

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 98-ANE-37-AD; Amendment 39-12901; AD 2002-20-05]

RIN 2120-AA64

**Airworthiness Directives; Breeze Eastern Aerospace Rescue Hoists**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), that is applicable to certain Breeze Eastern Aerospace rescue hoists. This amendment requires a one-time inspection of the mounting brackets for cracks, and, if necessary, replacement with serviceable parts. This amendment is prompted by reports of cracked mounting brackets. The actions specified by this AD are intended to prevent mounting bracket cracks, which could result in mounting bracket failure and separation of the rescue hoist from the helicopter.

**DATES:** Effective November 7, 2002. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 7, 2002.

**ADDRESSES:** The service information referenced in this AD may be obtained from Breeze Eastern Aerospace, 700 Liberty Avenue, Union, NJ 07083; telephone (908) 686-4000; fax (908) 686-9292. This information may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Serge Napoleon, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, NY 11581-1200; telephone (516) 256-7512; fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to certain Breeze Eastern Aerospace rescue hoists was published in the **Federal Register** on June 20, 2002 (67 FR 43566). That action proposed to require a one-time inspection of the mounting brackets for cracks, and, if necessary, replacement with serviceable parts in accordance with Breeze Eastern Aerospace Customer Advisory Bulletin CAB-100-56, dated November 11, 1997.

## Comments

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.

## Economic Analysis

There are approximately 300 hoists of the affected design in the worldwide fleet. The FAA estimates that 100 hoists installed on helicopters of U.S. registry would be affected by this AD, that it would take approximately 2 work hours per hoist to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$35 per hoist. Based on these figures, the total cost of the AD to U.S. operators is estimated to be \$15,500.

## Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

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 the 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 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, 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:

**2002-20-05 Breeze Eastern Aerospace:** Amendment 39-12901. Docket No. 98-ANE-37-AD.

**Applicability:** This airworthiness directive (AD) is applicable to Breeze Eastern Aerospace rescue hoists series BL-16600, excluding BL-16600-160. These hoists are installed on, but not limited to Augusta A109, Bell 206, Bell 222, Bell 407, Eurocopter France AS332, McDonnell Douglas MD-500, and Sikorsky S-61 helicopters.

**Note 1:** This AD applies to each hoist 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 hoists 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 (b) 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:** Compliance with this AD is required as indicated, unless already done.

To prevent mounting bracket cracks, which could result in mounting bracket failure and separation of the rescue hoist from the helicopter, do the following:

(a) Before the next usage of the rescue hoist after the effective date of this AD, perform a one-time inspection for mounting bracket cracks, and, if necessary, replace with serviceable parts, in accordance with Breeze Eastern Customer Aerospace Advisory Bulletin CAB-100-56, dated November 11, 1997.

## 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, New York Aircraft Certification Office (NYACO). Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the NYACO.

## Special Flight Permits

(c) 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 done.

#### Documents That Have Been Incorporated By Reference

(d) The inspection must be done in accordance with Breeze Eastern Aerospace Customer Advisory Bulletin CAB-100-56, dated November 11, 1997.

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 Breeze Eastern Aerospace, 700 Liberty Avenue, Union, NJ 07083; telephone (908) 686-4000; fax (908) 686-9292. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(e) This amendment becomes effective on November 7, 2002.

Issued in Burlington, Massachusetts, on September 25, 2002.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 02-24957 Filed 10-2-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-SW-40-AD; Amendment 39-12896; AD 2002-15-51]

RIN 2120-AA64

#### Airworthiness Directives; Sikorsky Aircraft Corporation Model S76A, B, and C 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) 2002-15-51, sent previously to all known U.S. owners and operators of the specified Sikorsky Aircraft Corporation (Sikorsky) helicopters by individual letters. This AD requires, before further flight, identifying and removing any main rotor blade (blade) that has been damaged by lightning and any blade with an unclear service history. This AD is prompted by the failure of a blade due to lightning strike damage. The actions specified by this AD are intended to prevent failure of a blade and

subsequent loss of control of the helicopter.

**DATES:** Effective October 18, 2002, to all persons except those persons to whom it was made immediately effective by Emergency AD 2002-15-51, issued on July 26, 2002, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 18, 2002.

Comments for inclusion in the Rules Docket must be received on or before December 2, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2002-SW-40-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 applicable service information may be obtained from Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900 Main Street, Stratford, Connecticut 06614, phone (203) 386-3001, fax (203) 386-5983. 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 Noll, Aviation Safety Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238-7160, fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** On July 26, 2002, the FAA issued Emergency AD 2002-15-51, for the specified Sikorsky model helicopters, which requires, before further flight, reviewing the blade service records and identifying and removing any blade damaged by lightning or any blade with an unclear service history. That action was prompted by the failure of a blade due to lightning strike damage. This condition, if not corrected, could result in blade failure and subsequent loss of control of the helicopter.

The FAA has reviewed Sikorsky Alert Service Bulletin No. 76-65-55A, dated July 25, 2002 (ASB). The ASB specifies reviewing the component log cards or, if necessary, other maintenance and operational records or the service history to determine if a blade has been damaged by a lightning strike, either in flight or on the ground. If the records

indicate that a blade has been damaged by a lightning strike, the ASB specifies removing it from service before the next flight. If the service history cannot be determined, the ASB specifies removing the blade before the next flight.

Since the unsafe condition described is likely to exist or develop on other specified model helicopters of these same type designs, the FAA issued Emergency AD 2002-15-51 to prevent failure of a blade and subsequent loss of control of the helicopter. The AD requires the following before further flight:

- Reviewing the records for damage to a blade due to a lightning strike.
- Removing any blade that has been damaged by lightning.
- Removing any blade if the blade service history cannot be determined.
- Removing any blade with lightning strike damage.

The actions must be accomplished in accordance with the ASB described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity and controllability of the helicopter. Therefore, reviewing the records for lightning strike damage, removing any blade damaged by lightning, and removing any blade if the blade service history is unclear are required before 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 July 26, 2002, to all known U.S. owners and operators of the specified Sikorsky model helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to 14 CFR 39.13 to make it effective to all persons.

The FAA estimates that this AD will affect 150 helicopters of U.S. registry and will take approximately 2 work hours per helicopter to accomplish the required actions at an average labor rate of \$60 per work hour. Required parts will cost approximately \$102,640 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$15,414,000.

#### 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