

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.: Docket 96–NM–210–AD.

Applicability: All Model MU–300 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 otherwise 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 (e) 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 uncommanded nose-down pitch at certain flap settings during icing conditions, accomplish the following:

(a) For all airplanes: Within 20 days after December 28, 1994 (the effective date of AD 94–25–10, amendment 39–9094), revise the Limitations Section and Normal Procedures Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

“Icing Conditions

If icing conditions are encountered during flight, no greater than 10 degrees flaps may be utilized for landing unless the following conditions are met:

1. The icing conditions were encountered for less than 10 minutes, and the Ram Air Temperature (RAT) during such encounter was warmer than –8 degrees C. or

2. A RAT of +5 degrees C or warmer is observed during approach and landing.

If either of the above two conditions are met, 30 degrees flaps may be utilized for landing.

Otherwise:

Flaps (landing flaps setting)—10 degrees
Land Select (LAND SEL) Switch—Flaps 10 degrees

Use landing data for 10 degrees flaps from Appendix 1 of this AD.

Use landing data for 10 degrees flaps from Section 6, Performance.

(b) For Diamond I airplanes, as identified in Mitsubishi MU–300 Service Bulletin No. 30–007, dated January 12, 1996: Within 2 years after the effective date of this AD, accomplish the requirements of paragraphs (b)(1) through (b)(4) of this AD:

(1) Install an ice detector in accordance with Mitsubishi MU–300 Service Bulletin No. 30–007, dated January 12, 1996.

(2) Revise the Introduction, Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, Performance, and Weight and Balance Sections of the FAA-approved AFM to address the operation of the ice detector system. This may be accomplished by inserting a copy of Airplane Flight Manual Supplement M300–1003, dated December 6, 1995, in the AFM.

(3) Accomplish either paragraph (b)(3)(i) or (b)(3)(ii) of this AD.

(i) Convert the airplane from the Diamond I configuration to the Diamond IA configuration in accordance with Mitsubishi MU–300 Diamond Service Recommendation SR 71–001, Revision 2, dated June 1, 1984; and accomplish the AFM revision required by paragraph (c)(3) of this AD, or

(ii) Modify the warning horn system of the landing gear in accordance with Attachment 1 of Mitsubishi MU–300 Service Bulletin No. 30–007, dated January 12, 1996.

(4) Revise the Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, Performance, and Weight and Balance Sections of the AFM to limit the maximum flap position to flaps 10 degrees for flight in icing conditions or landing after an icing encounter, to allow landing flaps of 30 degrees if the icing encounter meets certain criteria, and to specify flaps 10 degrees as a normal landing flap configuration. This may be accomplished by inserting a copy of Diamond I Flight Manual, Revision 29, dated January 5, 1996, in the AFM.

(c) For Diamond IA airplanes: Within 2 years after the effective date of this AD, accomplish the requirements of paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) Install an ice detector in accordance with Mitsubishi MU–300 Service Bulletin No. 30–007, dated January 12, 1996.

(2) Revise the Introduction, Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, Performance, and Weight and Balance Sections of the FAA-approved AFM to address the operation of the ice detector system. This may be accomplished by inserting a copy of Airplane Flight Manual Supplement M300–1003, dated December 6, 1995, in the AFM.

(3) Revise the Operating Limitations, Emergency Procedures, Abnormal Procedures, Normal Procedures, and Performance Sections of the AFM to limit the maximum flap position to flaps 10 degrees for flight in icing conditions or landing after an icing encounter, and to allow landing flaps of 30 degrees if the icing encounter meets certain criteria. This may be accomplished by inserting a copy of Mitsubishi MU–300 Diamond IA Airplane

Flight Manual, Revision 9, dated January 5, 1996, in the AFM.

(d) Accomplishment of the requirements of paragraph (b) or (c) of this AD, as applicable, constitutes terminating action for the requirements of AD 94–25–10, amendment 39–9094 [and paragraph (a) of this AD.] Following accomplishment of paragraph (b) or (c) of this AD, as applicable, the AFM revision required by paragraph (a) of this AD may be removed from the AFM.

