

SBA is publishing this regulation as a direct final rule because SBA believes the rule is noncontroversial since it is merely implementing changes required by P.L. 106-554 without any need for interpretations by SBA. As such, SBA believes that this rule will not elicit any significant adverse comment.

**Compliance With Executive Orders 13132, 12988, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601-612), and the Paperwork Reduction Act (44 U.S.C., Ch. 35)**

For the purposes of Executive Order 13132, SBA has determined that this direct final rule has no federalism implications warranting preparation of a federalism assessment.

This direct final rule does not constitute a "significant" regulatory action under Executive Order 12866 and therefore, was not reviewed by the Office of Management and Budget.

SBA certifies that this direct final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612. This rule is merely implementing changes required by Pub. L. 106-554 without any need for interpretations by SBA. Any impact on small entities results from the 2000 legislation and not from this rulemaking.

SBA certifies that this final rule does not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., chapter 35.

For purposes of Executive Order 12988, SBA certifies that this final rule is drafted, to the extent practicable, to accord with the standards set forth in paragraph 3 of that Order.

**List of Subjects in 13 CFR Part 120**

Loan programs-business, Small Businesses.

For the reasons set forth above, SBA amends 13 CFR part 120 as follows:

1. The authority citation for part 120 continues to read as follows:

**Authority:** 15 U.S.C. 634(b)(6), 636(a) and (h), 696(3), and 697(a)(2).

2. Amend § 120.701 by revising paragraphs (f) and (i) to read as follows:

**§ 120.701 Definitions.**

\* \* \* \* \*

(f) *Microloan* is a short-term, fixed interest rate loan of not more than \$35,000 made by an Intermediary to an eligible small business.

\* \* \*

(i) *Specialized Intermediary* is an Intermediary which maintains a portfolio of Microloans averaging \$10,000 or less.

3. Revise § 120.702(a)(1) to read as follows:

**§ 120.702 Are there limitations on who can be an Intermediary or on where an Intermediary may operate?**

(a) \* \* \*

(1) Have made and serviced short-term fixed rate loans of not more than \$35,000 to newly established or growing small businesses for at least one year: and

\* \* \* \* \*

4. Revise § 120.704(b) to read as follows:

**§ 120.704 How are applications evaluated?**

(a) \* \* \*

(b) *Preference for organizations which make very small loans.* In selecting Intermediaries, SBA will give priority to applicants which maintain a portfolio of loans averaging \$10,000 or less.

\* \* \* \* \*

5. Amend § 120.705 by revising the second sentence to read as follows:

**§ 120.705 What is a Specialized Intermediary?**

\* \* \* An Intermediary qualifies as a Specialized Intermediary if it maintains a portfolio of Microloans averaging \$10,000 or less. \* \* \*

6. Amend § 120.707 as follows:

- a. By revising the second and third sentences of paragraph (b); and
- b. Revising paragraphs (c)(1) and (c)(2).

**§ 120.707 What conditions apply to loans by Intermediaries to Microloan borrowers?**

\* \* \* \* \*

(b) \* \* \* An Intermediary may not make a Microloan of more than \$20,000 unless the borrower demonstrates that it is unable to obtain credit elsewhere at comparable interest rates and that it has good prospects for success. An Intermediary may not make a Microloan of more than \$35,000, and no borrower may owe an Intermediary more than \$35,000 at any one time. \* \* \*

(c) \* \* \*

(1) On loans of more than \$10,000, the interest rate charged on the SBA loan to the Intermediary, plus 7.75 percentage points; and

(2) On loans of \$10,000 or less, the interest rate charged on the SBA loan to the Intermediary, plus 8.5 percentage points.

7. Amend § 120.714 as follows:

- a. By revising the first sentence of paragraph (a); and
- b. By revising paragraph (b).

**§ 120.714 How does a non-Intermediary get a grant?**

(a) *Grant procedure for non-Intermediaries.* Any nonprofit entity

that is not an Intermediary may apply to SBA for a grant to provide marketing, management and technical assistance to low-income individuals for the purpose of assisting them in obtaining private sector financing in amounts of \$35,000 or less. \* \* \*

(b) *Number and amount of grants.* In each year of the Microloan Program, SBA may make no more than 55 grants to non-Intermediaries for terms of up to five years. A grant may not exceed \$200,000.

