

for the 8(a) BD Program, call or e-mail LaTanya Wright, Senior Advisor, Office of Business Development, at (202) 205-5852, or [LaTanya.Wright@sba.gov](mailto:LaTanya.Wright@sba.gov). If you have questions about registering or attending the tribal consultation, please contact Mr. Marcus Grignon at (202) 401-1455, or [marcus.grignon@sba.gov](mailto:marcus.grignon@sba.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On February 11, 2011 (74 FR 55694) SBA issued a Final Rule, publicly available at <http://frwebgate1.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=kkdLxk/1/1/0&WAISaction=retrieve>. In that document, SBA made changes to the 8(a) BD Program regulations, its small business size regulations and regulations affecting Small Disadvantaged Businesses (SDBs). Some of the changes involve technical issues. Other changes are more substantive and result from SBA's experience in implementing 8(a) BD Program regulations. One such change is the addition of reporting requirements 8(a) Participants. Specifically, the final rule requires those 8(a) Participants owned by ANCs, tribes, NHOs, and CDCs to submit overall information relating to how 8(a) participation has benefited the tribal or native members and/or the tribal, native or other community as part of each Participant's annual review submissions, including information about funding cultural programs, employment assistance, jobs, scholarships, internships, subsistence activities, and other services to the affected community.

SBA received several comments recommending it delay implementation of any reporting of benefits requirement to allow affected firms to gather and synthesize this data. In addition, these commenters encouraged SBA to establish a task force, comprised of native leaders and SBA, to further study how this requirement could be best implemented without imposing an undue burden on tribes, ANCs, NHOs or CDCs, or on their affected 8(a) Participants. SBA agreed and delayed implementation of new § 124.604 for six months after the effective date for the other provisions of the final rule. These tribal consultations are for the purpose of developing best practices for collecting and utilizing the data. SBA expects that two Participants owned by the same tribe, ANC, NHO or CDC will submit identical data describing the benefits provided by the tribe, ANC, NHO or CDC.

##### II. Tribal Consultation Meeting

The purpose of this tribal consultation meeting is to conform to the requirements of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments"; to provide interested parties with an opportunity to discuss the 8(a) BD Program regulatory changes; and for SBA to obtain the comments of SBA's stakeholders on approaches to tracking community benefits. In addition to general oral and written comments about 8(a) BD program provisions, SBA is requesting oral and written comments on approaches to tracking community benefits as required by the 8(a) BD Program regulations. SBA considers tribal consultation meetings a valuable component of its deliberations and believes that this tribal consultation meeting will allow for constructive dialogue with the tribal community, Tribal Leaders, Elders and elected members of Alaska Native Villages or their appointed representatives.

The format of this tribal consultation meeting will consist of a panel of SBA representatives who will preside over the session. The oral and written testimony will become part of the administrative record for SBA's consideration. Written testimony may be submitted in lieu of oral testimony.

SBA will analyze the testimony, both oral and written, along with any written comments received. SBA officials may ask questions of a presenter to clarify or further explain the testimony. The purpose of the tribal consultation is to discuss changes to the 8(a) BD Program with the tribal community, Tribal Leaders, Elders and elected members of Alaska Native Villages or their appointed representatives and to seek their comments on approaches to tracking community benefits. SBA requests that the comments focus on the new regulatory changes as stated in the Agency's Final Rule. SBA requests that commenters not raise issues pertaining to other SBA small business programs.

Presenters may provide a written copy of their testimony. SBA will accept written material that the presenter wishes to provide that further supplements his or her testimony. Electronic or digitized copies are encouraged.

The tribal consultation meeting will be held for two hours. The meeting will begin at 1 p.m. and end at 3 p.m. (Pacific Standard Time). SBA will adjourn early if all those scheduled have delivered their testimony.

##### III. Registration

SBA respectfully requests that an elected or appointed representative of

the tribal communities that are interested in attending please pre-register in advance and indicate whether you would like to testify at the hearing. Registration requests should be received by SBA by March 10, 2011 at 5 p.m. (Eastern Standard Time). Please contact Mr. Marcus Grignon in SBA's Office of Native American Affairs in writing at [marcus.grignon@sba.gov](mailto:marcus.grignon@sba.gov) or by facsimile at (202) 481-2740.