(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, Wichita Aircraft Certification Office (ACO), FAA, Small 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, Wichita ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita 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 February 20, 1997.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–4718 Filed 2–25–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–209–AD]

RIN 2120–AA64

Airworthiness Directives; Raytheon (Beech) Model 400, 400A, 400T, and MU–300–10 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Raytheon (Beech) Model 400, 400A, 400T, and MU–300–10 airplanes, and Mitsubishi Model MU–300 airplanes, that currently requires a revision to the Airplane Flight Manual (AFM) to provide pilots with special operating procedures during icing conditions. This proposal would require modification of the horizontal stabilizer ice protection system. This proposal also would remove Model MU–300 airplanes from the applicability of that AD. This proposal is prompted by the

development of a modification that will positively address the unsafe condition. The actions specified by the proposed AD are intended to prevent uncommanded nose-down pitch at certain flap settings during icing conditions.

DATES: Comments must be received by April 7, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-209-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.

The service information referenced in the proposed rule may be obtained from Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201-0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Tina L. Miller, Aerospace Engineer, Flight Test Branch, ACE-117W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4168; fax (316) 946-4407.

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 96-NM-209-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. 96-NM-209-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On December 5, 1994, the FAA issued AD 94-25-10, amendment 39-9094 (59 FR 64112, December 13, 1994), applicable to all Raytheon Model 400, 400A, 400T, and MU-300-10 airplanes, and all Mitsubishi Model MU-300 airplanes, to require a revision to the FAA-approved Airplane Flight Manual (AFM) to provide pilots with special operating procedures during icing conditions. That action was prompted by the results of icing tests, which demonstrated that ice accumulations on the horizontal stabilizer may cause the airplane to pitch down at certain flap settings. The requirements of that AD are intended to prevent uncommanded nose-down pitch at certain flap settings during icing conditions.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA has reviewed and approved Beechcraft Service Bulletin No. 2600, dated November 1995. The service bulletin describes procedures for modification of the horizontal stabilizer ice protection system on Model 400, 400A, and MU-300-10 airplanes. The modification involves replacing the existing ice protection system with an improved system and changing the horizontal stabilizer icing controls and annunciation. Accomplishment of this modification will improve the ice protection capabilities of the horizontal stabilizer.

That Beechcraft service bulletin does not address Model 400T airplanes, since the modification described in it has not been tested or approved for those airplanes. Nevertheless, the FAA has determined that modification of the horizontal stabilizer ice protection system on Model 400T airplanes must be accomplished in order to address the unsafe condition and ensure the

continued operational safety of those airplanes.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 94-25-10 to continue to require revising the Limitations and Normal Procedures Sections of the AFM to provide pilots with special operating procedures during icing conditions. The proposed AD also would require modification of the horizontal stabilizer ice protection system. The modification would be required to be accomplished in accordance with the service bulletin described previously (if applicable), or in accordance with a method approved by the FAA. Accomplishment of the modification constitutes terminating action for the AFM revision required currently by AD 94-25-10.

Additionally, the proposed AD would remove Model MU-300 airplanes from the applicability of the existing AD. The FAA is considering issuing separate rulemaking action to require, among other things, certain AFM revisions and installation of an ice detector on those airplanes.

Cost Impact

There are approximately 237 Raytheon (Beech) Model 400, 400A, 400T, and MU-300-10 airplanes of the affected design in the worldwide fleet.

The FAA estimates that 39 Model 400 and MU-300-10 airplanes, 67 Model 400A airplanes, and 80 Model 400T airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 94-25-10 (AFM revision) take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be \$11,160, or \$60 per airplane.

The modification that is proposed in this AD would take approximately 320 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost between \$37,000 and \$45,000 per airplane. Based on these figures, the cost impact on the proposed requirements of this AD U.S. operators of those airplanes is estimated to be between \$10,453,200 and \$11,941,200, or between \$56,200 and 64,200 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 removing amendment 39-9094 (59 FR 64112, December 13, 1994), and by adding a new airworthiness directive (AD), to read as follows:

Raytheon Aircraft Company (Formerly Beech): Docket 96-NM-209-AD. Supersedes AD 94-25-10, Amendment 39-9094.

