

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 1, 61, 141, 143

[Docket No. 25910; Notice No. 95-11]

RIN 2120-AE71

#### Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules

**AGENCY:** Federal Aviation Administration (FAA).

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** This action extends the comment period on Notice No. 95-11: Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules. The comment period is extended from December 11, 1995, to February 12, 1996. This action is in response to a request from the Helicopter Association International to allow all affected parties additional time to comment. The extension of the comment period is justified because of the unusually large size of the proposal and the numerous technical issues raised.

**DATES:** The comment period for Notice No. 95-11 is extended until February 12, 1996.

**ADDRESSES:** Comments should be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel (Attention: Rules Docket, AGC-200), Docket No. 25910, 800 Independence Avenue SW., Washington, DC 20591. Comments on this notice may be examined in room 915G on weekdays, except on Federal holidays, between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** John Lynch, Certification Branch, AFS-840, General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone: (202) 267-3844.

**SUPPLEMENTARY INFORMATION:** On August 11, 1995, the Federal Aviation Administration (FAA) issued Notice No. 95-11: Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules [60 FR 41160]. Comments to Notice No. 95-11 were to be received on or before December 11, 1995.

By letter dated November 9, 1995, the Helicopter Association International (HAI) requested that the FAA extend the comment period for Notice No. 95-11 to March 31, 1996. HAI noted that the proposal contains a myriad of far-reaching changes, and that the sheer bulk and detail of those changes warrant more than 120 days to prepare well-reasoned comments.

Due to the unusually large size of the proposal and the numerous technical issues raised in the proposal, general aviation groups were not able to disseminate information to their members in a timely manner. Therefore, the FAA has determined that a 2-month extension of the comment period is in the public interest.

In order to give HAI members and other interested parties sufficient time to comment, the FAA has determined that it is in the public interest to extend the comment period. However, other commenters have urged the FAA to finalize certain areas of the proposal as soon as possible. In an effort to provide interested parties sufficient time to comment, while at the same time ensuring the final rule is published in a punctual manner, the FAA will extend the comment period until February 12, 1996.

Issued in Washington, DC on December 8, 1995.

William J. White,

*Acting Director, Flight Standards Service.*

[FR Doc. 95-30445 Filed 12-11-95; 12:34 pm]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 39

[Docket No. 95-SW-27-AD]

#### Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to Robinson Helicopter Company (Robinson) Model R22 helicopters, that currently requires installing a low-rotor RPM caution light and resetting the low-RPM warning unit to activate the warning horn and caution light at 94% to 96% revolutions-per-minute (RPM). This action would require installation of an improved throttle governor; an adjustment to the warning horn threshold to increase the RPM at which the warning horn and caution light activate; and, revisions to the R22 Rotorcraft Flight Manual that prohibit flight with the improved throttle governor inoperative, except in certain situations. This proposal is prompted by an FAA Technical Panel review of Model R22 accident history data which revealed that main rotor (M/R) blade stall at abnormally low M/R RPM resulted in accidents. The actions specified by the proposed AD are intended to minimize the possibility of pilot mismanagement of the M/R RPM, which could result in unrecoverable M/R blade stall and subsequent loss of control of the helicopter.

**DATES:** Comments must be received by January 29, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-SW-27-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Wang, Helicopter Program Manager, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712-4137, telephone (310) 627-5303; fax (310) 627-5210.

#### SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified

above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-SW-27-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-SW-27-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

#### Discussion

On April 28, 1983, the FAA issued AD 82-23-51, Amendment 39-4645 (48 FR 21894, May 16, 1983), to require installing a low-rotor RPM caution light and resetting the low-RPM warning unit to activate the warning horn and caution light at 94% to 96% RPM. That action was prompted by several accidents involving M/R blades striking the helicopter tailboom in flight. Some tailboom strikes have been attributed to M/R blade stall at abnormally low RPM. The requirements of that AD are intended to provide early detection of low-rotor RPM to minimize the possibility of severe M/R blade flapping, which could result in the M/R blades striking the tailboom and subsequent loss of control of the helicopter.