\* \* \* \* \*

Dated: June 26, 2001.

**John Whitmore,**

*Acting Administrator.*

[FR Doc. 01-22959 Filed 9-13-01; 8:45 am]

**BILLING CODE 8025-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. 2001-SW-19-AD; Amendment 39-12439; AD 2001-18-13]**

**RIN 2120-AA64**

**Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 P1 and EC135 T1 Helicopters**

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) for Eurocopter Deutschland GmbH (Eurocopter) Model EC135 P1 and EC135 T1 helicopters. This action requires, before further flight, adding a copy of this AD or a statement to the Emergency Procedures section of the Rotorcraft Flight Manual (RFM) to inform the pilot to reduce power and land as soon as practicable if a thump-like sound followed by unusual vibration occurs during flight. This action also requires visually inspecting for a crack or a break in certain main rotor drive torque strut (strut) assemblies at specified time intervals and recording details of the inspections in the historical or equivalent record. This AD also requires re-marking and relocating the strut as appropriate and replacing any unairworthy strut assembly with an airworthy strut assembly before further flight. Also, this AD establishes a life limit of 1000 hours time-in-service (TIS) for certain struts with an additional 1000 hours TIS for struts re-marked right-hand (RH) or left-

hand (LH) before installing in the new location. This amendment is prompted by a report of a thump-like sound heard during flight followed by unusual vibrations due to failure of the RH strut between the main transmission and the fuselage. The actions specified in this AD are intended to prevent failure of a strut, failure of a worn or ineffective back-up emergency stop, and subsequent loss of control of the helicopter.

**DATES:** Effective October 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 2001.

Comments for inclusion in the Rules Docket must be received on or before November 13, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001-SW-19-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: [9-asw-adcomments@faa.gov](mailto:9-asw-adcomments@faa.gov).

The service information referenced in this AD 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:** Richard Monschke, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193-0110, telephone (817) 222-5116, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** The Luftfahrt-Bundesamt (LBA), the airworthiness authority for the Federal Republic of Germany, notified the FAA that an unsafe condition may exist on Eurocopter Model EC 135 helicopters. The LBA advises of an isolated thump-like sound heard during flight followed by unusual vibrations. The inspection following this incident revealed that the attachment between the tensile stress-loaded strut on the RH side of the main transmission and the fuselage structure had ruptured. For such cases, the emergency stop, fitted to the fuselage structure to provide redundancy backup, takes over or will have already taken over the function of the strut. Under such conditions, however, there

is a danger that the emergency stop could become worn and ineffective if it is kept in operation for a long period of time with an unairworthy strut.

Eurocopter has issued Alert Service Bulletin EC135-63A-002, Revision 1, dated March 12, 2001 (ASB), which specifies notifying the pilots of Model EC 135 helicopters about the contents of the ASB. The ASB also specifies inspecting the strut for a crack, marking the strut location and serial number (S/N) in the vicinity of the part number (P/N), and transferring location side of the struts at certain intervals. The LBA classified this ASB as mandatory and issued AD 2001-107, dated March 13, 2001 to ensure the continued airworthiness of these helicopters in the Federal Republic of Germany.

These helicopter models are manufactured in the Federal Republic of Germany and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to this bilateral agreement, the LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, 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.

We have identified an unsafe condition that is likely to exist or develop on other Eurocopter Model EC135 P1 and EC135 T1 helicopters of the same type designs registered in the United States. Therefore, this AD is being issued to prevent failure of a strut and subsequent loss of control of the helicopter.

