

been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the upper link due to cracking or corrosion, subsequent damage to other strut support structure, and in-flight separation of an engine from the airplane, accomplish the following:

(a) Perform a detailed visual inspection for corrosion, and a high frequency eddy current (HFEC) inspection for cracks, of the upper link assembly on the number 2 and number 3 engine struts, in accordance with Boeing Alert Service Bulletin 747-54A2187, dated May 22, 1997, at the applicable time specified in either paragraph (a)(1) or (a)(2) of this AD.

(1) For airplanes with upper link assemblies that were overhauled in accordance with Overhaul Manual, 54-00-01, and on which the four aft end attach bolts were installed with sealant: Perform the inspections required by paragraph (a) of this AD, at the later of the times specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Within 6,000 flight cycles or 8 years after the date of overhaul of the upper link assembly, whichever occurs first.

(ii) Within 600 flight cycles or 6 months after the effective date of this AD, whichever occurs first.

(2) For airplanes other than those identified in paragraph (a)(1) of this AD: Perform the inspections required by paragraph (a) of this AD, at the later of the times specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Within 6,000 total flight cycles, or 8 years after the date of manufacture of the airplane, whichever occurs first.

(ii) Within 600 flight cycles, or 6 months after the effective date of this AD, whichever occurs first.

(b) If no crack or corrosion is detected during any inspection required by paragraph (a) of this AD, repeat the inspections specified in paragraph (a) of this AD, thereafter, at intervals not to exceed 18 months.

(c) If any crack or corrosion is detected during any inspection required by this AD, prior to further flight, accomplish either paragraph (c)(1) or (c)(2) of this AD, in accordance with Boeing Alert Service Bulletin 747-54A2187, dated May 22, 1997. Thereafter, repeat the inspections required by paragraph (a) of this AD, at intervals not to exceed 6,000 flight cycles or 8 years, whichever occurs first.

(1) Repair the upper link within the limits specified in the alert service bulletin, in accordance with Part 2 of the Accomplishment Instructions of the alert service bulletin. (Complete corrosion and crack removal must be achieved within the limits specified in the alert service bulletin.) Or

(2) Replace the upper link with a new upper link assembly, in accordance with Part 3 of the Accomplishment Instructions of the alert service bulletin.

Note 2: If any cracking or corrosion is found, and Boeing Alert Service Bulletin 747-54A2187, dated May 22, 1997, specifies that corrective actions may be accomplished

in accordance with an operator's "equivalent procedure." The actions must be accomplished in accordance with the chapter of the Boeing 747 Airplane Maintenance Manual (AMM) specified in the alert service bulletin.

(d) Accomplishment of the modifications required in AD 95-13-07, amendment 39-9287 (for General Electric CF6-45 or -50 engine struts); or AD 95-10-16, amendment 39-9233 (for Pratt & Whitney JT9D-3 or -7 engine struts); constitutes terminating action for the requirements of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) Special flight permits may be issued in accordance with §§ 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.

Issued in Renton, Washington, on April 3, 1998.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-9337 Filed 4-8-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-71-AD]

RIN 2120-AA64

Airworthiness Directives; Mitsubishi Heavy Industries Ltd. Model YS-11 and YS-11A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Mitsubishi Model YS-11 and YS-11A series airplanes. This proposal would require revising the airplane flight manual (AFM) to prohibit positioning the power levers below the flight idle stop. This proposal is a result of incidents and accidents involving airplanes equipped with turboprop engines in which the propeller beta was

used improperly during flight. The actions specified by the proposed AD are intended to prevent loss of airplane controllability or engine overspeed with consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight.

DATES: Comments must be received by May 26, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-71-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Aerospace Engineer, Standardization Branch, ANM-113; FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2145; fax (425) 227-1149.

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 shall 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 summarizing 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 Number 97-NM-71-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, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-71-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

In recent years, the FAA has received reports of 14 incidents and/or accidents on airplanes equipped with turboprop engines in which intentional or inadvertent operation of the propellers in the beta range occurred during flight. (For the purposes of this proposal, beta is the range of propeller operation intended for use during taxi, ground idle, or reverse operations as controlled by the power lever settings aft of the flight idle stop.)

Five of the 14 in-flight beta occurrences were classified as accidents. In each of these five cases, operation of the propellers in the beta range occurred during flight. Operation of the propellers in the beta range during flight, if not prevented, could result in loss of airplane controllability, or engine overspeed with consequent loss of engine power.

Communication between the FAA and the public during a meeting held on June 11-12, 1996, in Seattle, Washington, revealed a lack of consistency of the information on in-flight beta operation contained in the FAA-approved airplane flight manual (AFM) for airplanes not certificated for in-flight operation with the power levers below the flight idle stop. (Airplanes that are certificated for this type of operation are not affected by the above-referenced conditions.)

U.S. Type Certification of the Airplane

This airplane model is manufactured in Japan and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. The FAA has reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

The FAA's Determination

The FAA has examined the circumstances and reviewed all available information related to the incidents and accidents described previously. The FAA finds that the Limitations Section of the AFM's for certain airplanes must be revised to prohibit positioning the power levers below the flight idle stop while the airplane is in flight, and to provide a

statement of the consequences of positioning the power levers below the flight idle stop. The FAA has determined that the affected airplanes include those that are equipped with turboprop engines and that are not certificated for in-flight operation with the power levers below the flight idle stop. Since Mitsubishi Model YS-11 and YS-11A series airplanes meet these criteria, the FAA finds that the AFM's for these airplanes must be revised to include the limitation and statement of consequences described previously.

