

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Part 985****[Docket No. FV97-985-1 PR]****Spearmint Oil Produced in the Far West; Revision of Administrative Rules and Regulations Governing Issuance of Additional Allotment Base to New and Existing Producers****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Proposed rule.

SUMMARY: This proposed rule would reduce the number of regions established for issuing additional allotment bases to new producers from four to three; revise the procedure used for issuing additional allotment bases when no requests are received from a region for a class of spearmint oil; and eliminate obsolete language pertaining to the issuance of additional allotment bases to existing producers during the 1992-93 and 1993-94 marketing years. The Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West, recommended this rule to ensure that a maximum number of new producers would receive additional allotment base each year at a level determined by the Committee to be a minimum economic enterprise.

DATES: Comments must be received by July 22, 1997.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525-S, South Building, PO Box 96456, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204; telephone: (503) 326-2043; Fax: (503) 326-7440; or George Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525-S, South Building, PO Box 96456,

Washington, DC 20090-6456; telephone: (202) 690-3919; Fax: (202) 720-5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523-S, Washington, DC 20090-6456; telephone (202) 720-2491; Fax (202) 720-5698.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Order No. 985 (7 CFR part 985), regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the "order." This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposal will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

The spearmint oil order is a volume control program that authorizes the regulation of spearmint oil produced in the Far West through annual allotment percentages and salable quantities for Class 1 (Scotch) and Class 3 (Native) spearmint oils. The salable quantity limits the quantity of each class of spearmint oil that may be marketed from each season's crop. Each producer

is allotted a share of the salable quantity by applying the allotment percentage to that producer's allotment base for the applicable class of spearmint oil. Handlers may not purchase spearmint oil in excess of a producer's annual allotment, or from producers who have not been issued an allotment base under the order.

Section 985.53(d)(3) of the order provides for rules to be established by the Committee, with the approval of the Secretary, for distribution of additional allotment bases. Pursuant to the authority in that section, the Committee unanimously recommended revising § 985.153 of the order's rules and regulations at its meeting on March 18, 1997. Section 985.153 provides regulations for the issuance of additional allotment bases to new and existing producers. The Committee's recommendation proposes modification of portions of § 985.153 to reflect current conditions within the Far West spearmint oil industry relative to the annual issuance of additional allotment bases to both new and existing producers. This proposed rule would reduce the number of regions established for issuing additional allotment bases to new producers from four to three; revise the procedure used for issuing additional allotment bases when no requests are received from a region for a class of spearmint oil; and eliminate obsolete language pertaining to the issuance of additional allotment bases to existing producers during the 1992-93 and 1993-94 marketing years.

Section 985.53(d)(1) provides that, beginning with the 1982-83 marketing year, the Committee annually make additional allotment bases available in an amount not greater than 1 percent of the total allotment base for each class of spearmint oil. The order specifies that, each year, 50 percent of the additional allotment bases be made available for new producers and 50 percent be made available for existing producers. A new producer is any person who has never been issued allotment base for a class of oil, and an existing producer is any person who has been issued allotment base for a class of oil. Provision is made in the order for new producers to apply to the Committee for the additional allotment base, which in turn is issued to applicants in each oil class by lottery. The additional allotment bases being made available to existing producers are distributed equally among all existing producers who apply.

The order was amended on June 26, 1996 (61 FR 32924), by redefining the production area to exclude those portions of the area with no historic record of commercial production of

spearmint oil. The amendment thus removed the regulated portions of California and Montana, leaving the defined production area to mean the States of Washington, Oregon, and Idaho, and portions of the States of Nevada and Utah.

Based on the order prior to the amendment, § 985.153(c) currently establishes the regions for issuing additional allotment base as follows:

(A) Region 1—Those portions of Montana and Utah included in the production area.

(B) Region 2—The State of Oregon and those portions of Nevada and California included in the production area.

(C) Region 3—The State of Idaho.

(D) Region 4—The State of Washington.

During past additional allotment base lotteries, the name of one new producer per class of oil in each of the above four regions was drawn by Committee staff. The lottery usually resulted in four new Scotch spearmint oil producers receiving approximately 2,300 pounds of allotment base each, and four new Native spearmint oil producers receiving approximately 2,500 pounds of allotment base each.

This proposed rule would replace the above four regions with the following three regions:

(A) Region 1—The State of Oregon and those portions of Utah and Nevada included in the production area.

(B) Region 2—The State of Idaho.

(C) Region 3—The State of Washington.

The Committee made this recommendation primarily because of the removal of Montana and California from the production area, as well as its analysis of statistics relating to current spearmint oil production and the number of requests received each year for additional allotment base from the various states included in the production area. For example, Committee records show that the average number of applications by state for additional allotment base from 1986 to 1996 for Class 1 and Class 3 spearmint oil, respectively, is 63.2 and 73.2 percent for Washington, 26.7 and 21.5 percent for Idaho, 9.6 and 11.2 percent for Oregon, 1.4 and 2.6 percent for Utah, and 0.2 and 0.2 percent for Nevada. Records also show that the number of producers, as well as the allotment bases held by those producers, is greatest in Washington followed in decreasing order by Idaho, Oregon, Utah, and Nevada. This recommendation would result in each region potentially having a significant number of applicants each year, thus

bringing about equity in issuing the additional allotment base. It would also increase the amount of allotment base that is issued to each new producer.

In reaching its recommendation to establish three regions the Committee also considered the importance of issuing as many blocks of additional allotment base as are possible at a level considered economically viable to each recipient. The Committee also resolved that each region should receive an equal number of these blocks. To establish a reasonable minimum economic enterprise required to produce each class of spearmint oil, the Committee relied on available statistical information and on the spearmint oil production experience of each member. Using this information and experience, the Committee concluded that producers require approximately 14 acres for Scotch spearmint oil production and approximately 13 acres for Native spearmint oil production to be economically viable. Using a 5-year average yield and a nominal allotment percentage of 55 as a basis, the Committee calculated that each new block of additional allotment base should be approximately 3,000 pounds for Scotch spearmint oil, and approximately 3,400 pounds for Native spearmint oil.

The Committee used the following formula to establish a range of possible allotments for additional base: $(\text{Number of Acres} \times \text{Average Yield per Acre} = \text{Production}) \div \text{Allotment Percentage} = \text{Allotment Base Required for Viability}$. For example, applying this formula to a theoretical 14-acre Scotch spearmint oil operation with a 5-year average yield of 126 pounds per acre and a nominal 55 percent allotment, each new producer would receive an allotment base of 3,207 pounds. To obtain the total additional allotment base available for new Scotch spearmint oil producers during the 1997–98 marketing year, the total allotment base of 1,811,556 was multiplied by 0.5 percent (50 percent of the additional allotment base). The result, 9,058 pounds, if divided equally among the three proposed regions, would provide three new Class 1 producers with 3,019 pounds of allotment base each.

Similarly, an example with a theoretical 13-acre Native spearmint oil operation, using a 5-year average yield of 151 pounds per acre and a nominal allotment percentage of 55, results in an allotment base of 3,569 pounds for each new producer. The total additional allotment base available for new Native spearmint oil producers during the 1997–98 marketing year, 10,048 pounds, was obtained by multiplying the total

allotment base of 2,009,556 pounds by 0.5 percent. Thus, with equal distribution among the three proposed regions, three new Class 3 producers would each receive 3,349 pounds of allotment base.

From such calculations the Committee determined that there should be three regions, that a reasonable minimum economic unit would currently be approximately 3,000 pounds for Scotch spearmint oil and approximately 3,400 pounds for Native spearmint oil, and that currently there should be one new producer per class per region drawn during the annual allotment base lottery. Based on the current total industry allotment bases, the Committee concluded that any more than one recipient per class of oil in a region would result in an inadequate level of allotment base being issued to each new producer.

The amount of allotment base to be issued to new Scotch spearmint oil producers would be slightly higher than the approximate amount the Committee believes necessary for an economically viable production unit. The amount to be issued to new Native spearmint oil producers would be only slightly lower than the Committee's guideline of 3,400 pounds. In both cases, the amount to be allocated to new producers would be higher than under the current four district system.

The Committee also recommended changing the procedure used to distribute unused additional allotment base for each class of oil in the event requests for such are not received from eligible new producers in one or more of the three proposed regions. Currently, if the Committee does not receive requests for additional allotment base for a class of oil from one or more regions, the unused allotment base is divided equally among the eligible new producers within the other regions receiving allotment base for that class of oil. This procedure has resulted in a reduction in the number of additional allotment base recipients. To insure that a maximum number of new producers receive allotment base for each class of oil each year, the Committee recommended that, in the event no requests for additional allotment base for a class of oil are received from a region, the unused allotment base would be issued to an eligible new producer whose name is drawn by lot from all remaining eligible new producers from all regions for that class of oil.

Finally, the Committee recommended that obsolete language in § 985.153(c)(2) pertaining to existing producers, but specific to the 1992–93 and 1993–94

marketing years, be removed. This language is specific to action taken on June 26, 1992 (57 FR 28569), to issue additional allotment base to existing producers with less than 3,000 pounds of allotment base to bring them up to a level not to exceed 3,000 pounds.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

Accordingly, this initial regulatory flexibility analysis has been prepared.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 8 spearmint oil handlers subject to regulation under the order and approximately 250 producers of spearmint oil in the regulated production area. Of the 250 producers, approximately 135 producers hold Class 1 spearmint oil allotment base, and approximately 115 producers hold Class 3 spearmint oil allotment base. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers have been defined as those whose annual receipts are less than \$500,000.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose incomes from farming operations are not exclusively dependent on the production of spearmint oil. In the production of the spearmint plant, crop rotation is an essential cultural practice for weed, insect, and disease control. An average spearmint oil producing operation would have acreage sufficient enough to ensure that the total acreage available for the production of the crop is approximately one-third spearmint and two-thirds rotational crops. Consequently, most spearmint oil producers would have considerably more acreage available than would be planted to spearmint during any given season. To remain economically viable with the added costs associated with spearmint oil production, most such farms would fall into the category of large businesses.

Small spearmint oil producers generally are not extensively diversified

and as such are more at risk to market fluctuations. Such small producers generally need to market their entire annual crop and do not have the luxury of having other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because incomes from alternate crops could support the operation for a period of time. Being reasonably assured of a stable price and market provides small producing entities with the ability to maintain proper cash flow and to meet annual expenses. Thus, the market and price stability provided by the order potentially benefit the small producer more than such provisions benefit large producers. Even though a majority of handlers and producers of spearmint oil may not be classified as small entities, the volume control feature of this order has small entity orientation. Records show that the order has contributed extensively to the stabilization of producer prices.

Based on the Small Business Administration's definition of small entities, the Committee estimates that none of the eight handlers regulated by the order would be considered small entities as all are national or multinational corporations involved in the buying and selling of essential oils and the products of such essential oils. The Committee also estimates that 17 of the 135 Scotch spearmint oil producers and 10 of the 115 Native spearmint oil producers would be classified as small entities. Thus, a majority of handlers and producers of Far West spearmint oil would not be classified as small entities.

Section 985.53 of the order provides that each year the Committee make available additional allotment bases for each class of oil in the amount of no more than 1 percent of the total allotment base for that class of oil. This affords an orderly method for new spearmint oil producers to enter into business and existing producers the ability to expand their operations as the spearmint oil market and individual conditions warrant. One-half of the 1 percent increase is issued annually by lot to eligible new producers for each class of oil. To be eligible, a producer must never have been issued allotment base for the class of spearmint oil such producer is making application for, and have the ability to produce such spearmint oil. The ability to produce spearmint oil is generally demonstrated when a producer has experience at farming, and owns or rents the equipment and land necessary to successfully produce spearmint oil.

This proposed rule would reduce the number of regions established for the purpose of issuing annual additional allotment base to new producers from four to three. It would also change the procedure used to issue additional allotment base should no requests be received from eligible new producers in one or more of the three proposed regions. This proposal would also delete obsolete provisions in § 985.153(c)(2) that pertain to the issuance of additional allotment base to existing producers during the 1992–93 and 1993–94 marketing years. The Committee recommended this rule for the purpose of ensuring equity in the distribution of additional allotment base following the order amendment that removed the regulated portions of California and Montana from the production area. The recommendation would also help to ensure that a maximum number of eligible new producers would receive additional allotment base each year at a level determined by the Committee to be the minimum economic enterprise needed to produce each class of spearmint oil.

To establish a reasonable minimum economic enterprise required for the production of each class of spearmint oil, the Committee relied on available statistical information and on the spearmint oil production experience of each member. Using this information and experience, the Committee concluded that producers require approximately 14 acres for Scotch spearmint oil production and approximately 13 acres for Native spearmint oil production to be economically viable. Using a 5-year average yield and a nominal allotment percentage of 55 as a basis, the Committee calculated that each new block of additional allotment base should be approximately 3,000 pounds for Scotch spearmint oil, and approximately 3,400 pounds for Native spearmint oil.

The Committee used the following formula to establish a range of possible allotments for additional base: $(\text{Number of Acres} \times \text{Average Yield per Acre} = \text{Production}) \div \text{Allotment Percentage} = \text{Allotment Base Required for Viability}$. For example, applying this formula to a theoretical 14-acre Scotch spearmint oil operation with a 5-year average yield of 126 pounds per acre and a nominal allotment percentage of 55, each new producer would receive an allotment base of 3,207 pounds. To obtain the total additional allotment base available for new Scotch spearmint oil producers during the 1997–98 marketing year, the Committee multiplied the total industry allotment base of 1,811,556 by 0.5

percent (50 percent of the additional allotment base). The result, 9,058 pounds, if divided equally among the three proposed regions, would allot 3,019 pounds each for three new Class 1 producers.

Similarly, an example with a theoretical 13-acre Native spearmint oil operation, using a 5-year average yield of 151 pounds per acre and a nominal allotment of 55 percent, results in an allotment base of 3,569 pounds for each new producer. The total additional allotment base available for new Native spearmint oil producers during the 1997–98 marketing year, 10,048 pounds, was obtained by multiplying the total industry allotment base of 2,009,556 pounds by 0.5 percent. With equal distribution among the three proposed regions, three new Class 3 producers would each receive 3,349 pounds of allotment base.

From such calculations the Committee determined that there should be three regions, that a reasonable minimum economic unit would currently be approximately 3,000 pounds for Scotch spearmint oil and approximately 3,400 pounds for Native spearmint oil, and that currently there should be one new producer per class per region drawn during the annual allotment base lottery. Based on the current total industry allotment bases, the Committee concluded that any more than one recipient per class of oil in a region would result in an inadequate level of allotment base being issued to each new producer.

The amount of allotment base to be issued to new Scotch spearmint oil producers would be slightly higher than the approximate amount the Committee believes necessary for an economically viable production unit. The amount to be issued to new Native spearmint oil producers would be only slightly lower than the Committee's guideline of 3,400 pounds. In both cases, the amount to be allocated to new producers would be higher than under the current four district system.

During its deliberations, the Committee considered alternatives to this proposal. The first option discussed would have left § 985.153(c) unchanged. This was rejected because of the need to develop a more equitable method of issuing additional base in light of the order amendment that removed California and Montana from the production area. The Committee also discussed the possibility of eliminating the use of different regions in its additional allotment base issuance procedures. In such a scenario, available additional allotment base would be distributed equally to those new

producers drawing the allotment regardless of their spearmint acreage location. However, this option was also rejected because the Committee determined that such a procedure has the statistical potential of adding more new producers to those states with a greater number of current producers than to the states with few producers.

The Committee made its recommendation after careful consideration of available information, including the aforementioned alternative recommendations, the order amendment that removed Montana and California from the production area, the minimum economic enterprise required for spearmint oil production, historical statistics relating to the locations of the producers applying for the annual additional allotment base, and other factors such as number of producers by state and the amount of allotment base held by such producers. Based on its review, the Committee believes that the action recommended is the best option available to ensure that the objectives sought will be achieved.

The information collection requirements contained in the section of the order's rules and regulations proposed to be amended by this rule have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB No. 0581-0065. This action would not impose any additional reporting or record keeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically in order to avoid unnecessary and duplicative information collection by industry and public sector agencies. The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

The Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate in the discussion on these issues. Interested persons are also invited to submit information on the regulatory and informational impacts of this action on small businesses.

A 15-day comment period is provided to allow interested persons to respond to this proposal. Fifteen days is deemed appropriate because this rule would need to be in place as soon as possible because the Committee plans to distribute base to new producers for the 1998–99 marketing year in August 1997. All written comments received within the comment period will be considered

before a final determination is made on this matter.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is proposed to be amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 985.153, paragraph (c) is revised to read as follows:

§ 985.153 Issuance of additional allotment base to new and existing producers.

* * * * *

(c) *Issuance*—(1) *New producers.* (i) *Regions:* For the purpose of issuing additional allotment base to new producers, the production area is divided into the following regions:

(A) *Region 1.* The State of Oregon and those portions of Utah and Nevada included in the production area.

(B) *Region 2.* The State of Idaho.

(C) *Region 3.* The State of Washington.

(ii) Each year, the Committee shall determine the size of the minimum economic enterprise required to produce each class of oil. The Committee shall thereafter calculate the number of new producers who will receive allotment base under this section for each class of oil. An equal number of grants of the additional allotment base for each class of oil that is available to new producers each marketing year shall be issued to producers within each region. The Committee shall include that information in its announcements to new producers in each region informing them when to submit requests for allotment base. The Committee shall determine whether the new producers requesting additional base have ability to produce spearmint oil. The names of all eligible new producers in each region shall be placed in a lot for drawing. A separate drawing shall be held for each region. If, in any marketing year, there are no requests in a class of oil from eligible new producers in a region, such unused allotment base shall be issued to an eligible new producer whose name is selected by drawing from a lot containing the names of all remaining eligible new producers from all regions

for that class of oil. The Committee shall immediately notify each new producer whose name was drawn and issue that producer an allotment base in the appropriate amount.

(2) *Existing producers.* (i) The Committee shall review all requests from existing producers for additional allotment base.

(ii) Each existing producer of a class of spearmint oil who requests additional allotment base and who has the ability to produce additional quantities of that class of spearmint oil, shall be eligible to receive a share of the additional allotment base for that class of oil. Additional allotment base to be issued by the Committee for a class of oil shall be distributed equally among the eligible producers for that class of oil. The Committee shall immediately notify each producer who is to receive additional allotment base by issuing that producer an allotment base in the appropriate amount.

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Dated: June 30, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97-17607 Filed 7-3-97; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-12-AD]

RIN 2120-AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede airworthiness directive (AD) 97-03-03, which is applicable to Pilatus Britten-Norman Ltd. (Pilatus) BN-2, BN-2A, and BN-2B series airplanes that do not have generator terminal diodes installed with Modification NB/M/1571. This AD currently requires removing the terminal diodes that have a 70 amp direct current (DC) Generation System, referred to as Modification NB/M/1148, and installing Modification NB/M/1571, which consists of new terminal diodes with a higher amp rating. The proposed action would retain the same actions required in AD 97-03-03, and would change the applicability section of the proposed AD. Reports from operators

that one or both diodes were failing prompted this action, as well as reports from operators that the applicability section of AD 97-03-03 was wrong. The actions specified by this AD are intended to prevent a loss of electrical power to the navigation, communications, and light systems, which could impair the pilot's ability to maintain control of the airplane.

DATES: Comments must be received on or before September 5, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97-CE-12-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, Ltd., Bembridge, Isle of Wight, United Kingdom, PO35 5PR. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. S.M. Nagarajan, Project Officer, Small Airplane Directorate, 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. 97-CE-12-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. 97-CE-12-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain Pilatus Britten-Norman (Pilatus) BN-2, BN-2A, and BN-2B series airplanes. The CAA reports that several owners/operators of these airplanes have experienced diode failure, which leads to generator failure during flight. Further investigation has shown that the diode rating is not sufficient to maintain the generators used to operate the navigation, communication, and light system. This condition, if not detected and corrected, could result in loss of power to the navigation, communication, and light systems, which could result in impairing the pilot's ability to maintain control of the airplane.

Airworthiness Directive 97-03-03, Amendment 39-9909 (62 FR 4908, February 3, 1997), currently requires removing the diodes (type 10B1 or 10D1) installed on the terminals of the STBD (RIGHT) GEN and PORT (LEFT) GEN switches (SW2 and SW3), and installing new approved diodes that are type 60S6 on Pilatus BN-2, BN-2A, and BN-2B series airplanes.

These airplane models are manufactured in the United Kingdom 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 between the United Kingdom and the United States. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above.

Actions Since Issuance of Previous Rule

Since publication of AD 97-03-03, the FAA has been informed that the applicability section of the AD was misleading. Modification NB/M/1571 is the increased rated diode used on the Pilatus BN-2, BN-2A, and BN-2B series airplanes, if they have a 70-amp DC