

does SBA intend for this regulation to be understood as re-establishing the availability of assistance under those programs. Hence, since this legislation now extends the exclusion form affiliation to small concerns that apply for any type of assistance under the SBIA Act, the exclusion from affiliation applies solely to applicants for available financial, management, or technical assistance under the SBIC, the Surety Bond Guarantee, and the Certified State and Local Development Company Programs.

SBA is issuing this as a final rule and not as a proposed rule, because SBA is merely incorporating this Congressionally mandated interpretation and clarification of the definition of small business into its existing regulations. SBA is not modifying or otherwise changing its regulations in any way other than to the extent that the statute directs the Agency to do so.

Compliance With Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601, et seq.), and the Paperwork Reduction Act (44 U.S.C. Ch. 5).

Under the Regulatory Flexibility Act (RFA), SBA is not required to analyze the impact of this revision of its size regulations on small businesses because: the RFA applies to Federal rules that require public comment; and this is a final rule, incorporating into SBA's Small Business Size Regulations a Congressionally mandated interpretation and clarification of the definition of small business, and therefore requires no comment. In Fiscal Year 1995 SBICs invested in 2,221 enterprises. SBA believes that clarifying this definition actually increases the number of small businesses that may apply for assistance under the SBIA Act. It also provides more programs under which these small businesses may seek assistance. Under this amendment, venture capital companies can invest in small businesses confident that they are not jeopardizing a small business' eligibility for additional funding and assistance as well.

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA certifies that this final rule contains no new reporting or recordkeeping requirements. For purposes of Executive Order 12612, SBA certifies that this rule does not have federalism implications warranting the preparation of a Federalism Assessment. For purposes of Executive Order 12778, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the

standards set forth in Section 2 of that Order.

#### List of Subjects in 13 CFR Part 121

Government procurement, Government property, Grant programs—business, Individuals with disabilities, Loan programs—business, Small businesses.

#### PART 121—[AMENDED]

1. The authority citation for 13 CFR Part 121 is revised to read as follows:

Authority: 15 U.S.C. 632(a), 634(b)(6), 637(a), 644(c) and 662(5);

2. Section 121.103(b)(5) introductory text is revised to read as follows:

\* \* \* \* \*

(5) For financial, management or technical assistance under the Small Business Investment Company Act of 1958, as amended, (and applicant is not affiliated with the investors listed in paragraphs (b)(5)(I) through (vi) of this section.

\* \* \* \* \*

Dated: February 24, 1997.

Aida Alvarez,  
Administrator.

[FR Doc. 97-5739 Filed 3-11-97; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 94-SW-24-AD; Amendment 39-9959; AD 97-06-02]

RIN 2120-AA64

#### Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B-1 and 214ST Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. (BHTI) Model 214B, 214B-1, and 214ST helicopters, that currently establishes a retirement life of 40,000 high-power events for the lower planetary spider (spider). This amendment changes the method of calculating the retirement life for the spider from high-power events to a maximum accumulated Retirement Index Number (RIN) of 80,000, and makes this RIN applicable to an additional part-numbered spider. This amendment is prompted by fatigue analyses and tests that show certain

spiders fail sooner than originally anticipated because of the unanticipated higher number of external load lifts and takeoffs (torque events) performed with those spiders, in addition to the time-in-service (TIS) accrued under other operating conditions. The actions specified by this AD are intended to prevent fatigue failure of the spider, which could result in failure of the main transmission and subsequent loss of control of the helicopter.

**EFFECTIVE DATE:** April 16, 1997.

**ADDRESSES:** The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Ft. Worth, Texas 76101.

**FOR FURTHER INFORMATION CONTACT:** Mr. Uday Garadi, Aerospace Engineer, FAA, Rotorcraft Certification Office, Rotorcraft Directorate, Fort Worth, Texas 76193-0170, telephone (817) 222-5157, fax (817) 222-5959.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 93-05-02, Amendment 39-8608 (58 FR 45833, August 31, 1993), which is applicable to BHTI Model 214B, 214B-1, and 214ST helicopters, was published in the Federal Register on November 14, 1996 (61 FR 58353). That action proposed changing the method of calculating the retirement life for the spider from high-power events to a maximum accumulated RIN of 80,000, and proposed making this RIN applicable to an additional part-numbered spider.

