

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.

We prepared a draft economic evaluation of the estimated costs to comply with this proposed AD. Go to the government-wide rulemaking Web site at: <http://www.regulations.gov> to examine the draft economic evaluation.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition

that is likely to exist or develop on products identified in this rulemaking action.

**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 a new airworthiness directive to read as follows:

**Bell Helicopter Textron, Inc.:** Docket No. FAA–2008–0288; Directorate Identifier 2006–SW–25–AD.

**Applicability**

Model 214B and B–1 helicopters, with pylon support spindle assembly (spindle), part number 214–030–606–005, installed, certificated in any category.

**Compliance**

Required as indicated, unless accomplished previously.

To detect damage in the radii or cracking of a spindle, and to prevent failure of a spindle and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 50 hours time-in-service (TIS):

(1) Create a component history card or equivalent record for each spindle, stating the spindle’s serial number. Begin recording the number of hours TIS, and the number of take-offs and external load lifts. An external load lift occurs when a load is picked up at one location and is released at another location.

(2) Review the helicopter records to determine if there has been a sudden stoppage of the main rotor system, or any hard landing, on a helicopter with any affected spindle installed and record any such events on the component history card or equivalent record.

(b) Record all conditional inspections of each spindle on the component history card or equivalent record. A sudden stoppage of the main rotor system is defined as any rapid deceleration of the drive system, whether caused by seizure within the helicopter transmission or by contact of a main rotor blade with the ground, water, snow, dense vegetation, or other object of sufficient inertia to cause rapid deceleration.

(c) For each spindle with 5,000 or more hours TIS, or any spindle for which the number of hours TIS is unknown, perform the inspections in paragraphs (c)(1) and (c)(2) of this AD within the hours TIS specified in Table 1 of this AD:

TABLE 1

For spindles, part number 214–030–606–005, that were installed on the transmission assembly:	Inspect within:
Before the last overhaul of the transmission assembly .....	100 hours TIS or 325 hours TIS since the last overhaul of the transmission assembly, whichever occurs later.
After the last overhaul of the transmission assembly or for which the installation history is unknown.	100 hours TIS.

(1) Visually inspect each outer radius of the spindle for any corrosion, or a nick, scratch, or dent, using a 3x-power or higher magnifying glass; and

(2) Conduct a magnetic particle inspection of the spindle for a crack.

(d) Before further flight, if a crack or any corrosion is found, replace the spindle with an airworthy spindle.

(e) Before further flight, replace any spindle that has a nick, scratch, or dent with an airworthy spindle, or repair it if it is within the repair limits.

**Note 2:** The repair limits are specified in the applicable component repair and overhaul manual.

(f) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Rotorcraft Certification Office, FAA, ATTN: Michael Kohner, Aviation Safety Engineer, Fort Worth, Texas 76193–0170, telephone (817)

222–5447, fax (817) 222–5783, for information about previously approved alternative methods of compliance.

Issued in Fort Worth, Texas, on March 3, 2008.

**David A. Downey,**  
*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. E8–5060 Filed 3–12–08; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2008–0287; Directorate Identifier 2006–SW–15–AD]

RIN 2120–AA64

**Airworthiness Directives; MD Helicopters, Inc. Model 369A, OH–6A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, and 369HS Helicopters**

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

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

**SUMMARY:** This document proposes adopting a new airworthiness directive

(AD) for MD Helicopters, Inc. (MDHI) Model 369A, OH-6A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, and 369HS helicopters. The proposed AD would require repetitive tap inspections of each tail rotor (T/R) blade abrasion strip. This proposal is prompted by an incident in which an abrasion strip separated from a T/R blade. The actions specified by the proposed AD are intended to prevent disbonding and subsequent separation of an abrasion strip from a T/R blade, which could result in vibration, loss of the T/R, and subsequent loss of control of the helicopter.

**DATES:** Comments must be received on or before May 12, 2008.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the Helicopter Technology Company, LLC (HTC) service information identified in this proposed AD from, HTC, 12902 South Broadway, Los Angeles, California, 90061, telephone (310) 523-2750, fax (310) 523-2745, or on the Internet at <http://www.helicoptertech.com>. The service information referenced in Note 2 of this proposed AD may be obtained from MD Helicopters Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, Arizona 85215-9734, telephone (800) 388-3378, fax (480) 346-6813, or on the Internet at <http://www.mdhelicopters.com>.

You may examine the comments to this proposed AD in the AD docket on the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** John Cecil, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712-4137, telephone (562) 627-5228, fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES**. Include the docket number "FAA-2008-0287, Directorate Identifier 2006-SW-15-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of the docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

**Examining the Docket**

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located in Room W12-140 on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**Discussion**

This document proposes adopting a new AD for MDHI Model 369A, OH-6A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, and 369HS helicopters, with any of the following T/R blades installed:

- HTC part number (P/N) 500P3100-101 and -103, or MDHI P/N 369D21640-501, -503, and -505.
- HTC P/N 500P3100-301 and -303, or MDHI P/N 369D21641-501, -503, and -505.
- HTC P/N 500P3300-501 and -503, or MDHI P/N 369D21643-501, -503, and -505.
- HTC P/N 500P3500-701 and -703, or MDHI P/N 369D21642-501, -503, and -505.