Since the issuance of that AD, an FAA Technical Panel review of Model R22 helicopter accident history data revealed that some accidents resulted from pilot mismanagement of the M/R RPM.

One of the Technical Panel's recommendations was for the manufacturer to configure the Model R22 with an improved throttle governor. Robinson has incorporated the improved throttle governor on new production helicopters, and has made the improved throttle governor available

as a retrofit kit for all Model R22 helicopters.

The FAA agrees with the Technical Panel's recommendation and has determined that an improved throttle governor should be used to maintain M/R RPM, thereby decreasing the possibility of M/R blade stall resulting in the M/R blades striking the helicopter tailboom in flight. The improved throttle governor will also reduce pilot workload, allowing the pilot to focus more attention on other aspects of flying the aircraft and avoiding possible obstructions. There are four types of governors currently available for installation on the Model R22 helicopters. Three are throttle/collective governor models that will automatically make throttle (RPM) and collective stick position (pitch) corrections. The fourth governor, which is the improved throttle governor, makes only throttle (RPM) corrections and significantly improves the ability to maintain M/R speed control. Some operators find throttle/collective governor corrections of collective stick position to be distracting and routinely fly with the throttle/collective governor selected off, thus defeating the governor's purpose of tighter rotor RPM control. While other operators find these throttle/collective governor collective stick movements acceptable, the FAA is concerned about the different operating characteristics and associated safety implications of a mixed fleet of throttle/collective and improved throttle governors, particularly in the training environment. The differences in flight operating characteristics between the throttle/collective governor and the improved throttle governor are significant and could cause confusion and an unsafe condition for students and low-time pilots when changing between Model R22 helicopters. The FAA therefore proposes to require the installation and use of the improved throttle governor to enhance the ability to maintain M/R speed control on all Model R22 helicopters, to eliminate possibly distracting collective stick position corrections on those aircraft currently equipped with the throttle/collective governor, and to maintain consistent flight operating characteristics of the Model R22 fleet.

A second recommendation made by the Technical Panel was to increase the RPM at which the warning horn and caution light activate, thereby allowing additional time for the initiation of corrective action between the activation of the warning horn and caution light and the onset of M/R blade stall. The installation of the improved throttle governor will allow for this increase in

the warning threshold, without unnecessary nuisance activations, due to the governor's ability to maintain tighter control of the M/R RPM.

Based on these recommendations, Robinson issued Robinson Helicopter Company R22 Service Bulletin SB-80A, Revised June 8, 1995, which describes procedures for installation of a KI-67-2 Governor Field Installation Kit on certain serial-numbered Model R22 helicopters, and procedures for increasing the RPM threshold at which the warning horn and caution light activate to avoid inadvertent low M/R RPM. This condition, if not corrected, could result in unrecoverable M/R blade stall and a subsequent loss of control of the helicopter. Since the issuance of this service bulletin, Robinson has manufactured a KI-67-3 Governor Upgrade Kit to incorporate the improved throttle governor on helicopters that have a throttle/collective governor currently installed.

Since an unsafe condition has been identified that is likely to exist or develop on other Robinson Model R22 helicopters of the same type design, the proposed AD would require: the installation of an improved throttle governor on certain Model R22 helicopters not currently equipped with a governor, or the upgrade to the improved throttle governor on those Model R22 helicopters currently equipped with a throttle/collective governor; an adjustment to the warning horn and caution light threshold from  $95 \pm 1\%$  RPM to between 96% and 97% RPM to increase the RPM at which the warning activates; and revisions to the Robinson Helicopter Company R22 Rotorcraft Flight Manual prohibiting flight with the governor selected off, with exceptions for system malfunction and emergency procedures training with an instructor pilot.

