

type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

#### Cost Impact

The FAA estimates that 10 British Aerospace BAe Model ATP 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.

Currently, there are no British Aerospace Model HS 748 series airplanes on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 1 work hour to accomplish the proposed actions, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed AD would be \$60 per airplane.

The cost impact figures discussed above are 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:

**British Aerospace Regional Jet [Formerly Jetstream Aircraft Limited, British Aerospace (Commercial Aircraft) Limited];** Docket 97-NM-104-AD.

**Applicability:** Model BAe ATP airplanes having constructor's numbers 2002 through 2063 inclusive; and all Model HS 748 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 detect and correct corrosion of the cylinder tube of the main hydraulic accumulator, which could result in loss of certain hydraulic system functions that are essential for safe operation of the airplane, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform an inspection of the main hydraulic accumulator for corrosion, in accordance with British Aerospace Service Bulletin ATP-29-15, dated February 25, 1997; or HS748-29-49, dated February 25, 1997; as applicable. If any discrepancy is found, prior to further flight, accomplish the applicable corrective actions specified in the service bulletins.

(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 Maintenance 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 §§ 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 August 13, 1997.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 97-21983 Filed 8-19-97; 8:45 am]

BILLING CODE 4910-13-U

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-SW-03-AD]

#### Airworthiness Directives; McDonnell Douglas Helicopter Systems Model 369F and 369FF Helicopters

**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 McDonnell Douglas Helicopter Systems (MDHS) Model 369F and 369FF helicopters. This proposal would require removing the tail rotor control rod assembly (rod assembly) and replacing it with an airworthy rod assembly. This proposal is prompted by a failure of a rod assembly during a proof-load test conducted by the manufacturer. The actions specified by the proposed AD are intended to prevent buckling of the rod assembly when subjected to ultimate jam loads, loss of tail rotor control, and subsequent loss of control of the helicopter.

**DATES:** Comments must be received by October 20, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97-SW-03-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. 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:** Mr. John L. Cecil, Aerospace Engineer, ANM-120L, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Boulevard, Lakewood, California 90712, telephone (562) 627-5322, fax (562) 627-5210.

**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 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 No. 97-SW-03-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, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97-SW-03-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**Discussion**

This document proposes the adoption of a new AD that is applicable to MDHS Model 369F and 369FF helicopters. This proposal would require removing the rod assembly, part number (P/N) 369D27516, and replacing it with an airworthy rod assembly, P/N 369D27516-5, within 300 hours time-in-service (TIS) after the effective date of the AD. On April 16, 1996, one rod assembly failed during a proof-load test conducted by the manufacturer. It was determined that the design of the rod

assembly was inadequate for jam load conditions. This condition, if not corrected, could result in buckling of the rod assembly when subjected to ultimate jam loads, loss of tail rotor control, and subsequent loss of control of the helicopter.

Since an unsafe condition has been identified that is likely to exist or develop on other MDHS Model 369F and 369FF helicopters of the same type design, the proposed AD would require, within 300 hours TIS after the effective date of the AD, removing the rod assembly and replacing it with an airworthy rod assembly. Replacement of the rod assembly, P/N 369D27516, with an airworthy rod assembly, P/N 369D27516-5, constitutes a terminating action for the requirements of this AD.

The FAA estimates that 17 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$4080.

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 a new airworthiness directive to read as follows:

**McDonnell Douglas Helicopter Systems:**  
Docket No. 97-SW-03-AD.

*Applicability: Model 369F and 369FF helicopters, certificated in any category.*

**Note 1:** This AD applies to each helicopter 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 helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

**Compliance:** Required within 300 hours time-in-service after the effective date of this AD, unless accomplished previously.

To prevent buckling of the tail rotor control rod assembly (rod assembly) when subjected to ultimate jam loads, loss of tail rotor control, and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove the rod assembly, part number (P/N) 369D27516, and replace it with an airworthy rod assembly, P/N 369D27516-5. Replacement of the rod assembly with an airworthy rod assembly, P/N 369D27516-5, constitutes a terminating action for the requirements of this AD.

(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, Los Angeles Aircraft Certification Office. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(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 helicopter

to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on August 13, 1997.

**Larry M. Kelly,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

[FR Doc. 97-22045 Filed 8-19-97; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 111

[Docket No. 95N-0304]

RIN 0901-AA59

#### Dietary Supplements Containing Ephedrine Alkaloids; Notification of Intent to Reopen Comment Period

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that it will reopen the comment period for the proposed rule on dietary supplements containing ephedrine alkaloids that appeared in the **Federal Register** of June 4, 1997 (62 FR 30678). The agency intends to take this action because FDA has identified a number of inadvertent omissions in the administrative record. After the agency rectifies these omissions, it will announce in the **Federal Register** the reopening of the comment period for 75 days.

**FOR FURTHER INFORMATION CONTACT:** Margaret C. Binzer, Center for Food Safety and Applied Nutrition (HFS-456), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-401-9859, FAX 202-260-8957, or E-mail M.Binzer@Bangate.fda.gov.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of June 4, 1997, FDA published a proposed rule regarding the formulation and labeling of dietary supplements containing ephedrine alkaloids. FDA proposed this rule in response to reports of serious illnesses and injuries, including multiple deaths, associated with the use of dietary supplement products that contain ephedrine alkaloids and the agency's investigations and analyses of these reports of illnesses and injuries. Interested persons were given until August 18, 1997, to comment on the proposal.

It has come to FDA's attention that there are omissions in the

administrative record. The agency has identified a number of missing pages in some documents that were placed in the administrative record and other minor problems. FDA will rectify these omissions and problems and make the corrected administrative record available with ample time for interested persons to review the record and prepare comments. Thus, the agency will correct the administrative record and will provide a new 75-day period for comment.

Dated: August 15, 1997.

**William K. Hubbard,**

*Associate Commissioner for Policy  
Coordination, FDA.*

[FR Doc. 97-22127 Filed 8-15-97; 8:45 am]

BILLING CODE 4160-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[SC 30-1-9645b; FRL-5876-9]

#### Approval and Promulgation of State Implementation Plan, South Carolina: Listing of Exempt Volatile Organic Compounds

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** On May 6, 1996, the South Carolina Department of Health and Environmental Control submitted revisions to the South Carolina State Implementation Plan (SIP) involving the addition of Supplement C to the air quality modeling guidelines located in 61-62.5 Standard 7, Prevention of Significant Deterioration. In the final rules section of this **Federal Register**, the EPA is approving the SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** To be considered, comments must be received by September 19, 1997.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Randy Terry at the EPA Region 4 Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

South Carolina Department of Health and Environmental Control, 600 Bull Street, Columbia, South Carolina 29201-1708.

**FOR FURTHER INFORMATION CONTACT:** Mr. Randy Terry, Regulatory Planning Section, Air Planning Branch, Air, Pesticides, and Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303. The telephone number is 404/562-9032.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: May 22, 1997.

**R. F. McGhee,**

*Acting Regional Administrator.*

[FR Doc. 97-21918 Filed 8-19-97; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF DEFENSE

### 48 CFR Parts 213, 214, 215, and 242

[DEARS Case 95-D715]

#### Defense Federal Acquisition Regulation Supplement; Past Performance

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Department of Defense (DoD) has decided to withdraw a proposed rule published at 60 FR 57691, November 17, 1995. The rule proposed amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 1091 of the Federal Acquisition Streamlining