**Note:** An "M" or an "I" painted on the root of the T/R blade indicates compliance to an

Alternate Method of Compliance (AMOC) to AD 2003-08-51, (Docket No. 2003-SW-17-AD, Amendment 39-13215 (68 FR 39449, July 2, 2008), corrected at 68 FR 47447, August 11, 2003, issued by the FAA, Los Angeles Aircraft Certification Office (LAACO) on June 13, 2003 to HTC. The AMOC addressed shot peening of the pitch horn of the T/R assembly.

The proposed AD would require, within 25 hours time-in-service (TIS), and thereafter at intervals not to exceed 25 hours TIS, tap inspections of the upper and lower surfaces of each T/R blade abrasion strip using a coin (United States 25-cent piece or equivalent), or a small brass, mild steel, or aluminum hammer, to detect bonding voids that exceed 0.2 square inch in size with a minimum of 1.0 inch between voids, at least 75 percent of the bonded area of the abrasion strip being free from voids, and no voids at the edge of the abrasion strip. Modifying each T/R blade in accordance with FAA-approved data by installing a titanium rivet in the tip of the outboard end of each T/R blade and painting a "T" in the root-end of the T/R blade would be considered terminating action for the AD. This proposal is prompted by an incident in which an abrasion strip separated from a T/R blade during flight. The actions specified by the proposed AD are intended to prevent disbonding and subsequent separation of an abrasion strip from a T/R blade, which could result in vibration, loss of the T/R, and subsequent loss of control of the helicopter.

We have reviewed the following service information:

- HTC Mandatory SB Notice No. 3100-4R4, dated May 10, 2006, which describes procedures for periodic inspection of the abrasion strip-to-skin bond integrity on each T/R blade, and modifying each T/R blade by installing a titanium rivet, P/N 500P3124-13, in the tip of the T/R blade, and painting a "T" in the root-end of the T/R blade in accordance with applicable engineering drawings or standard repair instructions; and

- MD Helicopters Service Bulletin SB369D-203R1, SB369E-097R1, SB369F-082R1, and SB369H-246R1, dated January 23, 2006, which describes procedures for periodic inspections of the T/R abrasion strip-to-skin bond integrity and modification of the T/R blade by HTC to install a titanium rivet in the tip of the T/R blade.

This unsafe condition is likely to exist or develop on other helicopters of the same type designs. Therefore, the proposed AD would require, within 25 hours TIS, unless accomplished previously, and thereafter at intervals

not to exceed 25 hours TIS, tap inspections of the upper and lower surfaces of each T/R blade abrasion strip using a coin (United States 25 cent piece or equivalent) or a small brass, mild steel, or aluminum hammer, to detect bonding voids in accordance with Part 1—Inspection of the HTC Mandatory Service Bulletin Notice No. 3100-4R4, dated May 10, 2006. Modifying each T/R blade by installing a titanium rivet, P/N 500P3124-13, in the tip of the T/R blade and painting a “T” in the root-end of the T/R blade would be a terminating action for this AD. The actions would be required to be accomplished by following the specified portions of the HTC service bulletin described previously.

We estimate that this proposed AD would affect 718 helicopters of U.S. registry.

- If operators conduct the repetitive inspections required by this AD instead of modifying their T/R blades by installing a titanium rivet, the estimated costs per year would be \$229,760 per year, assuming:

- 24 inspections per year per helicopter (600 hours TIS per 25 hour TIS inspection), \* Labor of 5 minutes per T/R blade (10 minutes (1/6 hour) per helicopter), and

- An average labor rate of \$80 per work hour.

- If operators elect to implement the terminating action by installing a titanium rivet in each T/R blade, the estimated total cost would be \$244,120, assuming:

- The cost of removing, reinstalling, and balancing the 2-T/R blade set for the entire fleet would be \$114,880, assuming that it would take 2 work hours per helicopter to perform these actions at an average labor rate of \$80 per work hour, and

- The cost of installing the rivet in each T/R blade in the fleet would be \$129,240, which includes the cost of \$10 per rivet (\$20 per helicopter), 1 work hour per T/R blade (2 work hours per helicopter) to install a rivet, at an average labor rate of \$80 per work hour.

### Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. Additionally, this proposed AD 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared a draft economic evaluation of the estimated costs to comply with this proposed AD. See the AD Docket to examine the draft economic evaluation.

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### 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 a new airworthiness directive to read as follows:

**MD Helicopters, Inc. (MDHI);** Docket No. FAA-2008-0287; Directorate Identifier 2006-SW-15-AD.

### Applicability

Model 369A, OH-6A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, and 369HS, certificated in any category, with a tail rotor (T/R) blade installed as follows including all serial numbers and those T/R blades with an “M” or an “I” painted on the T/R blade root:

- Helicopter Technology Company, LLC (HTC) part number (P/N) 500P3100-101 and -103, or MDHI P/N 369D21640-501, -503, and -505.

