

cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

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 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Aerospatiale:** Docket 2000–NM–379–AD.

**Applicability:** All Model ATR42–200, –300, –320, and "500 series airplanes and all Model ATR72 series airplanes, certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To ensure that the flight crew is advised of the potential hazard associated with use of Type II of IV de-icing fluids prior to takeoff and the procedures necessary to address it, accomplish the following:

### Revision of the Airplane Flight Manual

(a) Within 15 days after the effective date of this AD, revise the Appendices and Supplements chapter of the FAA-approved Airplane Flight Manual (AFM) by incorporating the manufacturer's Appendix on this issue or by including the following, which may be accomplished by including a copy of this AD in the AFM.

#### "Takeoff After Use of Fluid Type II or IV

This appendix applies only to aircraft de-iced or anti-iced before takeoff, using fluid Type II or IV.

These types of fluid may lead to an increase in control forces necessary to rotate, and then to a modification of takeoff performance.

Therefore, this flight manual must be modified as follows:

#### 1. General

The general information in Section 1 is applicable.

#### 2. Limitations

The limitations in Section 2 are applicable.

#### 3. Normal Procedures

The normal procedures in Section 3 are applicable.

#### 4. Emergency Procedures

The emergency procedures in Section 4 are applicable.

#### 5. Procedures Following Failures

The procedures following failures in Section 5 are applicable.

#### 6. Performances

The performances in Section 6 for dry runways and in Section 7.03 for non-dry runways (advisory materials) are applicable with the addition of the following for takeoff computations:

- Determine VR for the lowest available V2,
- Assume V1=VR,
- Increase TOR, TOD, ASD by 20%.

#### 7. Appendices and Supplements

Data of Section 7 are applicable by adding what follows:

For the dispatch cases:

- Apply takeoff penalties due to the system failure,
- Then apply takeoff penalties due to the use of fluid Type II or IV.

Dispatch is not authorized in the following cases:

- Ferry flight with pitch elevators disconnected,
- Takeoff with flaps retracted."

### Alternative Methods of Compliance

(b) 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, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate

FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

**Note 1:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

### Special Flight Permits

(c) 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 airplane to a location where the requirements of this AD can be accomplished.

**Note 2:** The subject of this AD is addressed in French airworthiness directives 2000–449–082(B) and 2000–448–053(B), both dated October 31, 2000.

Issued in Renton, Washington, on April 6, 2001.

**Donald L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01–9076 Filed 4–11–01; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001–SW–02–AD]

RIN 2120–AA64

### Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters

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

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

**SUMMARY:** This amendment proposes rescinding an existing Airworthiness Directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 407 helicopters. That AD currently requires, before further flight, imposing never exceed velocity (Vne) restrictions on the helicopter. The requirements of that AD were intended to prevent tail rotor blades from striking the tailboom, separation of the aft section of the tailboom with the tail rotor gearbox and vertical fin, and subsequent loss of control of the helicopter. That AD was prompted by an accident suspected of being the result of a tail rotor strike caused by high airspeed. Since the issuance of that AD, accident investigation findings have not substantiated that a tail rotor strike caused by high airspeed was the cause of the accident. This action would require rescinding that AD. This

proposal is prompted by the FAA's determination that the Vne restrictions and accompanying actions imposed by that AD do not correct an unsafe condition.

**DATES:** Comments must be received on or before May 14, 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-02-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov.

**FOR FURTHER INFORMATION CONTACT:** Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193-0111, telephone (817) 222-5122, fax (817) 222-5961.

#### **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 document 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 mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2001-SW-02-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 Regional Counsel, Attention: Rules Docket No. 2001-SW-02-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

##### **Discussion**

On January 30, 2001, the FAA issued AD 2001-01-52, Amendment 39-12100 (66 FR 9031, February 6, 2001), for BHTC Model 407 helicopters. That AD requires, before further flight, reducing the maximum approved Vne to 100 KIAS if an airspeed-actuated pedal stop is not installed or to 110 KIAS if an airspeed-actuated pedal stop is installed; inserting a copy of the AD into the RFM; installing a temporary placard on the flight instrument panel to indicate the reduced Vne limit; and installing a new redline Vne limit at either 100 or 110 KIAS, as specified in the AD, on all airspeed indicators. That action was prompted by an accident in which a helicopter was destroyed on water impact following an in-flight occurrence at approximately 140 KIAS. One of the possible contributing factors was an in-flight tail rotor strike to the tailboom. As a precautionary measure, pending further investigation into the accident, and after reviewing the AD issued by the certifying authority for the helicopter (Transport Canada), the FAA issued AD 2001-01-52 to reduce the Vne.

##### **Actions Since Issuing Previous AD**

Since issuing AD 2001-01-52, preliminary accident investigation findings do not substantiate that the accident resulted from a tail rotor strike caused by high airspeed. Information provided by BHTC and reviewed by the FAA supports these findings. Transport Canada has issued a superseding AD, CF-2001-01R1, dated April 3, 2001, stating that the Vne restriction is no longer necessary. Transport Canada advises that no data has emerged from the investigation to confirm that the accident was initiated by a tail rotor strike. While the possibility of a tail rotor strike has not been completely discounted as the cause of the accident, a tail rotor strike occurrence while operating within the approved flight envelope has been discounted. The ongoing accident investigation is currently considering other factors.