This AD requires the following for each strut, P/N L633M1001 103 and L633M1001 105:

- Before further flight, insert a copy of this AD or a statement into the Emergency Procedures section of the RFM to inform the pilot to reduce power and land as soon as practicable if a thump-like sound followed by unusual vibration occurs during flight.
- Within 10 hours TIS, visually inspect each strut with 950 or more hours TIS for a crack or a break.
- Before accumulating 1000 hours TIS for each strut with less than 950 TIS and within 50 hours TIS for each strut with 950 or more hours TIS, inspect for a crack or a break using a 6-power or higher magnifying glass.
- Replace any cracked or broken strut with an airworthy strut before further flight.
- Enter the details of each inspection in the helicopter's historical or equivalent record.

This AD revises the Airworthiness Limitations section of the maintenance manual by establishing a life limit of 1000 hours TIS for each strut in its original location, with an additional 1000 hours TIS if properly re-marked and relocated (2000 hours total TIS) to the opposite side of the transmission. The additional 1000 hours TIS life is possible because the loading mode is changed by relocating the tension loaded RH strut to the LH position, which is loaded in compression. The actions are required to be accomplished in accordance with the service bulletin described previously.

The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability and structural integrity of the helicopter. Therefore, before further flight, insert a copy of this AD or a statement into the Emergency Procedures section of the RFM to inform the pilot to reduce power and land as soon as practicable if a thump-like sound followed by unusual vibration occurs during flight. Also, because visually inspecting each strut with 950 or more hours TIS for a crack or break is required within 10 hours TIS, and, if a cracked or broken part is found, replacing any unairworthy part with an airworthy part is required before further flight, this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 38 helicopters will be affected by this AD. The FAA also estimates approximately ½ work hour to do a flashlight and mirror inspection and 2.5 work hours to re-mark, relocate, inspect with a 6-power or higher magnifying glass, and replace each strut as necessary. The average labor rate is \$60 per work hour. Required parts will cost approximately \$2400 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$98,040.

#### 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 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 mailed 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. 2001-SW-19-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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:

**2001-18-13 Eurocopter Deutschland GmbH**  
Amendment 39-12439. Docket No. 2001-SW-19-AD.

**Applicability:** Model EC135 P1 and EC135 T1 helicopters, with main rotor drive torque strut assembly (strut), part number (P/N) L633M1001 103 or L633M1001 105, 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 otherwise 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 request approval for an alternative method of compliance in accordance with paragraph (f) 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 as indicated, unless accomplished previously.

To prevent failure of the strut and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight, insert a copy of this AD or a statement into the Emergency Procedures Section of the Rotorcraft Flight Manual (RFM) to inform the pilot to reduce power and land as soon as practicable if a thump-like sound followed by unusual vibration occurs during flight.

(b) Within 10 hours time-in-service (TIS), visually inspect each strut with 950 or more hours TIS for a crack or a break using a flashlight and a mirror in accordance with the Accomplishment Instructions, paragraph 3.B.(1) and 3.B.(2), of Eurocopter Deutschland GmbH Alert Service Bulletin EC135-63A-002, Revision 1, dated March 12, 2001 (ASB). Replace any cracked or broken strut with an airworthy strut before further flight.

(c) Inspect the following struts for a crack or a break, using a 6-power or higher magnifying glass, and re-mark and relocate each strut in accordance with the Accomplishment Instructions, paragraph 3.C., of the ASB. This AD does not require you to return any part to the manufacturer.

(1) For a strut with less than 950 hours TIS, inspect before accumulating 1000 hours TIS.

(2) For a strut with 950 or more hours TIS, inspect within 50 hours TIS.

(3) Replace any cracked or broken strut with an airworthy strut before further flight.

(d) This AD revises the Airworthiness Limitations section of the maintenance manual by establishing a life limit of 1000 hours TIS for each strut, P/N L633M1001 103 and L633M1001 105, in its original location, with an additional 1000 hours TIS if properly re-marked and relocated (2000 hours total TIS) in accordance with the Accomplishment Instructions, paragraph 3.C.(3) of the ASB.

(e) Record details of the inspections in the historical or equivalent records in accordance with the Accomplishment Instructions, paragraph 3.C.(4) of the ASB.

(f) 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, Regulations Group, 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, Regulations Group.