- HTC P/N 500P3100-301 and -303, or MDHI P/N 369D21641-501, -503, and -505.

- HTC P/N 500P3300-501 and -503, or MDHI P/N 369D21643-501, -503, and -505.

- HTC P/N 500P3500-701 and -703, or MDHI P/N 369D21642-501, -503, and -505.

**Note 1:** An “M” or an “I” painted on the root of the T/R blade indicates compliance to an Alternate Method of Compliance (AMOC) to Emergency AD 2003-08-51 (Docket No. 2003-SW-17-AD, Amendment 39-13215, April 15, 2003), issued by the FAA, Los Angeles Aircraft Certification Office (LAACO) on June 13, 2003 to HTC. The AMOC addressed shot peening of the pitch horn of the T/R assembly.

### Compliance

Required as indicated.

To prevent disbonding and subsequent separation of an abrasion strip from a T/R blade, which could result in vibration, loss of the T/R, and subsequent loss of control of the helicopter, accomplish the following:

- (a) Within 25 hours time-in-service (TIS), unless accomplished previously, and thereafter at intervals not to exceed 25 hours TIS, inspect the abrasion strip-to-skin bond integrity on each T/R blade using a tap test method in accordance with Part 1—Inspection, in Helicopter Technology Company, LLC (HTC) Mandatory Service Bulletin Notice No. 3100-4R4, dated May 10, 2006 (SB).

**Note 2:** MD Helicopters Service Bulletin SB369D-203R1, SB369E-097R1, SB369F-082R1, and SB369H-246R1, dated January 23, 2006, pertain to the subject of this AD.

- (b) Modifying each T/R blade in accordance with FAA-approved data by installing a titanium rivet at the outboard end and painting the letter “T” on the root-end of the T/R blade to indicate the modification has been accomplished is considered a terminating action for the requirements of this AD.

- (c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Los Angeles Aircraft Certification Office, FAA, ATTN: John Cecil, Aviation Safety Engineer, 3960 Paramount Blvd., Lakewood, California 90712-4137, telephone (562) 627-5228, fax (562) 627-5210, for information about previously approved alternative methods of compliance.

- (d) Special flight permits will not be issued.

Issued in Fort Worth, Texas, on March 4, 2008.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E8-5068 Filed 3-12-08; 8:45 am]

BILLING CODE 4910-13-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 86

[EPA-HQ-OAR-2006-0072; FRL-8539-4 RIN 2060-069]

### In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emission Measurement Accuracy Margins for Portable Emission Measurement Systems and Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In a rule published on June 14, 2005, EPA established a manufacturer-run, in-use testing program for heavy-duty diesel vehicles. The program requires engine manufacturers to measure exhaust emissions from their diesel engines using portable emissions measurement systems during real-world operation. At the time the rule was promulgated, EPA established interim emission measurement "accuracy" margins for the requisite portable emission measurement devices pending the development of final accuracy margins through a comprehensive research program. This notice proposes to adopt the resulting final accuracy margins for gaseous pollutants. Also, this rule proposes to make several changes to the program in the early years of in-use testing. First, we are proposing to eliminate the first calendar year, i.e., 2006, of the two-year pilot program for particulate emissions (PM) in response to engine manufacturers' concerns, which primarily relate to the availability and efficacy of the requisite portable measurement systems (PEMS) for that pollutant. Second, due to a delay in developing the final accuracy margin for PM under the aforementioned comprehensive research program, we are proposing to delay the first year of the fully enforceable PM test program from the 2008 calendar year to the 2009 calendar year. During the 2008 calendar year, there will be another year of pilot program testing for that pollutant. Third, and finally, we are proposing to extend the normal period for reporting in-use test results and allowing certain

short-term changes in how vehicles are recruited and tested. These proposed revisions are primarily intended to address delays in initiating the gaseous emission and PM pilot programs, manufacturers' concerns regarding the schedule for initial purchases of PM measurement systems, and manufacturers' concerns regarding potential difficulties of initially instrumenting vehicles with these units.

**DATES:** Written comments must be received by April 14, 2008. Request for a public hearing must be received by March 28, 2008. If we receive a request for a public hearing, we will publish information related to the timing and location of the hearing and the timing of a new deadline for public comments.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2004-0072, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).
- *Fax:* (202) 566-9744.
- *Mail:* Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include two copies.
- *Hand Delivery:* U.S. Environmental Protection Agency, EPA Headquarters Library, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OAR-2004-0072. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the

Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/oar/dockets.html>.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the EPA Docket Center, EPA West Building, EPA Headquarters Library, Room 3334, 1301 Constitution Avenue, N.W., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** Richard Wilcox, Assessment and Standards Division, Office of Transportation and Air Quality, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4390; fax number: (734) 214-4939; e-mail address: [wilcox.rich@epa.gov](mailto:wilcox.rich@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

In the "Rules and Regulations" section of this **Federal Register**, we are making these revisions as a direct final rule without prior proposal because we view these revisions as noncontroversial and anticipate no adverse comment.

We have explained our reasons for these revisions in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment on the rule, we will withdraw the direct final rule. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on