

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.

* * * * *

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

generation system installed. Some of these Pilatus airplanes have a 50-amp DC generation system and do not require Modification NB/M/1571. The proposed action would not apply to certain Pilatus BN-2, BN-2A, and BN-2B series airplanes with a 50-amp DC generation system installed. If Modification NB/M/1148 is incorporated (which is the installation of 70 amp DC generators with type 10B1 or 10D1 diodes), but Modification NB/M/1571 is not incorporated, the proposed action would require the incorporation of Modification NB/M/1571.

Relevant Service Information

Pilatus has issued Service Bulletin (SB) BN-2/SB.228, Issue 2, dated January 17, 1996, which specifies procedures for removing the already installed diodes (type 10B1 or 10D1) in accordance with Modification NB/M/1148 and installing the diodes (type 60S6) approved for Modification NB/M/1571.

The CAA classified this service bulletin as mandatory and issued CAA AD No. 004-01-96, in order to ensure the continued airworthiness of these airplanes in the United Kingdom.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the information described above, the FAA has determined that AD action should be taken 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.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in certain Pilatus BN-2, BN-2A, and BN-2B series airplanes of the same type design registered in the United States, the proposed AD would supersede AD 97-03-03 with a new AD that would change the applicability to include the airplanes that have Modification NB/M/1148 incorporated, but do not have Modification NB/M/1571 incorporated. The proposed AD would also retain the same actions as AD 97-03-03, which requires removing the diodes (type 10B1 or 10D1), also referred to as Modification 1148 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. Accomplishment of the proposed action would be in accordance with

Pilatus SB BN-2/SB.228, Issue 2, dated January 17, 1996.

Cost Impact

The FAA estimates that one airplane currently on the U.S. registry would be affected by the proposed AD, that it would take approximately one workhour per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$40 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$100. The FAA has no way of determining whether or not the owner/operator of this airplane has accomplished this action.

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 USC 106(g), 40113, 44701.

\$39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 97-03-03, Amendment 39-9909, and by adding a new AD to read as follows:

Pilatus Britten-Norman Ltd.: Docket No. 97-CE-12-AD; Supersedes AD 97-03-03, Amendment 39-9909.

Applicability: BN-2, BN-2A, and BN-2B series airplanes (all serial numbers), certificated in any category, that have Pilatus Britten-Norman (Pilatus) Modification NB/M/1148 (70 amp DC Generation System) incorporated, and do not have Pilatus Modification NB/M/1571 (Introduction of Increased Rated Diode-70 amp DC Generation System) incorporated.

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 (d) 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 within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent loss of electrical power to the navigation, communications and light systems, which could impair the pilot's ability to maintain control of the airplane, accomplish the following:

(a) Remove the diodes (quantity 2, part number (P/N) 340502014, type 10B1 or 10D1) installed on the terminals of the STBD (RIGHT) GEN and PORT (LEFT) GEN switches (SW2 and SW3), and install new approved diodes (quantity 2, P/N NB-81-5873, type 60S6) in accordance with the Accomplishment Instructions section in Pilatus Britten-Norman Aircraft Manufacturers Service Bulletin (SB) BN-2/SB.228, Issue 2, dated January 17, 1996.

(b) Accomplishment of paragraph (a) of this AD is considered incorporation of Modification NB/M/1571.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri, 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate. Alternative methods of compliance approved in accordance with AD 97-03-03 are

considered approved as alternative methods of compliance for this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from Small Airplane Directorate.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to Pilatus Britten-Norman, Ltd., Bembridge, Isle of Wight, United Kingdom, PO35 5PR; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 97-03-03, Amendment 39-9909.

Issued in Kansas City, Missouri, on June 27, 1997.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-17545 Filed 7-3-97; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket No. 970624153-7153-01]

RIN 0607-AA23

Revision of Section 30.56(b): Conditional Exemptions for Filing Shipper's Export Declarations (SED) for Tools of Trade

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of Proposed Rulemaking and Request for Comments.

