

with airworthy parts in accordance with the applicable maintenance manual.

(c) If the landing gear is replaced, only equal pairs of the same manufacturer are approved as replacement parts. Mixing of different manufacturer landing gears is not authorized.

(d) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these actions along with other scheduled maintenance on the airplane.

(e) 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 airplane to a location where the inspection requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division. Alternative methods of compliance approved for AD 86-07-02 are considered approved as alternative methods of compliance for this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division.

(g) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Fairey Hydraulics Limited, Claverham, Bristol, England; or Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR, as applicable; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(h) This amendment revises AD 86-07-02, Amendment 39-5382.

Issued in Kansas City, Missouri, on May 19, 1997.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-13691 Filed 5-23-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-CE-25-AD]

RIN 2120-AA64

Airworthiness Directives; Pilatus Britten-Norman Ltd. (Formerly Britten-Norman) BN-2A, BN-2B, and BN-2T Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive that would apply to Pilatus Britten-Norman Ltd. (Pilatus Britten-Norman) BN-2A, BN-2B, and BN-2T series airplanes. The proposed AD would require repetitively inspecting the junction of the torque link lug and upper case of the main landing gear (MLG) torque link assemblies for cracks, and replacing any MLG torque link assembly with a Modification A39 MLG torque link assembly, either immediately when cracks are found or after a certain period of time if cracks are not found. Replacing all MLG torque link assemblies with Modification A39 MLG torque link assemblies would eliminate the need for the repetitive inspections. These proposed repetitive inspections are currently required by AD 86-07-02 for the BN-2A, BN-2B, and BN-2T series airplanes, as well as the BN2A MK. 111 series airplanes. There are no improved design parts for the BN2A MK. 111 series airplanes. The Federal Aviation Administration (FAA) is issuing in a separate action a proposed revision to AD 86-07-02 to retain the repetitive inspection and replacement (if cracked) requirements for the BN2A MK. 111 series airplanes.

The actions specified in the proposed AD are intended to prevent failure of the main landing gear caused by cracks in the torque link area, which could lead to loss of control of the airplane during landing operations.

DATES: Comments must be received on or before July 2, 1997.

ADDRESSES: Submit comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-25-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone 44-1983 872511; facsimile 44-1983 873246. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Rodriguez, Program Officer, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; telephone (32 2) 508.2717; facsimile (32 2) 230.6899; or Mr. S.M. Nagarajan, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 96-CE-25-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-25-AD, Room

1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has determined that reliance on critical repetitive inspections on aging commuter-class airplanes carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences if the known problem is not detected during the inspection; (2) the probability of the problem not being detected during the inspection; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

These factors have led the FAA to establish an aging commuter-class aircraft policy that requires incorporating a known design change when it could replace a critical repetitive inspection. With this policy in mind, the FAA conducted a review of existing AD's that apply to Pilatus Britten-Norman BN-2A, BN-2B, BN-2T, and BN2A MK. 111 series airplanes. Assisting the FAA in this review were (1) Pilatus Britten-Norman; (2) the Regional Airlines Association (RAA); (3) the Civil Aviation Authority of the United Kingdom; and (4) several operators of the affected airplanes.

From this review, the FAA has identified AD 86-07-02, Amendment 39-5382, as one which falls under the FAA's aging aircraft policy. AD 86-07-02 currently requires repetitively inspecting the junction of the torque link lug and upper case of the main landing gear (MLG) torque link assemblies for cracks on Pilatus Britten-Norman BN-2A, BN-2T, and BN2A MK. 111 series airplanes, and replacing any cracked part.

Pilatus Britten-Norman has developed a modification that, when incorporated, would eliminate the need for the repetitive inspection requirement of AD 86-07-02 for the Pilatus Britten-Norman BN-2A, BN-2B, and BN-2T series airplanes. The requirements of AD 86-07-02 should still apply for the Pilatus Britten-Norman BN2A MK. 111 series airplanes.

Applicable Service Information

Fairey Hydraulics Limited has issued Service Bulletin (SB) 32-4, Issue 4, dated January 30, 1990, which applies to the Pilatus Britten-Norman BN-2A, BN-2B, and BN-2T series airplanes. This SB includes procedures for inspecting the junction of the torque

link lug and upper case of the MLG torque link assemblies, and installing new Modification A39 MLG torque link assemblies. Pilatus Britten-Norman SB BN-2/SB.170, Issue 4, dated November 16, 1990, references Fairey Hydraulic Limited SB32-4, Issue 4, dated January 30, 1990.

The FAA's Determination

The FAA has examined all available information related to this subject matter and has determined that:

- AD action should be taken for the Pilatus Britten-Norman BN-2A, BN-2B, and BN-2T series airplanes to require the installation of Modification A39 MLG torque link assemblies. The repetitive inspections of the junction of the torque link lug and upper case of the MLG torque link assemblies would still be required until the improved parts are installed; and
- AD 86-07-02 should be revised to remove the BN-2A and BN-2T series airplanes from the applicability of that AD, but retain the actions for the BN2A MK. 111 series airplanes (this is being proposed in a separate action).

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Pilatus Britten-Norman BN-2A, BN-2B, and BN-2T series airplanes of the same type design, the proposed AD would require repetitively inspecting the junction of the torque link lug and upper case of the MLG torque link assemblies for cracks, and replacing any MLG torque link assembly with a Modification A39 MLG torque link assembly, either immediately when cracks are found or at a certain period of time if cracks are not found. Installation of the improved part would eliminate the need for the repetitive inspections. Accomplishment of the proposed inspections and installation would be in accordance with Fairey Hydraulics Limited SB 32-4, Issue 4, dated January 30, 1990.

Cost Impact

The FAA estimates that 112 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 13 workhours per airplane to accomplish the proposed action (1 workhour per inspection and 12 workhours for the installation), and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$6,200 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$781,760 or \$6,980 per airplane.

The proposed inspections are currently required on the 112 affected airplanes by AD 86-07-02. The proposed AD would not require any additional inspection requirements over that already required by AD 86-07-02. In addition, the cost figures referenced above are based on the presumption that no affected airplane operator has incorporated the proposed inspection-terminating installation. Pilatus Britten-Norman does not know the number of parts distributed to the affected airplane owners/operators. Numerous sets of parts were sent out to the owners/operators of the affected airplanes, but over the years Pilatus Britten-Norman has not retained these records.

The FAA's Aging Commuter Aircraft Policy

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class airplanes that are in commercial service without adversely impacting private operators. Of the approximately 112 airplanes in the U.S. registry that would be affected by the proposed AD, the FAA has determined that approximately 25 percent are operated in scheduled passenger service by 11 different operators. A significant number of the remaining 75 percent are operated in other forms of air transportation such as air cargo and air taxi.

The proposed action would allow at least 1,000 hours TIS after the effective date of the AD before mandatory accomplishment of the design modification (upon the accumulation of 5,000 hours TIS or within the next 1,000 hours TIS after the effective date of the AD, whichever is later). The average utilization of the fleet for those airplanes in commercial commuter service is approximately 25 to 50 hours TIS per week. Based on these figures, operators of commuter airplanes involved in commercial operation would have to accomplish the proposed modification within 5 to 10 calendar months (at the least) after the proposed AD would become effective. For private owners, who typically operate between 100 to 200 hours TIS per year, this would allow 5 to 10 years (at the least) before the proposed modification would be mandatory. The time it would take those in air cargo/air taxi operations before the proposed action would be mandatory is unknown because of the wide variation between each airplane used in this service. The exact numbers would fall somewhere between the average for commuter operators and private operators.

Regulatory Flexibility Determination and Analysis

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by government regulations. The RFA requires government agencies to determine whether rules would have a "significant economic impact on a substantial number of small entities," and, in cases where they would, conduct a Regulatory Flexibility Analysis in which alternatives to the rule are considered. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, outlines FAA procedures and criteria for complying with the RFA. Small entities are defined as small businesses and small not-for-profit organizations that are independently owned and operated or airports operated by small governmental jurisdictions. A "substantial number" is defined as a number that is not less than 11 and that is more than one-third of the small entities subject to a proposed rule, or any number of small entities judged to be substantial by the rulemaking official. A "significant economic impact" is defined by an annualized net compliance cost, adjusted for inflation, which is greater than a threshold cost level for defined entity types.

The entities that would be affected by this AD are mostly in the portion of Standard Industrial Classification (SIC) 4512, Operators of Aircraft for Hire, classified as "unscheduled." FAA Order 2100.14A sets the size threshold for small entities operating aircraft in this category at nine or fewer aircraft owned and the annualized cost thresholds of at least \$4,975 (1996 dollars) for unscheduled operators. A four-year life for the torque link assembly and capital cost of 15-percent would establish an annualized cost of \$2,445 (1996 dollars). This is less than 50-percent of the threshold cost of \$4,975 per year. In order to incur costs of at least \$4,975, an entity would have to operate three or more of the airplanes referenced in the proposed AD. FAA data shows that only five small entities operate three or more of these airplanes. In addition, this data shows that approximately 60 entities operate the airplanes referenced in the proposed AD, but that only 15 of these entities (one-fourth) operate two or more of these airplanes.

Based on this information, less than one-third of the entities would incur significant operating costs under FAA Order 2100.14A. Therefore, the proposed AD would not significantly affect a number of small entities.

A copy of the full Cost Analysis and Regulatory Flexibility Determination for the proposed action may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-25-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 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 action has been placed 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, 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 (AD) to read as follows:

Pilatus Britten-Norman: Docket No. 96-CE-25-AD.

Applicability: Models BN-2, BN-2A, BN-2A-3, BN-2A-6, BN-2A-8, BN-2A-2, BN-2A-9, BN-2A-20, BN-2A-21, BN-2A-26,

BN-2A-27, BN-2B-20, BN-2B-21, BN-2B-26, BN-2B-27, and BN-2T airplanes (all serial numbers), certificated in any category.

Note 1: This AD applies to each airplane 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 airplanes 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 (f) 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: Required as indicated after the effective date of this AD, unless already accomplished.

To prevent failure of the main landing gear caused by cracks in the torque link assembly area, which could lead to loss of control of the airplane during landing operations, accomplish the following:

(a) Prior to further flight after the effective date of this AD or within the next 100 hours time-in-service (TIS) after the last inspection required by AD 86-07-02, whichever occurs later, and thereafter at intervals not to exceed 100 hours TIS until the installations required by paragraph (c) of this AD are accomplished, inspect the junction of the torque link lug and upper case of all main landing gear (MLG) torque link assemblies for cracks (using a 10-power magnifying glass or by dye penetrant methods). Accomplish these inspections in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Fairey Hydraulics Limited Service Bulletin (SB) 32-4, Issue 4, dated January 30, 1990. Pilatus Britten-Norman SB BN-2/SB.170, Issue 4, November 16, 1990, references this service bulletin.

Note 2: These inspections were initially a part of AD 86-07-02, which applied to the BN2A MK. 111 series airplanes as well as the airplanes affected by this AD. The "prior to further flight after the effective date of this AD" compliance time was the original initial compliance time of AD 86-07-02, and is being retained to provide credit and continuity for already-accomplished and future inspections.

(b) If any cracks are found during any of the inspections required by this AD, prior to further flight, replace the MLG torque link assembly with a Modification A39 MLG torque link assembly in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Fairey Hydraulics Limited SB No. 32-4, Issue 4, dated January 30, 1990.

(1) Repetitive inspections are no longer required when all MLG torque assemblies are replaced with Modification A39 MLG torque link assemblies.

(2) Repetitive inspections may no longer be required on one MLG torque assembly, but still be required on another if all haven't been replaced with a Modification A39 MLG torque link assembly.

(c) Upon the accumulation of 5,000 hours TIS or within the next 1,000 hours TIS after

the effective date of this AD, whichever occurs later, unless already accomplished as specified in paragraph (b) of this AD, replace each MLG torque link assembly with a Modification A39 MLG torque link assembly in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Fairey Hydraulics Limited SB No. 32-4, Issue 4, dated January 30, 1990.

(d) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these actions along with other scheduled maintenance on the airplane.