Applicability: All Model 400, 400T, and MU-300-10 airplanes; and Model 400A airplanes having serial numbers RK-1 through RK-107 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (c) 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 uncommanded nose-down pitch at certain flap settings during icing conditions, accomplish the following:

(a) Within 20 days after December 28, 1994 (the effective date of AD 94-25-10, amendment 39-9094), revise the Limitations Section and Normal Procedures Section of the FAA-approved Airplane Flight Manual (AFM) to include the following text. This may be accomplished by inserting a copy of this AD in the AFM.

"Icing Conditions

If icing conditions are encountered during flight, no greater than 10 degrees flaps may be utilized for landing unless the following conditions are met:

1. The icing conditions were encountered for less than 10 minutes, and the Ram Air

Temperature (RAT) during such encounter was warmer than -8 degrees C.

Or

2. A RAT of +5 degrees C or warmer is observed during approach and landing.

If either of the above two conditions are met, 30 degrees flaps may be utilized for landing.

Otherwise:

Flaps (landing flaps setting)—10 degrees
Land Select (LAND SEL) Switch—Flaps 10 degrees

Use landing data for 10 degrees flaps from Appendix 1 of this AD.

(b) Within 2 years after the effective date of this AD, modify the horizontal stabilizer ice protection system in accordance with paragraph (b)(1) or (b)(2) of this AD, as applicable. Accomplishment of this modification constitutes terminating action for the AFM revision required by paragraph (a) of this AD. Following such accomplishment, that AFM revision may be removed from the AFM.

(1) For Model 400, 400A, and MU-300-10 airplanes: Accomplish the modification in accordance with Beechcraft Service Bulletin No. 2600, dated November 1995.

(2) For Model 400T airplanes: Accomplish the modification in accordance with a method approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

(c) 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, Wichita ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(d) 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.