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

The FAA estimates that 11 helicopters of U.S. registry will be affected by this AD, that it will take approximately (1) 48 work hours to replace a spider affected by the new method of determining the retirement life required by this AD; (2) 2 work hours per helicopter to create the component history card or equivalent record (record), and (3) 10 work hours per helicopter to maintain the record each year, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$10,920 per helicopter. Based on these figures, the

total cost impact of the AD on U.S. operators is estimated to be \$28,220 for the first year and \$27,120 for each subsequent year. These costs assume replacement of the spider in one-sixth of the fleet each year, creation and maintenance of the records for all the fleet the first year, and creation of one-sixth of the fleet's records and maintenance of the records for all the fleet each subsequent year.

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 removing Amendment 39-8608 (58 FR 45833, August 31, 1993), and by adding a new airworthiness directive (AD),

Amendment 39-9959, to read as follows:

AD 97-06-02 Bell Helicopter Textron, Inc.: Amendment 39-9959. Docket No. 94-SW-24-AD. Supersedes AD 93-05-02, Amendment 39-8608.

*Applicability:* Model 214B and 214B-1 helicopters, with lower planetary spider (spider), part number (P/N) 214-040-080-001 or -101, and Model 214ST helicopters, with spider, P/N 214-040-080-101, 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 (f) 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 (TIS) after the effective date of this AD, unless accomplished previously.

To prevent fatigue failure of the spider, which could result in failure of the main transmission and subsequent loss of control of the helicopter, accomplish the following:

(a) Create a component history card for the spider, P/N 214-040-080-001 or -101.

(b) For Model 214B and 214B-1 helicopters with spider, P/N 214-040-080-001, determine and record the accumulated Retirement Index Number (RIN) as follows:

(1) If the number of takeoffs and the number of external load lifts conducted with this spider are known, record one (1) RIN for each takeoff and one (1) RIN for each external load lift.

(2) If either the number of takeoffs or the number of external load lifts conducted with this spider are unknown, record twenty-four (24) RIN for each hour TIS.

(3) If either the number of takeoffs or the number of external load lifts conducted with this spider are unknown, or the hours TIS are unknown, record twenty-one thousand, six hundred (21,600) RIN for each calendar year TIS. Prorate the number of RIN, based on the number of calendar days, for a portion of a year.

(c) For Model 214B, 214B-1, and 214ST helicopters with spider, P/N 214-040-080-101, determine and record the accumulated RIN by multiplying the high-power events by two (2).

Note 2: BHTI Alert Service Bulletin (ASB) No. 214-94-53, which is applicable to Model 214B and 214B-1 helicopters, and ASB No. 214ST-94-68, which is applicable to Model

214ST helicopters, both dated November 7, 1994, pertain to this subject.

(d) After complying with paragraphs (a) and (b) or (c) of this AD, during each operation thereafter, maintain a count of the number and type of external load lifts and the number of takeoffs performed, and at the end of each day's operations, increase the accumulated RIN on the component history card as follows:

(1) For the Model 214B and 214B-1 helicopters:

(i) Increase the RIN by 1 for each takeoff.

(ii) Increase the RIN by 1 for each external load lift, or increase the RIN by 2 for each external load lift in which the load is picked up at a higher elevation and released at a lower elevation, and the difference in elevation between the pickup point and the release point is 200 feet or greater.

(2) For the Model 214ST helicopter:

(i) Increase the RIN by 2 for each takeoff.

(ii) Increase the RIN by 2 for each external load lift, or increase the RIN by 4 for each external load lift in which the load is picked up at a higher elevation and released at a lower elevation, and the difference in elevation between the pickup point and the release point is 200 feet or greater.

(e) Remove the spider, P/N 214-040-080-001 or -101, from service on or before attaining an accumulated RIN of 80,000. The spider is no longer retired based upon flight hours. This AD revises the Airworthiness Limitations Section of the maintenance manual by establishing a new retirement life for the spider of 80,000 RIN.

(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, Rotorcraft Certification Office, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(g) 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.

(h) This amendment becomes effective on April 16, 1997.

Issued in Fort Worth, Texas, on February 26, 1997.

Larry M. Kelly,

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

[FR Doc. 97-6090 Filed 3-11-97; 8:45 am]

**BILLING CODE 4910-13-U**