(e) 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 airplane to a location where the inspection requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division.

(g) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Fairey Hydraulics Limited, Claverham, Bristol, England; or Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR, as applicable; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on May 19, 1997.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-13692 Filed 5-23-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-200-C]

Notice of Public Meeting on Review of the Ethylene Oxide Standard (29 CFR 1910.1047)

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of public meeting.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is conducting a review of the Ethylene Oxide standard in order to determine, consistent with Executive Order 12866 on Regulatory Planning and Review and Section 610 of the Regulatory Flexibility Act, whether this standard should be maintained without change, rescinded, or modified in order to make it more effective or less burdensome in achieving its objectives, to bring it into better alignment with the objectives of Executive Order 12866, or to make it more consistent with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while imposing as few burdens as possible on small employers.

Written public comments on all aspects of compliance with the Ethylene Oxide standard are welcomed. OSHA will also hold a stakeholder's meeting to provide an opportunity for interested parties to comment on whether the Ethylene Oxide standard should be eliminated, modified, or continued without change to obtain the objectives described above.

DATES: The public meeting will be held on Monday, June 30, 1997. The meeting will begin at 9:00 a.m. and is scheduled to end at 12:00 p.m. Written comments should be received by August 1, 1997 in the OSHA Docket Office at the address listed below.

ADDRESSES: The public meeting will be held in Room N3437 of the Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Requests to appear and written comments: OSHA requests that any person wishing to appear at the public meeting notify OSHA in writing. To assure that time is provided for oral comments, the request should be received by OSHA no later than Monday, June 23, 1997, and should identify the person and/or organization intending to appear, address and phone/fax number, the amount of time requested, and a brief summary of the comments to be presented. Please send written requests to appear to Nancy Dorris at the address listed below. All comments received from interested parties will be included in Docket H-200-C, and will be available for public review in the OSHA Docket Office, Room N2625, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 219-7894.

Persons with disabilities who need special accommodations should contact Nancy Dorris, by Monday, June 23, 1997, at the address indicated below.

FOR FURTHER INFORMATION CONTACT: Nancy Dorris, Office of Regulatory Analysis, Directorate of Policy,

Occupational Safety and Health Administration, Room N3627, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 219-4690, extension 134, Fax (202) 219-4383.

SUPPLEMENTARY INFORMATION: In 1984, OSHA promulgated a health standard for Ethylene Oxide (29 CFR 1910.1047) with a permissible exposure limit of 1 part per million parts of air (1 ppm) as an 8-hour time-weighted average (49 FR 25734, June 22, 1984). The basis for this action was a determination, based on animal and human data, that exposure to Ethylene Oxide presents a carcinogenic, mutagenic, genotoxic, reproductive, neurologic and sensitization hazard to workers. The standard provides for, among other requirements, methods of exposure control, personal protective equipment, measurement of employee exposures, training, medical surveillance, signs and labels, regulated areas, emergency procedures, and recordkeeping. An action level of 0.5 ppm as an 8-hour time weighted average is included as the level above which employers must initiate certain compliance activities such as periodic employee exposure monitoring and medical surveillance. In instances where the employer can demonstrate that employee exposures are below the action level, the employer is not obligated to comply with most of the requirements of the standard. In 1988, OSHA amended the Ethylene Oxide standard by adopting an excursion limit of 5 ppm averaged over a sampling period of 15 minutes (53 FR 11414, April 6, 1988).

OSHA estimated in the Final Regulatory Impact Analysis for the Ethylene Oxide standard that the standard would have an annual cost of \$35.5 million (49 FR 25734, June 22, 1984). OSHA also estimated that between 457 and 871 cancer fatalities would be prevented over a fifty year period as a result of the standard.

OSHA has selected the Ethylene Oxide standard for review in accordance with the regulatory review provisions at Section 5 of Executive Order 12866 (58 FR 51735, 51739, Oct. 4, 1993) and Section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The purpose of the review is to determine whether the standard should be continued without change, rescinded, or amended to make it more effective or less burdensome in achieving its objectives, to bring it into better alignment with the objectives of Executive Order 12866, or to make it more consistent with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while