BILLING CODE 4910-13-U

Appendix 1

MODEL 400A (RK-24 AND AFTER) AND 400T

MAXIMUM LANDING WEIGHT LIMITED BY MAXIMUM BRAKE ENERGY

ASSOCIATED CONDITIONS:
BRAKING . . . MAXIMUM

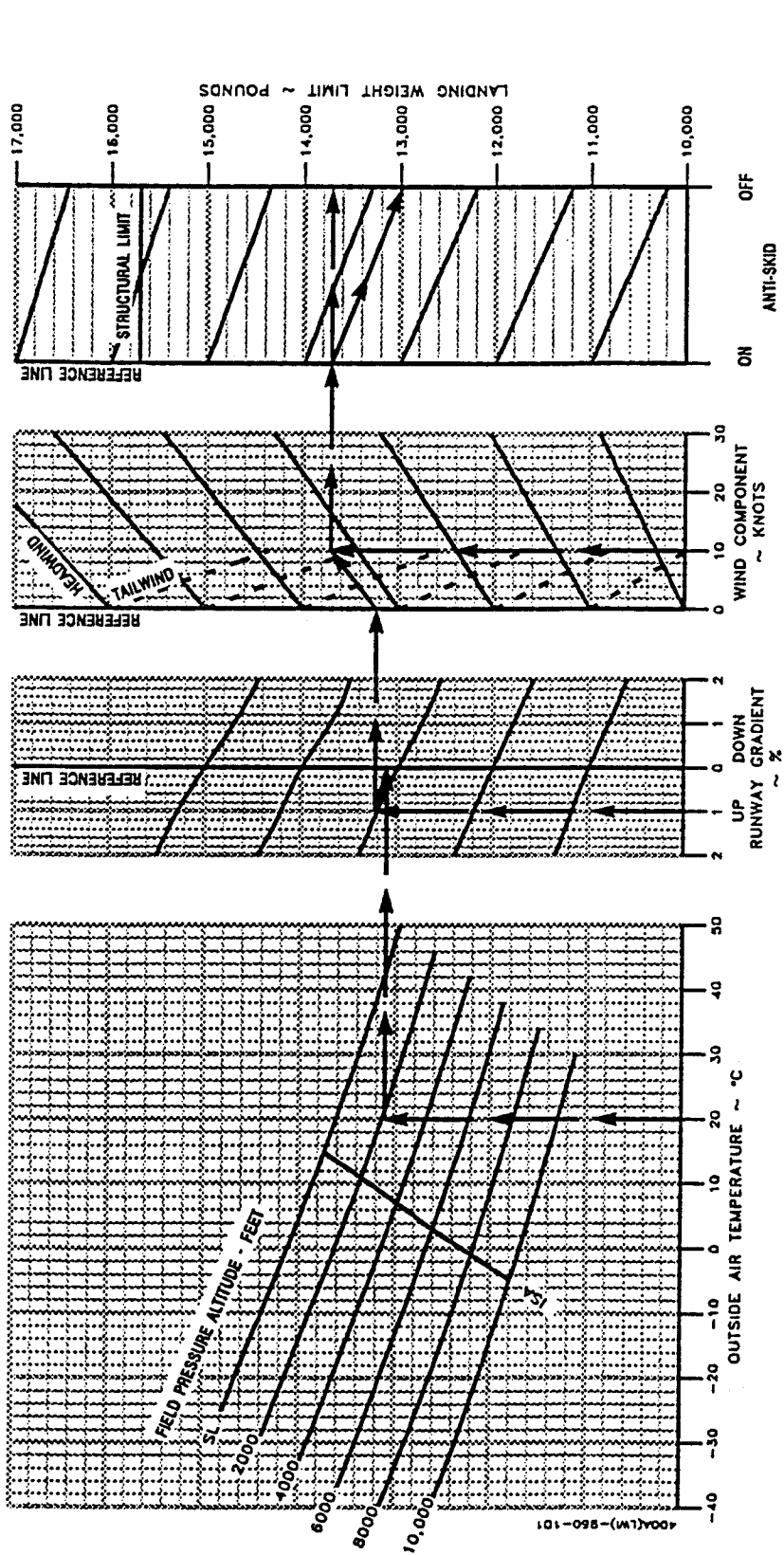
FLAPS 10°

EXAMPLE:

OAT 20°C
FIELD PRESSURE ALTITUDE 2000 FT
RUNWAY GRADIENT 1% UP
HEADWIND 10 KTS

LANDING WEIGHT LIMIT:

ANTI-SKID (ON) 13,715 LBS
ANTI-SKID (OFF) 13,000 LBS



MODEL 400A (RK-24 AND AFTER) AND 400T

ASSOCIATED CONDITIONS:

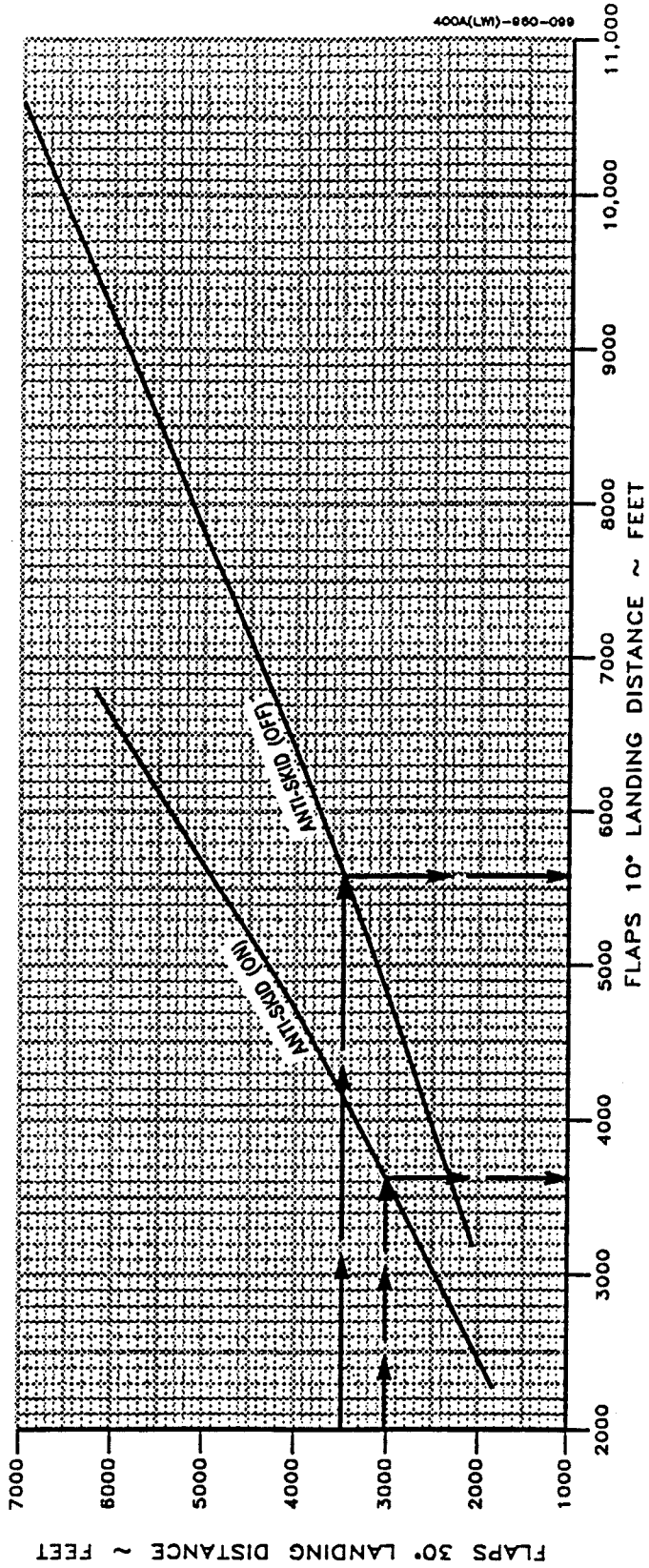
- THRUST RETARDED TO MAINTAIN 3° APPROACH ANGLE TO 50 FT.
- AT 50 FT, RETARD TO IDLE.
- RUNWAY PAVED, DRY SURFACE
- VREF KIAS AS TABULATED
- BRAKING ... MAXIMUM

NOTE: TO DETERMINE THE FLAPS 10° LANDING DISTANCE, READ FROM THE "LANDING DISTANCE" GRAPH FOR THE APPROPRIATE FLAP 30° DISTANCE. THEN ENTER THE GRAPH BELOW WITH THAT VALUE, AND READ THE FLAPS 10° LANDING DISTANCE.

LANDING DISTANCE - FLAPS 10°

WEIGHT ~ POUNDS	VREF ~ KNOTS
16,100	133
15,700	131
15,000	128
14,000	124
13,000	119
12,000	114
11,000	110
10,000	104

EXAMPLE:
 FLAPS 30° LANDING DISTANCE
 ANTI-SKID (ON) 3020 FT
 ANTI-SKID (OFF) 3480 FT
 LANDING WEIGHT 13,000 LBS
 FLAPS 10° LANDING DISTANCE
 ANTI-SKID (ON) 3622 FT
 ANTI-SKID (OFF) 5580 FT
 VREF 119 KTS



MODEL 400A (RK-24 AND AFTER) AND 400T

LANDING BRAKE ENERGY - FLAPS 10°

ASSOCIATED CONDITIONS:

THRUST RETARDED TO MAINTAIN 3° APPROACH
 ANGLE TO 50 FT. AT 50 FT, RETARD TO
 IDLE.

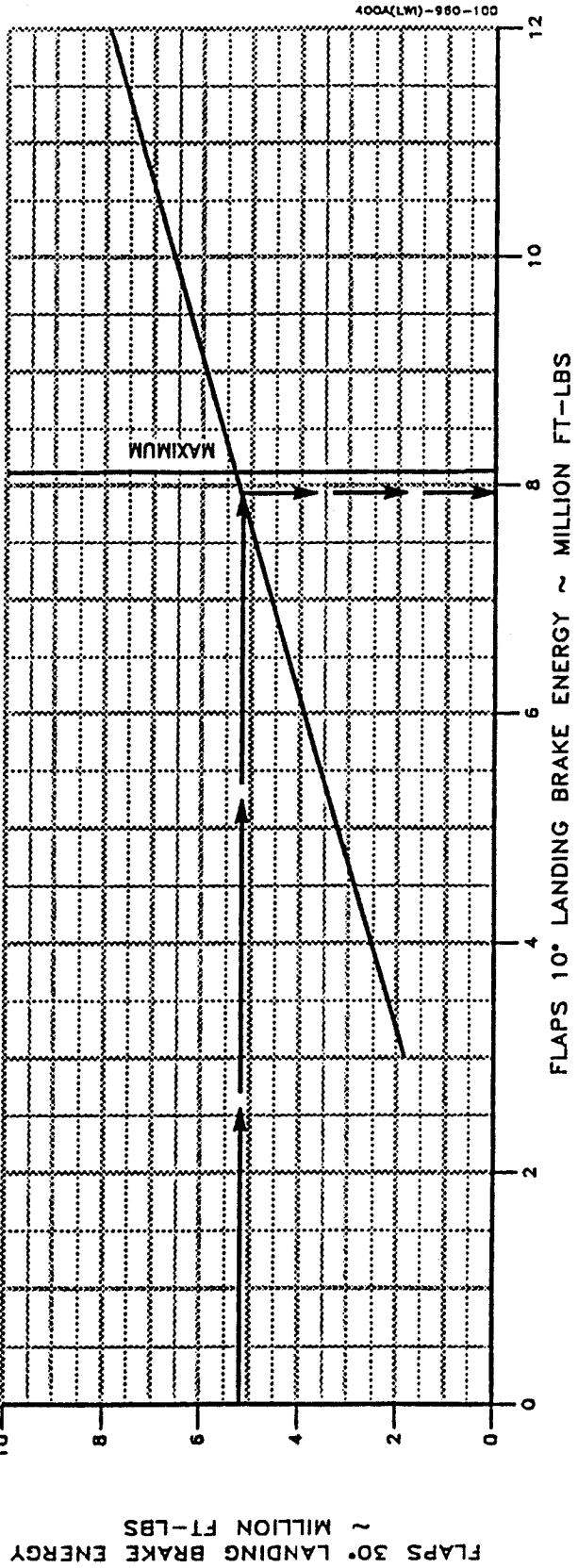
RUNWAY PAVED, DRY SURFACE
 BRAKING MAXIMUM
 ANTI-SKID (ON) OR (OFF)

EXAMPLE:

LANDING BRAKE ENERGY
 ANTI-SKID (ON) 5.18 MIL FT-LBS
 FLAPS 10° LANDING BRAKE ENERGY
 ANTI-SKID (ON) 7.93 MIL FT-LBS

NOTES: 1. MAXIMUM LANDING BRAKE ENERGY = 8.12 MILLION FT-LBS.

2. TO DETERMINE THE FLAPS 10° LANDING BRAKE ENERGY, READ FROM THE "LANDING BRAKE ENERGY" GRAPH FOR THE APPROPRIATE FLAP 30° LANDING BRAKE ENERGY. THEN ENTER THE GRAPH BELOW WITH THAT VALUE, AND READ THE FLAPS 10° LANDING BRAKE ENERGY.



MODEL 400A (RK-1 THRU RK-23), 400, AND MU-300-10

LANDING FIELD LENGTH - FLAPS 10°

ASSOCIATED CONDITIONS:

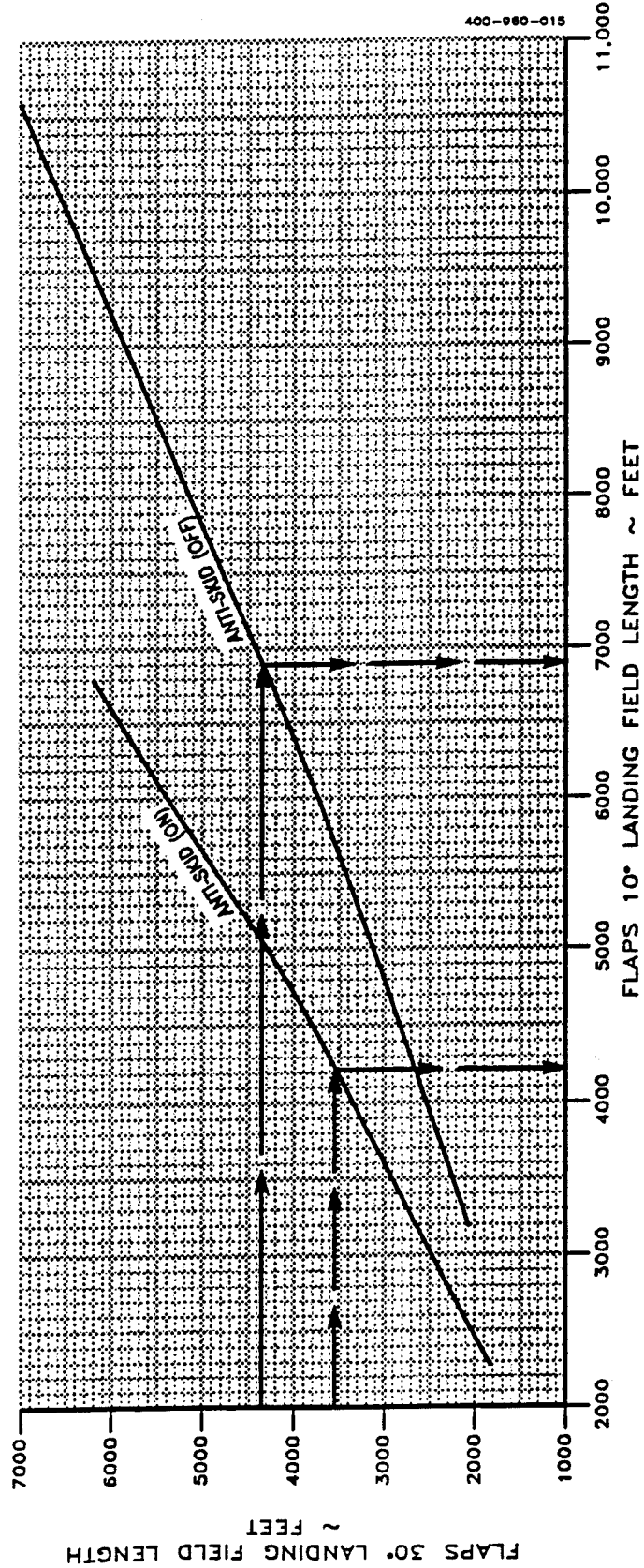
- THRUST RETARDED TO MAINTAIN 3° APPROACH ANGLE TO 50 FT.
- AT 50 FT, RETARD TO IDLE
- RUNWAY PAVED, DRY SURFACE
- V_{REF} KIAS AS TABULATED
- BRAKING MAXIMUM

NOTE: TO DETERMINE THE FLAPS 10° LANDING FIELD LENGTH, READ FROM THE "LANDING FIELD LENGTH" GRAPH FOR THE APPROPRIATE FLAP 30° FIELD LENGTH. THEN ENTER THE GRAPH BELOW WITH THAT VALUE, AND READ THE FLAPS 10° LANDING FIELD LENGTH.

WEIGHT ~ POUNDS	V _{REF} ~ KNOTS
15,780	133
14,220	126
13,000	121
12,000	116
11,000	112
10,000	106
9000	101

EXAMPLE:

- FLAPS 30° LANDING FIELD LENGTH
- ANTI-SKID (ON) 3550 FT
- ANTI-SKID (OFF) 4350 FT
- LANDING WEIGHT 13,700 LBS
- FLAPS 10° LANDING FIELD LENGTH
- ANTI-SKID (ON) 4214 FT
- ANTI-SKID (OFF) 6892 FT
- V_{REF} 124 KTS



MODEL 400A (RK-1 THRU RK-23), 400, AND MU-300-10

LANDING BRAKE ENERGY - FLAPS 10°

ASSOCIATED CONDITIONS:

THRUST RETARDED TO MAINTAIN 3° APPROACH ANGLE TO 50 FT. AT 50 FT, RETARD TO IDLE.

