MGB coupling tie-bolts; checking the condition of the splined flanges; confirming the presence of the O-ring on the splined sleeve; and checking the vibration level of the engine-to-MGB 23,000 RPM input shaft every 25 flying hours. ECF has also issued Eurocopter Service Bulletin No. 63.00.21 Ed. 1., dated June 26, 1998, which specifies the same inspections as the previously mentioned Telex, but also specifies a recurring 50 hour time-

in-service (TIS) check of the tightening torque loads on the MGB coupling tie-bolts for couplings that have not been modified in accordance with certain ECF modifications. That service bulletin also specifies a recurring 550 hour TIS engine-to-MGB coupling 23,000 RPM input check. The DGAC classified this service telex and service bulletin as mandatory and issued AD 97-303-066(AB), dated October 22, 1997, and AD 86-012-023(A) R4, dated July 29, 1998, in order to assure the continued airworthiness of these helicopters in France. The DGAC also issued AD 97-288-065(AB) for Model AS 332C, AS 332C1, AS 332L, and AS 332L1 helicopters, and AD 97-289-008(AB) for Model AS 332L2 helicopters, both dated October 22, 1998, which require inserting emergency instructions into the RFM regarding actions to take if either the "OVSP 1" or "OVSP 2" amber warning lights illuminate.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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 ECF Model AS 332C, AS 332L, AS 332L1, and AS 332L2 helicopters of the same type design registered in the United States, this AD is being issued to prevent failure of the rotor drive engine-to-MGB coupling, which, if undetected, could result in an engine overspeed leading to an uncontained engine turbine wheel burst and subsequent loss of control of the helicopter. This AD requires inserting an emergency procedure into the RFM regarding actions to take if either the "OVSP 1" or "OVSP 2" amber warning light illuminates; measuring the vibration levels of the engine-to-MGB shaft; inspecting the torque on the MGB coupling bolts; performing an engine-to-MGB coupling RPM input check; inspecting the spline and splined flanges; and inspecting the vibration level after the reassembly of the coupling. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the