The FAA estimates that 1,014 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours to install the improved throttle governor, or 7 hours to upgrade the throttle/collective governor, and approximately 0.2 work hours to accomplish the adjustment of the light/warning horn RPM, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$2,150 per helicopter to install the improved throttle governor, or approximately \$500 for upgrading the throttle/collective governor per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$2,678,988. This cost estimate assumes that no helicopters are currently

equipped with a governor and all will need the improved throttle governor installed.

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 USC 106(g), 40101, 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by removing Amendment 39-4645 (48 FR 21894, May 16, 1983), and by adding a new airworthiness directive (AD) to read as follows:

Robinson Helicopter Company; Docket No. 95-SW-27-AD. Supersedes AD 82-23-51, Amendment 39-4645.

Applicability: Model R22 helicopters, serial numbers (S/N) 0002 to 2537, 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 helicopter from the applicability of this AD.

Compliance: Required within the next 30 days after the effective date of this AD, unless accomplished previously.

To minimize the possibility of pilot mismanagement of the main rotor (M/R) revolutions-per-minute (RPM), which could result in unrecoverable M/R blade stall and subsequent loss of control of the helicopter, accomplish the following:

(a) Adjust the A569-1 or -5 low-RPM warning unit so that the warning horn and caution light activate when the M/R RPM is between 96% and 97% rotor RPM in accordance with the procedures contained in the Model R22 maintenance manual.

(b) For Model R22 helicopters that do not have a governor currently installed, install a Robinson Helicopter Company KI-67-2 Governor Field Installation Kit in accordance with the kit instructions.

(c) For Model R22 helicopters that have a throttle/collective governor currently installed, upgrade the governor with a Robinson Helicopter Company KI-67-3 Governor Upgrade Kit in accordance with the kit instructions.

(d) Upon accomplishment of paragraph (b) or (c) of this AD, insert pages 2-2 and 2-7 of the FAA-approved Robinson Helicopter Company R22 Rotorcraft Flight Manual, revised July 6, 1995, into each Model R22 helicopter's flight manual, and make pen-and-ink changes to page 2-7 to delete the phrase "If equipped with RPM governor," and add the phrase "with an instructor pilot" so that the affected limitation will state "Flight prohibited with governor selected off, with exceptions for system malfunction and emergency procedures training with an instructor pilot." Also, delete the phrase "If not equipped with RPM governor," so that the affected limitation will state "Maximum power-on RPM required during takeoff, climb, or level flight below 500 feet AGL or above 5000 feet density altitude."

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through FAA Principal Maintenance Inspectors, 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.

(f) Special flight permits may be issued in accordance with §§ 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.

Issued in Fort Worth, Texas, on December 6, 1995.

Daniel P. Salvano,  
Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95-30422 Filed 12-13-95; 8:45 am]

BILLING CODE 4910-13-U

#### **OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

#### **15 CFR Part 2013**

#### **Weekly Allocation of NAFTA Tariff-Rate Quotas for Fresh Tomatoes**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Office of the United States Trade Representative is considering a proposal to allocate on a weekly basis the seasonal tariff-rate quotas for fresh tomatoes which were established under the North American Free Trade Agreement. Public comment is invited.

**DATES:** Written comments must be received on or before March 13, 1996.

**ADDRESSES:** Comments should be mailed to Leonard W. Condon, Deputy Assistant United States Trade Representative for Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508. Envelopes should be marked: "Tomato ANPR".  
**FOR FURTHER INFORMATION CONTACT:** Leonard W. Condon (202) 395-9564.

**SUPPLEMENTARY INFORMATION:** Article 302(4) of the North American Free Trade Agreement (NAFTA) provides that each NAFTA party " \* \* \* may adopt or maintain import measures to allocate in-quota imports made pursuant to a tariff rate quota set out in Annex 302.2, provided that such measures do not have trade restrictive effects on imports additional to those caused by the imposition of the tariff rate quota."

Section 321(c) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3391(c)) provides that in "implementing the tariff rate quotas set out in the United States Schedule to Annex 302.2 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the