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

(g) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(h) The inspections, re-marking, relocation, and entry in the historical or equivalent record of each strut, P/N L633M1001 103 and L633M1001 105, shall be done in accordance with the Accomplishment Instructions, paragraphs 3.B.(1), 3.B.(2), and 3.C., of Eurocopter Deutschland GmbH Alert Service Bulletin EC135-63A-002, Revision 1, dated March 12, 2001. 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.

(i) This amendment becomes effective on October 1, 2001.

**Note 3:** The subject of this AD is addressed in Luftfahrt-Bundesamt (Federal Republic of Germany) AD 2001-107, dated March 13, 2001.

Issued in Fort Worth, Texas, on September 4, 2001.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 01-22946 Filed 9-13-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-230-AD; Amendment 39-12437; AD 2001-18-11]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model 717 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 McDonnell Douglas Model 717 series airplanes. This action requires a one-time inspection of the support seal tubes of the rudder trim and load-feel actuator assembly of the rudder trim control system, located in the aft accessory compartment, for proper clearance between the actuator support seal tube and spring capsule assembly, and applicable follow-on/corrective actions. This action is necessary to detect and correct the accumulation of moisture in the rudder trim and load-feel actuator of the rudder trim control system. Such moisture could freeze and cause stiff operation, binding, or jamming of the rudder trim control system and consequent jamming of the rudder; and adversely affect directional control of an airplane.

**DATES:** Effective October 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 2001.

Comments for inclusion in the Rules Docket must be received on or before November 13, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-230-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except

Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: *9-anm-iarccomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-230-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Albert Lam, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5346; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** The FAA has received several reports of in-flight binding and/or stiff operation of the rudder trim control system on McDonnell Douglas Model 717 series airplanes. Subsequent investigation indicates that approximately 60 rudder trim and load-feel actuators were manufactured with insufficient clearance between the actuator support seal tube and spring capsule assembly, and these actuators were installed on Model 717 series airplanes. Moisture condensing in the area of those components could freeze and cause stiff operation, binding, or jamming of the rudder trim control system. Such conditions could result in consequent jamming of the rudder and adversely affect directional control of an airplane.

#### Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 717-27A0016, including Appendix, dated April 9, 2001, which describes procedures for a one-time inspection of the support seal tubes of the rudder trim and load-feel actuator assembly of the rudder trim control system, located in

the aft accessory compartment, for proper clearance between the actuator support seal tube and spring capsule assembly, and applicable follow-on/corrective actions. The Boeing service bulletin refers to BFGoodrich Aerospace Service Bulletin DL4528M1-27-20, dated April 3, 2001, as an additional source of service information. The inspection and follow-on/corrective actions include the following procedures:

- Condition 1: For a 5-inch support seal tube, as specified in the Boeing service bulletin, reidentify the rudder trim and load-feel actuator assembly, and apply a nylon or polyurethane clear coating.
- Condition 2: For a 6-inch support seal tube, as specified in the Boeing service bulletin, modify and reidentify the actuator assembly, and install the modified and reidentified actuator assembly. Modification action includes removing sealant from around the screw heads and flange of the support seal tube; removing safety wire from screws; removing the support seal tube; cleaning any excess sealant compound from the support seal tube, cover, and front cap; applying sealing compound to the support tube at certain locations; installing and securing a new support seal tube, using six screws having a specified torque value and securing them with safety wire; reidentifying the actuator identification plate; and applying a clear coating to the flange of the support seal tube.

#### Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other McDonnell Douglas Model 717 series airplanes of the same type design, this AD is being issued to detect and correct the accumulation of moisture in the rudder trim and load-feel actuator of the rudder trim control system. Such moisture could freeze and result in stiff operation, binding, or jamming of the rudder trim control system and consequent jamming of the rudder; and adversely affect directional control of an airplane.

This AD requires accomplishment of the actions specified by the previously referenced Boeing service bulletin, except as discussed below.

#### Differences Between the Service Information and This AD

Operators should note that the BFGoodrich Aerospace service bulletin, which is referenced by the Boeing service bulletin as an additional source of information, specifies the application of a nylon or polyurethane clear coating