SUMMARY: The Bureau of the Census proposes to amend the Foreign Trade Statistics Regulations (FTSR) to include an exemption for exporters who currently must file a Shipper's Export Declaration (SED) for temporary exports of tools of trade. This exemption would apply whenever the tools of trade are company-owned commodities and software, accompany the employees or representatives of the exporting company, and are intended to remain outside of the country for less than one year. The current regulation only allows an exemption for filing an SED when the tools of trade are owned by individuals. This exemption will still apply.

DATES: Written comments must be submitted on or before August 6, 1997.

ADDRESSES: Direct all written comments on this proposed rulemaking to the Director, Bureau of the Census, Room 2049, Federal Building 3, Washington, D.C. 20233.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to C. Harvey Monk, Jr., Chief, Foreign Trade Division, Bureau of the Census, Room 2104, Federal Building 3, Washington, D.C. 20233-6700, by telephone on (301) 457-2255 or by fax on (301) 457-2645.

SUPPLEMENTARY INFORMATION: The FTSR currently exempts tools of trade that are owned by individuals from the requirement to file an SED. However, for tools of trade owned by a company rather than an individual, the FTSR provides no such exemption. Companies doing business abroad have requested that the Census Bureau review the current regulation to allow an exemption to eliminate the SED filing requirement for company-owned tools of trade that accompany employees or representatives of the company for temporary use abroad.

Based upon our evaluation of these customer requests, the Census Bureau is proposing to broaden the current exemption criteria for filing SEDs to include an exemption for company-owned tools of trade.

Based upon reviews by the Bureau of Export Administration (BXA) and the U.S. Customs Service, the Census Bureau has determined that, *for statistical purposes*, it is not necessary to collect information on temporary exports of company-owned tools of trade that do not normally require an export license or that are exported without a license as specified in 15 CFR 740.9 of the BXA Export Administration Regulations (EAR). For SED filing exemption purposes, the Census Bureau will include certain provisions of 15 CFR 740.9 of the EAR in its criteria for exemptions to the SED filing requirements.

Therefore, the Bureau of the Census proposes to amend 15 CFR 30.56(b) to include an exemption to SED filing requirements for exports of company-owned tools of trade, which are reasonable kinds and quantities of commodities and software for use by employees or representatives of the company in its enterprises or undertakings abroad. Commodities and software would be eligible for export under this exemption provided that the commodities and software:

- (1) Are owned by the individual or the exporting company;
- (2) Accompany the individual exporter, employee or representative of the exporting company;
- (3) Are necessary and appropriate and intended for the personal and/or business use of the individual exporter, employee or representative of the company or business;

(4) Are not for sale; and

(5) Are returned to the United States no later than one year from the date of export.

This revision to 15 CFR 30.56(b) is being considered to increase the conditional exemptions for tools of trade owned by individuals, companies and/or businesses and to minimize the reporting burden for filing an SED.

Rulemaking Requirements

This rule is exempt from all requirements of Section 553 of the Administrative Procedure Act because it deals with a foreign affairs function (5 U.S.C. (A)(1)). However, this rule is being published as a proposed rule with an opportunity for public comment because of the importance of the issues raised by this rulemaking.

Because a notice of proposed rulemaking is not required by 5 U.S.C. 553 or any other law, a Regulatory Flexibility Analysis is not required and has not been prepared (5 U.S.C. 603(a)).

This rule has been determined to be not significant for purposes of Executive Order 12866.

This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

Paperwork Reduction Act

Notwithstanding any other provisions of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

This rule covers collections of information subject to the provisions of the Paperwork Reduction Act, which are cleared by the Office of Management Budget under OMB control numbers 0607-0001, 0607-0018, and 0607-0152.

This rule will result in a reduction of reporting-hour burden requirements under provisions of the Paperwork Reduction Act of 1995, Public Law 104-13.

List of Subjects in 15 CFR Part 30

Economic statistics, Exports, Foreign trade, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, it is proposed that Part 30 be amended as follows: