

proposed adding ECF Model AS350B3 helicopters and control rod, P/N 350A33-3145-00, to the applicability; increasing the frequency of the inspection interval from every 50 hours TIS to every 30 hours TIS; establishing a daily inspection of the control rod bearing; and establishing an axial play limit of 0.016-inch. The actions of that proposed AD were intended to prevent separation of the bearing ball from its outer race, rubbing of the body of the control rod against the tail rotor blade pitch horn clevis, failure of the control rod, and subsequent loss of control of the helicopter.

Since issuing that NPRM, the FAA has received various comments from 12 commenters.

Three commenters state that the proposed daily inspection of the bearing should be deleted because the requirement already exists in the maintenance work cards and in the preflight checklist in the rotorcraft flight manual (RFM). In addition, another commenter states that the daily inspection should be changed to a daily check and that a trained pilot should do the check. The FAA agrees that a pilot can do the check but believes that due to the accidents caused by failure of the control rods and because the RFM and the maintenance work cards are unclear a daily check should be required. However, we are revising our proposal to allow an owner/operator (pilot) to perform the daily check of the bearing for movement because no tools are required and the check can be accomplished by observation and feel. However, the pilot must enter compliance with those requirements into the helicopter maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v).

One commenter, the manufacturer, states that the control rod P/N is incorrectly stated in three places. Also, in its Service Letter No. 1367-64-98, which details the most effective checking conditions, the term "easy" is more suitable than the term "accurate" as used in the proposed AD. The FAA agrees and has made those changes as requested.

The manufacturer requests that the proposed Figures 1 and 2, relating to the axial and radial play measurements, be replaced with three clearer figures provided by them. The FAA agrees. Published Figure 1 gives the method only for a visual check. Published Figure 2 shows the complete assembly of the control rod and makes it appear that the measurements can be made without removing the control rod from the helicopter. Therefore, the FAA is inserting the three clearer figures in the

proposal to clearly depict the measurement of radial and axial play and is including references in the text accordingly.

Seven commenters state that the inspection interval of the bearing should be changed from the proposed 30 to 100 hours TIS. One commenter states that the inspection interval should not be less than 50 hours TIS. The FAA mistakenly proposed an inspection of all affected control rods at intervals not to exceed 30 hours TIS. The 30-hour TIS inspection interval was intended to apply only to the control rods that were removed from the helicopter because play was detected, not to newly installed or in-service control rods. Therefore, we have changed the proposed paragraph numbering and added the word "thereafter" to clearly indicate that the 30-hour TIS inspection interval applies to control rods in which play has been detected. We do not agree that the inspection interval for these control rods should be extended above 30 hours TIS.

The manufacturer further states that the compliance time in paragraph (a) should be changed from "before the first flight" (BFF) to "after the last flight" (ALF) of the day. The commenter states that if maintenance is required for operational reasons, ALF is preferable to BFF because the mechanic has more time to do the work and states that the ALF visit is longer and a more important daily visit compared with the BFF. The FAA does not agree. The intent is to check the helicopter for safety of flight in accordance with the requirements of this AD regardless of whether it is done ALF or BFF.

The manufacturer further states that we should add a requirement that if the ball shows evidence of scoring and/or discoloration, the control rod should be replaced with an airworthy control rod before further flight. The FAA agrees and has changed the wording of the proposed AD to state that if discoloration or scoring on the bearing is found, the bearing is unairworthy.

Another commenter with 20 years of experience with these helicopters states that neither the current AD nor this proposed AD is needed. The FAA disagrees. The FAA has determined that an AD is required based on the occurrence of accidents due to failure of these control rods.

One commenter fully agrees with the proposal and suggests adding a warning to the RFM alerting pilots that violent vibration due to a pitch control rod failure will result in separation of the tail boom. The FAA disagrees. The RFM Emergency Procedures address the tail rotor malfunction including tail rotor

control failure. The daily check should preclude any impending failure of the control rod based on the conditions addressed by this AD.

Other commenters agree with the proposal to increase the axial play from .008 inch to .016 inch; however, one commenter asks if leaving the allowable play at .008 inch would not be safer. The FAA believes that a sufficient margin of safety is provided if the play is increased to .016 inch.

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, we no longer need to include it in each individual AD. Therefore, Notes 1 and 2 and paragraph (c) as published in AD 98-24-35 and the NPRM in this action are not included in this supplemental notice of proposed rulemaking. However, a revised paragraph (c) is added to the proposed action.

Some of these changes expand the scope of the originally proposed rule. Therefore, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

The FAA estimates that the AD would affect 610 helicopters of U.S. registry, that it would take approximately 1 work hour per helicopter to accomplish the inspections, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$1,224 for two control rods per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$783,240.

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