##### **FAA's Conclusions**

After reviewing the available data, the FAA has determined that it is appropriate to rescind AD 2001-01-52 to prevent operators from performing an unnecessary action. The Vne restrictions

and accompanying actions imposed by that AD do not correct an unsafe condition. The ongoing investigation found no information to indicate that the accident was caused by a tail rotor strike during flight at high airspeed. The cause of the accident precipitating AD 2001-01-52 remains under investigation.

This proposed action would rescind AD 2001-01-52. Rescission of AD 2001-01-52 would constitute only such action and if followed by a final action would not preclude the agency from issuing another action in the future nor would it commit the agency to any course of action in the future.

##### **Cost Impact**

The FAA estimates that 200 helicopters of U.S. registry are affected by AD 2001-01-52. The actions that are currently required by that AD take approximately 3 work hours per helicopter to manufacture and install each airspeed limitation placard. The average labor rate is \$60 per work hour. Required parts cost approximately \$10 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$38,000 to install an airspeed limitation placard on all helicopters in the U.S. fleet. However, adopting this proposed rescission would eliminate those costs.

##### **Regulatory Impact**

The regulations proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

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 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding an AD removing Amendment 39-12100 to read as follows:

**Bell Helicopter Textron Canada:** Docket No. 2001-SW-02-AD. Rescinds AD 2001-01-52, Amendment 39-12100.

*Applicability:* Model 407 helicopters, certificated in any category.

Issued in Fort Worth, Texas, on March 5, 2001.

**Eric Bries,**

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

[FR Doc. 01-9075 Filed 4-11-01; 8:45 am]

**BILLING CODE 4910-13-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-SW-43-AD]

RIN 2120-AA64

#### Airworthiness Directives; Sikorsky Aircraft Corporation Model S-61A, D, E, L, N, NM, R, and V Helicopters

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

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

**SUMMARY:** This document proposes superseding an existing airworthiness directive (AD) for Sikorsky Aircraft Corporation (Sikorsky) Model S-61A, D, E, L, N, NM, R, and V helicopters. That AD currently requires a nondestructive inspection (NDI) for a crack in the main rotor shaft (shaft) and replacing any cracked shaft. This action would require establishing and defining new life limits and removing certain shafts from service. This proposal is prompted by the final results of fatigue tests indicating the need to establish life limits for certain shafts. The actions specified by the proposed AD are intended to prevent structural failure of the shaft, loss of power to the main

rotor, and subsequent loss of control of the helicopter.

**DATES:** Comments must be received on or before June 11, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000-SW-43-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Wayne Gaulzetti, Aviation Safety Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238-7156, fax (781) 238-7199.

#### 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 will be considered before taking action on the proposed rule. The proposals contained in this document 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 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 mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2000-SW-43-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 Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000-SW-43-AD, 2601

Meacham Blvd., Room 663, Fort Worth, Texas 76137.

##### Discussion

On December 7, 1998, the FAA issued AD 98-26-02, Amendment 39-10943 (63 FR 69177, December 16, 1998), for Sikorsky Model S-61A, D, E, L, N, NM, R, and V helicopters. That AD required an NDI of certain shafts used in repetitive external lift (REL) operations, replacing any cracked shaft, appropriately marking shafts, and establishing a new shaft retirement life. That action was prompted by reports of cracked shafts in helicopters utilized in REL operations. The requirements of that AD are intended to detect a fatigue crack in the shaft that could result in shaft structural failure, loss of power to the main rotor, and subsequent loss of control of the helicopter.

REL operation is defined as an operation during which the average number of external lifts equals or exceeds six per flight hour for any 250-hour TIS period during the main gearbox overhaul interval. An external lift is defined as a flight cycle in which an external load is picked up, the helicopter is repositioned (through flight or hover), and the helicopter hovers and releases the load and departs or lands and departs.

Since the issuance of that AD, Sikorsky has issued an Alert Service Bulletin No. 61B35-68B, Revision B, dated July 6, 2000 (ASB), to establish a retirement time for shafts used in REL and non-REL operations and to perform an NDI on certain shafts with expired time. Sikorsky conducted fatigue testing, evaluated three S-61 shafts, and investigated two shafts that cracked in service. With this additional data and analysis, new life limits for shafts operated in all categories, REL and non-REL, and all configurations have been established.

Since an unsafe condition has been identified that is likely to exist or develop on other Sikorsky Model S-61A, D, E, L, N, NM, R, and V helicopters of these same type designs, the proposed AD would supersede AD 98-26-02 to require for each shaft, part number (P/N) S6135-20640-001, S6135-20640-002, or S6137-23040-001, the following:

- Determine whether the shaft has been utilized in REL or non-REL operations;
- If the shaft has been used in REL operations, perform an NDI.
- Acid-etch the letters "REL" on any airworthy shaft that will be used in REL operations;
- Remove from service at or before the next main gearbox overhaul, any