Explanation of the Requirements of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in Mitsubishi Model YS-11 and YS-11A series airplanes of the same type design, the proposed AD would require revising the Limitations Section of the AFM to prohibit the positioning of the power levers below the flight idle stop while the airplane is in flight, and to add a statement of the consequences of positioning the power levers below the flight idle stop while the airplane is in flight.

Interim Action

This is considered interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that 10 Mitsubishi Model YS-11 and YS-11A series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$600, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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 proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained 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 the following new airworthiness directive:

Mitsubishi Heavy Industries, Ltd. [Formerly Nihon Aeroplane Manufacturing Company (NMAC)]: Docket 97-NM-71-AD.

Applicability: All Model YS-11 and YS-11A -200, -300, -500, and -600 series airplanes; 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 (b) 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, unless accomplished previously.

To prevent loss of airplane controllability or engine overspeed with consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight, accomplish the following:

(a) Within 30 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statements. This action may be accomplished by inserting a copy of this AD into the AFM.

Warning: While the airplane is airborne, the LOW STOP lever (flight fine pitch stop) should not be placed in the GROUND position for any reason. Placing the LOW STOP lever in the GROUND position in flight may lead to loss of airplane control or may result in an engine overspeed condition and consequent loss of engine power.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113; FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

Issued in Renton, Washington, on April 3, 1998.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-9339 Filed 4-8-98; 8:45 am]

BILLING CODE 4910-13-U

FEDERAL TRADE COMMISSION

16 CFR Part 235

Guides Against Deceptive Labeling and Advertising of Adhesive Compositions

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission ("Commission") requests public comments about the overall costs and benefits and the continuing need for its Guides Against Deceptive Labeling and Advertising of Adhesive Compositions ("Adhesive Compositions Guides" or "the Guides"), as part of the Commission's systematic review of all current Commission regulations and guides.

DATES: Written comments will be accepted until June 8, 1998.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Ave., N.W., Washington, D.C. 20580. Comments should be identified as "Adhesive Compositions Guides, 16 CFR Part 235—Comment." E-mail comments will be accepted at [adhesives@ftc.gov]. Those who comment by e-mail should give a mailing address to which an acknowledgment can be sent.

FOR FURTHER INFORMATION CONTACT: Erika Wodinsky, Attorney, San Francisco Regional Office, Federal Trade Commission, 901 Market Street, Suite 570, San Francisco, CA 94103, telephone number (415) 356-5270, E-mail [ewodinsky@ftc.gov].

SUPPLEMENTARY INFORMATION:

I. Adhesive Composition Guides

The Commission promulgated the Adhesive Compositions Guides in 1967, 32 FR 15538 (Nov. 8, 1967), pursuant to section 5 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. 45.¹

These Guides, like other industry guides issued by the Commission, "are administrative interpretations of laws administered by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements." 16 CFR 1.5. Conduct inconsistent with the Guides may result in corrective action by the Commission under applicable statutory provisions.

The Guides contain eight parts. Guide 1 advises against representing that an adhesive product is composed of metal or a particular metal, or has the same intrinsic characteristics of that metal, if the product does not, after application, have the same physical and chemical properties as that metal. It also specifically advises against, with certain exceptions, the use of the terms "metal," "iron," "steel," "aluminum," or other names of metals to designate brand names of products that do not have the same chemical or physical properties as the specified metal.

Guide 2 advises against the use of the terms "solder" or "weld" to describe a product that does not form a metallic seal or bond, unless clear disclosure is made that the product is nonmetallic. Guide 3 addresses the use of the term "porcelain," and advises against the use of the name in connection with products which do not possess all of the

chemical and physical properties of porcelain.

Guide 4 applies to representations about epoxy adhesives. It counsels against the use of representations that a product is an epoxy adhesive unless the product is derived from specified chemical substances, and, when applied in use, reacts with a hardening agent to form an infusible and insoluble bond. Guide 5 addresses the use of the word "rubber," and advises against the use of that term in connection with products that do not possess the essential characteristics of rubber. Guide 6 is a general, overall statement about what types of claims for adhesive products will be viewed as deceptive in advertising or labeling. In particular, it addresses the use of representations about the types of adhesive products specified in the Guides that are likely to mislead or deceive purchasers about the nature, composition, capabilities, durability, hardness, adhesive strength, lasting effect, thermal or electrical properties, or resistance to deterioration of the product. It specifically advises against making claims that a product will seal or mend "anything" when there are materials that it cannot seal or mend, or that a product will effect a "permanent" repair, when the repair will not last as long as the product.

Guide 7 addresses representations that a product is "guaranteed," without a clear and conspicuous disclosure of the extent of the guarantee, any material conditions or limitations imposed by the guarantor, the manner in which the guarantor will perform thereunder, and the identity of the guarantor. Finally, Guide 8 advises against manufacturers and distributors providing others with promotional materials through which such persons may deceive consumers with respect to adhesive products.

II. Regulatory Review Program

The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. Therefore, the Commission solicits comments on, among other things, the economic impact of and the continuing need for the Adhesive Compositions Guides; possible conflict between the Guides and state, local, or other federal laws; and the effect on the Guides of any technological, economic, or other industry changes.

¹ Section 5 of the FTC Act declares unfair methods of competition and unfair or deceptive acts or practices to be unlawful.