If you are interested in testifying, please include the following information relating to the person testifying: Name, Organization affiliation, Address, Telephone number, E-mail address and Fax number. SBA will attempt to accommodate all interested parties who wish to present testimony. Based on the number of registrants, it may be necessary to impose time limits to ensure that everyone who wishes to testify has the opportunity to do so. SBA will confirm in writing the registration of presenters and attendees.

##### IV. Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the tribal consultation meeting, contact Mr. Marcus Grignon at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**Authority:** 15 U.S.C. 632, 634(b)(6), 636(b), 637(a), 644 and 662(5); Pub. L. 105-135, sec. 401 *et seq.*, 111 Stat. 2592; and, E.O. 13175, 65 FR 67249.

Dated: March 2, 2011.

**Clara Pratte,**

*National Director for the Office of Native American Affairs.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 27

[Docket No. SW024; Special Conditions No. 27-024-SC]

#### Special Conditions: Bell Helicopter Textron Canada Limited Model 206B and 206L Series Helicopters, § 27.1309, Installation of a Hoh Aeronautics, Inc. Autopilot/Stabilization Augmentation System (AP/SAS)

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the modification of the Bell Helicopter Textron Canada Limited (Bell) model 206B and 206L series helicopters. These model helicopters will have novel or unusual design features when modified by installing the Hoh Aeronautics, Inc. (Hoh) complex autopilot/stabilization augmentation system (AP/SAS) that has potential failure conditions with more severe adverse consequences than those envisioned by the existing applicable airworthiness regulations. These special conditions contain the added safety standards the Administrator considers necessary to ensure the failures and their effects are sufficiently analyzed and contained.

**DATES:** The effective date of these special conditions is February 25, 2011. We must receive your comments by May 6, 2011.

**ADDRESSES:** You may send your comments by e-mail to: [mark.wiley@faa.gov](mailto:mark.wiley@faa.gov); by mail to: Federal Aviation Administration, Rotorcraft Directorate, Attn: Mark Wiley (ASW-111), Special Conditions Docket No. SW024, 2601 Meacham Blvd., Fort Worth, Texas 76137; or by delivering your comments to the Rotorcraft Directorate at the indicated address. You must mark your comments: Docket No. SW024. You can inspect comments in the special conditions docket on weekdays, except Federal holidays, between 8:30 a.m. and 4 p.m., in the Rotorcraft Directorate.

**FOR FURTHER INFORMATION CONTACT:** Mark Wiley, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group (ASW-111), 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222-5134; facsimile (817) 222-5961; or e-mail to [mark.wiley@faa.gov](mailto:mark.wiley@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Reason for No Prior Notice and Comment Before Adoption**

The substance of these special conditions has been subjected to the notice and comment period previously and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Further, a delay in the effective date of these special conditions would significantly delay issuance of the design approval and thus delivery of the helicopter, which is imminent. Therefore, the FAA has determined that prior public notice and comment are unnecessary, impracticable, and contrary to the public interest, and finds

good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment.

##### **Comments Invited**

While we did not precede this with a notice of proposed special conditions, we invite interested people to take part in this action by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will file in the special conditions docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel about these special conditions. You can inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this document between 8:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive by the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want us to let you know we received your mailed comments on these special conditions, send us a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

##### **Background**

On July 13, 2009, Hoh submitted an application to the FAA's Los Angeles Aircraft Certification Office (LA ACO) for a supplemental type certificate (STC) to install an AP/SAS on the Bell model 206B, 206L, 206L-1, 206L-3, and 206L-4 (206L series) helicopters. The Bell model 206B and 206L series helicopters are 14 CFR part 27 Normal category, single turbine engine, conventional helicopters designed for civil operation. These helicopter models are capable of carrying four passengers with one pilot, and have a maximum gross weight of between approximately 3,200 to 4,450 pounds, depending on the model. The major design features include a 2-blade, teetering main rotor, a 2-blade anti-torque tail rotor, a skid landing gear, and a visual flight rule (VFR) basic avionics configuration. Hoh proposes to

modify these model helicopters by installing a two-axis AP/SAS.

