

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 97-SW-53-AD; Amendment 39-10378; AD 98-05-17]

RIN 2120-AA64

**Airworthiness Directives; Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 Helicopters**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 helicopters. This action requires inspecting for rotational play or looseness of the outboard fin attachment studs (studs) and washers (if washers are present); inspecting each stud for incremental rotational movement or pure rotation; and if there is rotational play or looseness of any individual stud, performing a dye-penetrant inspection for cracks on each stud utilized in the installation. This amendment is prompted by a report of an outboard fin separating from the helicopter during flight, and several reports of loose outboard fins in service. This condition, if not corrected, could result in an outboard fin separating and contacting the rotor blades during flight, and subsequent loss of control of the helicopter.

**DATES:** Effective March 23, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 23, 1998.

Comments for inclusion in the Rules Docket must be received on or before May 5, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97-W-53-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. 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:** Mr. Mike Mathias, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5123, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, has notified the FAA that an unsafe condition may exist on Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and AS-366G1 helicopters. The DGAC advises that, due to the loss of an outboard fin in flight and the discovery of some loose outboard fins in service, within 50 flying hours, the directives stated in paragraphs B1, B2, and B3 of Eurocopter France AS 365 Service Bulletin No. 01.00.40, Revision No. 1, and Eurocopter France AS 366 Service Bulletin No. 01.20, Revision No. 1, both dated October 24, 1996, must be accomplished.

Eurocopter France has issued Eurocopter France AS 365 Service Bulletin No. 01.00.40, Revision No. 1, which is applicable to Model SA-365N, SA-365N1, and AS-365N2 helicopters, and Eurocopter France AS 366 Service Bulletin No. 01.20, Revision No. 1, which is applicable to Model SA-366G1 helicopters, both dated October 24, 1996, which specify checking the tightening torque value on studs on which MOD 0755B08 has not been incorporated. The DGAC classified this service bulletin as mandatory and issued AD 94-076-036(B)R1, dated December 4, 1996, applicable to Model SA-365N, SA-365N1, and AS-365N2 helicopters, and AD 94-077-016(B)R1, dated December 4, 1996, applicable to Model SA-366G1 helicopters, in order to assure the continued airworthiness of these helicopters in France. According to the type certificate data sheet for Eurocopter France helicopters listed in the U.S. Register, the model designation is SA-366G1 instead of AS 366.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are

certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 helicopters of the same type design registered in the United States, this AD is being issued to prevent an outboard fin separating and contacting the rotor blades during flight, and subsequent loss of control of the helicopter. This AD requires inspecting for rotational play or looseness of the studs and the washers used to attach the outboard fin to the helicopter (if washers are present); inspecting each stud for incremental rotational movement or pure rotation; and if there is rotational play or looseness of any individual stud, performing a dye-penetrant inspection for cracks on each stud utilized in the installation. If a crack is found, replacement of the cracked stud with an airworthy stud is required. The actions are required to be accomplished in accordance with the service bulletins described previously. The outboard fin is a major component of the flight control system. If the outboard fin separated from the helicopter, it could contact the rotor blades during flight, resulting in subsequent loss of control of the helicopter. Due to the criticality of the outboard fin's retention to the continued safe flight of the affected helicopters, this rule must be issued immediately to correct an unsafe condition in the affected helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 37 helicopters of U.S. Registry will be affected by this AD, that it will take approximately 2 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$100 per helicopter. Based on these figures, the total cost impact of the this AD on U.S. operators is estimated to be \$8,140.

### 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 invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-SW-53-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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, 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:

#### AD 98-05-17 Eurocopter France:

Amendment 39-10378. Docket No. 97-SW-53-AD.

**Applicability:** Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 helicopters, 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 (b) 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 50 hours time-in-service, unless accomplished previously.

To prevent an outboard fin from separating and contacting the rotor blades during flight, resulting in loss of control of the helicopter, accomplish the following:

(a) For helicopters with outboard fins that are secured with outboard fin attachment studs (studs), part number (P/N) 365A13-3017-24, which have not been modified in accordance with MOD 0755B08, remove the outboard fins and inspect for the presence of washers in the seating plane of the outboard fins.

(1) If washers are present, inspect for rotational play or looseness of the washers.

(2) If washers are not present, use shims to inspect for play or looseness between the stud and the seating plane.

(3) With each outboard fin removed, inspect each stud to ensure there is no

incremental rotational movement or pure rotation when the tightening torque load specified in paragraph B.1) of the Accomplishment Instructions of both Eurocopter France AS 365 Service Bulletin No. 01.00.40, Revision No. 1, which is applicable to Model SA-365N, SA-365N1, and AS-365N2 helicopters, and Eurocopter France AS 366 Service Bulletin No. 01.20, Revision No. 1, which is applicable to Model SA-366G1 helicopters, both dated October 24, 1996, is applied.

(4) If no play or looseness between the stud and the seating plane and no incremental rotational movement or pure rotation is discovered, reinstall the outboard fins as specified in paragraph B.2) of the Accomplishment Instructions in the applicable service bulletins specified in paragraph (3) of this AD.

(5) If play or looseness between the stud and the seating plane and incremental movement or rotation is discovered, remove the washers (if present) and studs and perform a dye-penetrant inspection of the stud for cracks in accordance with paragraph B.3) of the Accomplishment Instructions in the applicable service bulletins specified in paragraph (3) of this AD.

(6) If a crack is discovered as a result of the inspection required by paragraph (5) of this AD, replace the stud with an airworthy stud. Reinstall the outboard fin in accordance with Note I in the applicable service bulletins specified in paragraph (3) of this AD.

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

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(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 helicopter to a location where the requirements of this AD can be accomplished.

(d) The inspections shall be done in accordance with Eurocopter France AS 365 Service Bulletin No. 01.00.40, Revision No. 1, and Eurocopter France AS 366 Service Bulletin No. 01.20, Revision No. 1, both dated October 24, 1996. These incorporations by reference were 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 23, 1998.

**Note 3:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 94-077-016(B)R1 and AD 94-076-036(B)R1, both dated December 4, 1996.

Issued in Fort Worth, Texas, on February 26, 1998.

**Eric Bries,**

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

[FR Doc. 98-5733 Filed 3-5-98; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-ANE-92]

#### Amendment to Class E Airspace; Laconia, NH; Correction

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

**ACTION:** Direct final rule; correction.

**SUMMARY:** This action corrects a charting error in the description of revised Class E airspace at Laconia, NH (KLCI) published in the **Federal Register** on February 20, 1998 (63 FR 8563) and intended to provide adequate controlled airspace for those aircraft using the new GPS RWY 26 standard instrument approach procedure to Laconia Municipal Airport.

**DATES:** Effective 0901 UTC, April 23, 1998.

Comments for inclusion in the Rules Docket must be received on or before March 23, 1998.

**ADDRESSES:** Send comments on the rule to: Manager, Airspace Branch ANE-520, Federal Aviation Administration, Docket No. 98-ANE-92, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7520; fax (781) 238-7596. Comments may also be sent electronically via the internet to the following address: "9 ne airspace.faa.dot.gov". Comments sent electronically must indicate Docket 98-ANE-92 in the subject line.

The official docket file may be examined in the Office of the Regional Counsel, New England Region, ANE-7, Room 401, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7050; fax (781) 238-7055.

An informal docket may also be examined during normal business hours in the Air Traffic Division, Room 408, by contacting the Acting Manager, Airspace Branch at the first address listed above.

#### FOR FURTHER INFORMATION CONTACT:

David T. Bayley, ANE-520.3, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7523; fax (781) 238-7596.

**SUPPLEMENTARY INFORMATION:** On February 20, 1998, the FAA published in the **Federal Register** a direct final rule revising the Class E airspace at Laconia, NH (KLCI) to provide for adequate controlled airspace for those aircraft using the new GPS RWY 26 standard instrument approach procedure to Laconia Municipal Airport (63 FR 8563). Since publication of that direct final rule, the FAA has been advised of a charting error in the description of the Class E airspace at Laconia. This action corrects that error.

#### Correction to the Direct Final Rule

Accordingly, pursuant to the authority delegated to me, the amendment to Class E airspace at Laconia, NH as published in the **Federal Register** on February 20, 1998 (63 FR 8563), **Federal Register** document 98-4314; and the description in FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1 are corrected as follows:

#### § 71.1 [Corrected]

On page 8564, column 3, 9th and 10th lines, correct the words "Belknap NDP 249° bearing" to read "Belknap NDB 249°/069° bearings".

Issued in Burlington, MA, on February 26, 1998.

**Bill Peacock,**

*Manager, Air Traffic Division, New England Region.*

[FR Doc. 98-5693 Filed 3-5-98; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 173

[Docket No. 97F-0038]

#### Secondary Direct Food Additives Permitted in Food for Human Consumption

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of acidified solutions of sodium chlorite as an antimicrobial agent in the processing of red meat. This

action is in response to a petition filed by Alcide Corp.

**DATES:** This regulation is effective March 6, 1998; written objections and requests for a hearing by April 6, 1998. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in § 173.325(d) (21 CFR 173.325(d)), effective March 6, 1998.

**ADDRESSES:** Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS-217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204-0001, 202-418-3074.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of February 5, 1997 (62 FR 5428), FDA announced that a food additive petition (FAP 7A4532) had been filed by Alcide Corp., Inc., 8561 154th Ave. NE., Redmond, WA 98052, proposing that the food additive regulations be amended to provide for the safe use of acidified sodium chlorite solutions for red meat disinfection in processing plants. In its evaluation of the petition, the agency has concluded that red meat is not disinfected, but that the microbial contamination of the meat is reduced. Therefore, the agency is approving this additive as an antimicrobial agent in red meat processing.

FDA has evaluated data in the petition and other relevant material. The agency has also consulted with scientists from the Food Safety and Inspection Service, U. S. Department of Agriculture, concerning the technological and practical aspects of the proposed use of acidified sodium chlorite solutions. Based upon this information and consultation, the agency concludes that the proposed use of the additive is safe, and the additive will have the intended technical effect of reducing microbial contamination on red meat. Therefore, § 173.325 is being amended as set forth below. Additionally, the agency is revising § 173.325 to eliminate redundancy. This revision is strictly editorial and is not a substantive change in the regulation.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person