##### **Type Certification Basis**

Under 14 CFR 21.115, Hoh must show that the Bell model 206B and 206L series helicopters, as modified by the installed AP/SAS, continue to meet the 14 CFR 21.101 standards. The baseline of the certification basis for the unmodified Bell model 206B and 206L series helicopters is listed in Type Certificate Number H2SW. Although the Bell 206B, 206L, 206L-1, and 206L-3 were certificated under Civil Air Regulations (CAR) 6.606, the Bell model 206L-4 was certificated to § 27.1309; the applicant has voluntarily agreed to comply with § 27.1309 as part of the certification basis for this STC for all of these models. Additionally, compliance must be shown to any applicable equivalent level of safety findings, exemptions, and special conditions, prescribed by the Administrator as part of the certification basis.

If the Administrator finds the applicable airworthiness regulations (that is, 14 CFR part 27), as they pertain to this STC, do not contain adequate or appropriate safety standards for the Bell model 206B and 206L series helicopters because of a novel or unusual design feature, special conditions are prescribed under § 21.101(d).

In addition to the applicable airworthiness regulations and special conditions, Hoh must show compliance of the AP/SAS STC-altered Bell model 206B and 206L series helicopters with the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in § 11.19, under § 11.38 and they become part of the type certification basis under § 21.101.

##### **Novel or Unusual Design Features**

The Hoh AP/SAS incorporates novel or unusual design features, for installation in a Bell model 206B, 206L, 206L-1, 206L-3, or 206L-4 helicopter, Type Certificate Number H2SW. This AP/SAS performs non-critical control functions, since this model helicopter has been certificated to meet the applicable requirements independent of this system. However, the possible failure conditions for this system, and their effect on the continued safe flight and landing of the helicopters, are more severe than those envisioned by the present rules.

##### **Discussion**

The effect on safety is not adequately covered under § 27.1309 for the application of new technology and new application of standard technology.

Specifically, the present provisions of § 27.1309(c) do not adequately address the safety requirements for systems whose failures could result in catastrophic or hazardous/severe-major failure conditions, or for complex systems whose failures could result in major failure conditions.

To comply with the provisions of the special conditions, we require that Hoh provide the FAA with a systems safety assessment (SSA) for the final AP/SAS installation configuration that will adequately address the safety objectives established by the functional hazard assessment (FHA) and the preliminary system safety assessment (PSSA), including the fault tree analysis (FTA). This must ensure that all failure conditions and their resulting effects are adequately addressed for the installed AP/SAS. The SSA process, FHA, PSSA, and FTA are all parts of the overall safety assessment (SA) process discussed in FAA Advisory Circular (AC) 27-1B (Certification of Normal Category Rotorcraft) and Society of Automotive Engineers (SAE) document Aerospace Recommended Practice (ARP) 4761 (Guidelines and Methods for Conducting the Safety Assessment Process on civil airborne Systems and Equipment).

These special conditions require that the AP/SAS installed on a Bell model 206B or 206L series helicopter meet the requirements to adequately address the failure effects identified by the FHA, and subsequently verified by the SSA, within the defined design integrity requirements.

### Applicability

These special conditions are applicable to the Hoh AP/SAS installed as an STC approval, in Bell model 206B, 206L, 206L-1, 206L-3, and 206L-4 helicopters, Type Certificate Number H2SW.

### Conclusion

This action affects only certain novel or unusual design features for a Hoh AP/SAS STC installed on one model series of helicopters. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the model helicopters listed in the "Applicability" section.

### List of Subjects in 14 CFR Part 27

Aircraft, Aviation safety.

The authority citation for these special conditions is as follows:

**Authority:** 42 U.S.C. 7572, 49 U.S.C. 106(g), 40105, 40113, 44701-44702, 44704, 44709, 44711, 44713, 44715, 45303.

### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the Hoh Aeronautics, Inc. (Hoh) supplemental type certificate basis for the installation of an autopilot/stabilization augmentation system (AP/SAS) on the Bell Helicopter Textron Canada Limited (Bell) model 206B, 206L, 206L-1, 206L-3, and 206L-4 (206L series) helicopters, Type Certificate Number H2SW.

The AP/SAS must be designed and installed so that the failure conditions identified in the Functional Hazard Assessment and verified by the System Safety Assessment, after design completion, are adequately addressed in accordance with the "failure condition categories" and "requirements" sections (including the system design integrity, design environmental, and test and analysis requirements) of these special conditions.

#### Failure Condition Categories

Failure conditions are classified, according to the severity of their effects on the rotorcraft, into one of the following categories:

1. *No Effect*—Failure conditions that would have no effect on safety; for example, failure conditions that would not affect the operational capability of the rotorcraft or increase crew workload; however, could result in an inconvenience to the occupants, excluding the flight crew.

2. *Minor*—Failure conditions which would not significantly reduce rotorcraft safety, and which would involve crew actions that are well within their capabilities. Minor failure conditions would include, for example, a slight reduction in safety margins or functional capabilities, a slight increase in crew workload, such as, routine flight plan changes, or result in some physical discomfort to occupants.

3. *Major*—Failure conditions which would reduce the capability of the rotorcraft or the ability of the crew to cope with adverse operating conditions to the extent that there would be, for example, a significant reduction in safety margins or functional capabilities, a significant increase in crew workload or result in impairing crew efficiency, physical distress to occupants, including injuries, or physical discomfort to the flight crew.

4. *Hazardous/Severe-Major*—Failure conditions which would reduce the capability of the rotorcraft or the ability of the crew to cope with adverse operating conditions to the extent that there would be:

- A large reduction in safety margins or functional capabilities;
- Physical distress or excessive workload that would impair the flight crew's ability to the extent that they could not be relied on to perform their tasks accurately or completely; or,
- Possible serious or fatal injury to a passenger or a cabin crewmember, excluding the flight crew.

**Note 1:** "Hazardous/severe-major" failure conditions can include events that are manageable by the crew by the use of proper procedures, which, if not implemented correctly or in a timely manner, may result in a catastrophic event.

5. *Catastrophic*—Failure conditions which would result in multiple fatalities to occupants, fatalities or incapacitation to the flight crew, or result in loss of the rotorcraft.

The present §§ 27.1309(b) and (c) regulations do not adequately address the safety requirements for systems whose failures could result in "catastrophic" or "hazardous/severe-major" failure conditions, or for complex systems whose failures could result in "major" failure conditions. The current regulations are inadequate because when §§ 27.1309(b) and (c) were promulgated, it was not envisioned that this type of rotorcraft would use systems that are complex or whose failure could result in "catastrophic" or "hazardous/severe-major" effects on the rotorcraft. This is particularly true with the application of new technology, new application of standard technology, or other applications not envisioned by the rule that affect safety.

Hoh must provide the FAA with a systems safety assessment (SSA) for the final AP/SAS installation configuration that will adequately address the safety objectives established by the functional hazard assessment (FHA) and the preliminary system safety assessment (PSSA), including the fault tree analysis (FTA). This will show that all failure conditions and their resulting effects are adequately addressed for the installed AP/SAS.

**Note 2:** The SSA process, FHA, PSSA, and FTA are all parts of the overall safety assessment (SA) process discussed in FAA Advisory Circular (AC) 27-1B (Certification of Normal Category Rotorcraft) and Society of Automotive Engineers (SAE) document Aerospace Recommended Practice (ARP) 4761 (Guidelines and Methods for Conducting the Safety Assessment Process on Civil Airborne Systems and Equipment).

#### Requirements

Hoh must comply with the existing requirements of § 27.1309 for all applicable design and operational

aspects of the AP/SAS with the failure condition categories of “no effect,” and “minor,” and for non-complex systems whose failure condition category is classified as “major.” Hoh must comply with the requirements of these special conditions for all applicable design and operational aspects of the AP/SAS with the failure condition categories of “catastrophic” and “hazardous severe/major,” and for complex systems whose failure condition category is classified as “major.” A complex system is a system whose operations, failure conditions, or failure effects are difficult to comprehend without the aid of analytical methods (for example, FTA, Failure Modes and Effect Analysis, FHA).

#### *System Design Integrity Requirements*

Each of the failure condition categories defined in these special conditions relate to the corresponding aircraft system integrity requirements. The system design integrity requirements, for the Hoh AP/SAS, as they relate to the allowed probability of occurrence for each failure condition category, and the proposed software design assurance level, are as follows:

- “Major”—For systems with “major” failure conditions, failures resulting in these major effects must be shown to be remote, a probability of occurrence on the order of between  $1 \times 10^{-5}$  to  $1 \times 10^{-7}$  failures/hour, and associated software must be developed to the RTCA/DO-178B (Software Considerations in Airborne Systems And Equipment Certification) Level C software design assurance level.
- “Hazardous/Severe-Major”—For systems with “hazardous/severe-major” failure conditions, failures resulting in these hazardous/severe-major effects must be shown to be extremely remote, a probability of occurrence on the order of between  $1 \times 10^{-7}$  to  $1 \times 10^{-9}$  failures/hour, and associated software must be developed to the RTCA/DO-178B (Software Considerations in Airborne Systems And Equipment Certification) Level B software assurance level.
- “Catastrophic”—For systems with “catastrophic” failure conditions, failures resulting in these catastrophic effects must be shown to be extremely improbable, a probability of occurrence on the order of  $1 \times 10^{-9}$  failures/hour or less, and associated software must be developed to the RTCA/DO-178B (Software Considerations in Airborne Systems And Equipment Certification) Level A design assurance level.

#### *System Design Environmental Requirements*

The AP/SAS system equipment must be qualified to the appropriate environmental level per RTCA document DO-160F (Environmental Conditions and Test Procedures for Airborne Equipment), for all relevant aspects. This is to show that the AP/SAS system performs its intended function under any foreseeable operating condition, which includes the expected environment in which the AP/SAS is intended to operate. Some of the main considerations for environmental concerns are installation locations and the resulting exposure to environmental conditions for the AP/SAS system equipment, including considerations for other equipment that may be affected environmentally by the AP/SAS equipment installation. The level of environmental qualification must be related to the severity of the considered failure conditions and effects on the rotorcraft.

#### *Test Analysis Requirements*

Compliance with the requirements of these special conditions may be shown by a variety of methods, which typically consist of analysis, flight tests, ground tests, and simulation, as a minimum. Compliance methodology is related to the associated failure condition category. If the AP/SAS is a complex system, compliance with the requirements for failure conditions classified as “major” may be shown by analysis, in combination with appropriate testing to validate the analysis. Compliance with the requirements for failure conditions classified as “hazardous/severe-major” may be shown by flight-testing in combination with analysis and simulation, and the appropriate testing to validate the analysis. Flight tests may be limited for “hazardous/severe-major” failure conditions and effects due to safety considerations. Compliance with the requirements for failure conditions classified as “catastrophic” may be shown by analysis, and appropriate testing in combination with simulation to validate the analysis. Very limited flight tests in combination with simulation are used as a part of a showing of compliance for “catastrophic” failure conditions. Flight tests are performed only in circumstances that use operational variations, or extrapolations from other flight performance aspects to address flight safety.

These special conditions require that the Hoh AP/SAS system installed on a Bell model 206B, 206L, 206L-1, 206L-

3, or 206L-4 helicopter, Type Certificate Number H2SW, meet these requirements to adequately address the failure effects identified by the FHA, and subsequently verified by the SSA, within the defined design system integrity requirements.

Issued in Fort Worth, Texas, on February 25, 2011.

**Kimberly K. Smith,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2010-0960; Directorate Identifier 98-ANE-09-AD; Amendment 39-16620; AD 98-09-27R1]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Rolls-Royce plc RB211-Trent 768, 772, and 772B Turbofan Engines**

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

**ACTION:** Final rule.

**SUMMARY:** We are rescinding an existing airworthiness directive (AD) for the products listed above. The existing AD, AD 98-09-27, resulted from aircraft certification testing which revealed that stresses on the thrust reverser hinge were higher than had been anticipated during engine certification, and the United Kingdom Civil Aviation Authority, issuing AD 008-03-97. Since we issued AD 98-09-27, we discovered that its requirements were duplicated in airplane-level AD 2001-09-14, issued by the FAA Transport Airplane Directorate. We proposed to rescind the engine-level AD.

**DATES:** This AD becomes effective April 11, 2011.

**ADDRESSES:** The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

**FOR FURTHER INFORMATION CONTACT:** Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: alan.strom@faa.gov; telephone (781) 238-7143; fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:**