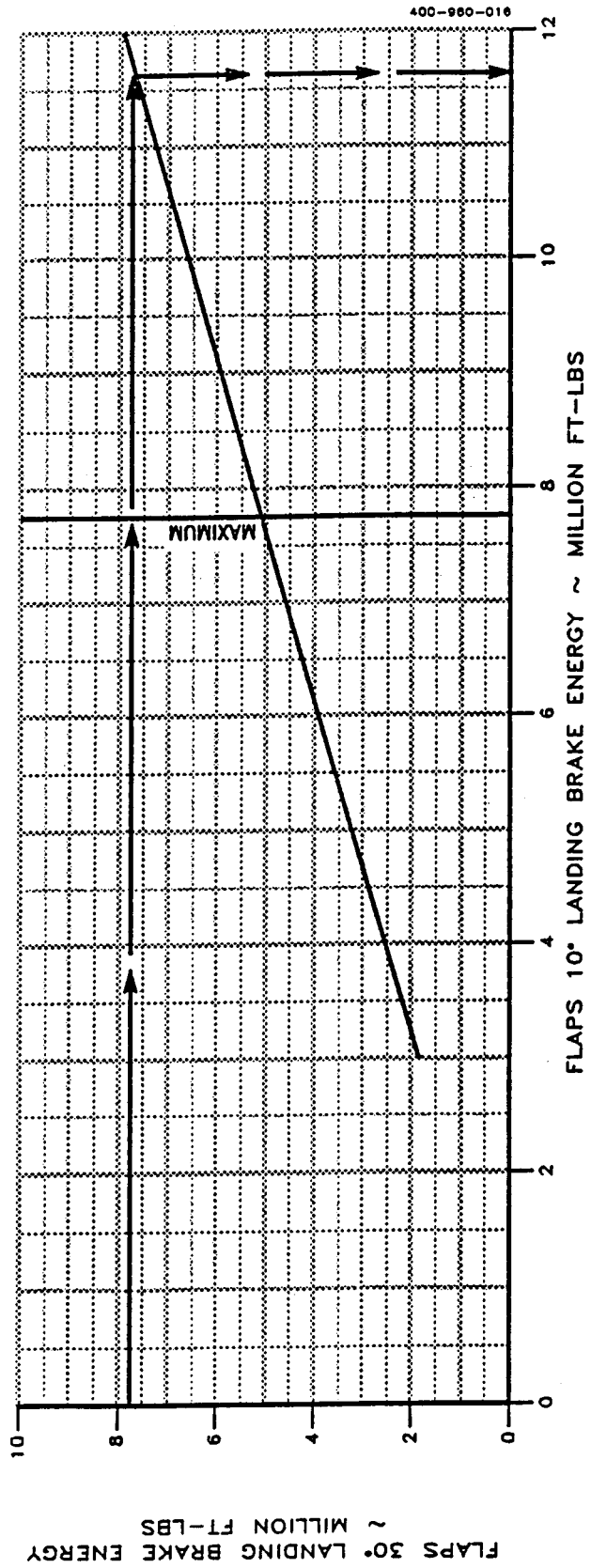
RUNWAY PAVED, DRY SURFACE
BRAKING MAXIMUM

ANTI-SKID (ON) OR (OFF)

NOTES: 1. MAXIMUM LANDING BRAKE ENERGY = 7.76 MILLION FT-LBS.

2. TO DETERMINE THE FLAPS 10° LANDING BRAKE ENERGY, READ FROM THE "LANDING BRAKE ENERGY" GRAPH FOR THE APPROPRIATE FLAP 30° LANDING BRAKE ENERGY. THEN ENTER THE GRAPH BELOW WITH THAT VALUE, AND READ THE FLAPS 10° LANDING BRAKE ENERGY.

EXAMPLE:
LANDING BRAKE ENERGY
ANTI-SKID (ON) 7.75 MIL FT-LBS
FLAPS 10° LANDING BRAKE ENERGY EXCEEDS MAXIMUM
ANTI-SKID (ON) EXCEEDS MAXIMUM



MODEL 400A (RK-1 THRU RK-23), 400, AND MU-300-10

MAXIMUM LANDING WEIGHT LIMITED BY MAXIMUM BRAKE ENERGY FLAPS 10°

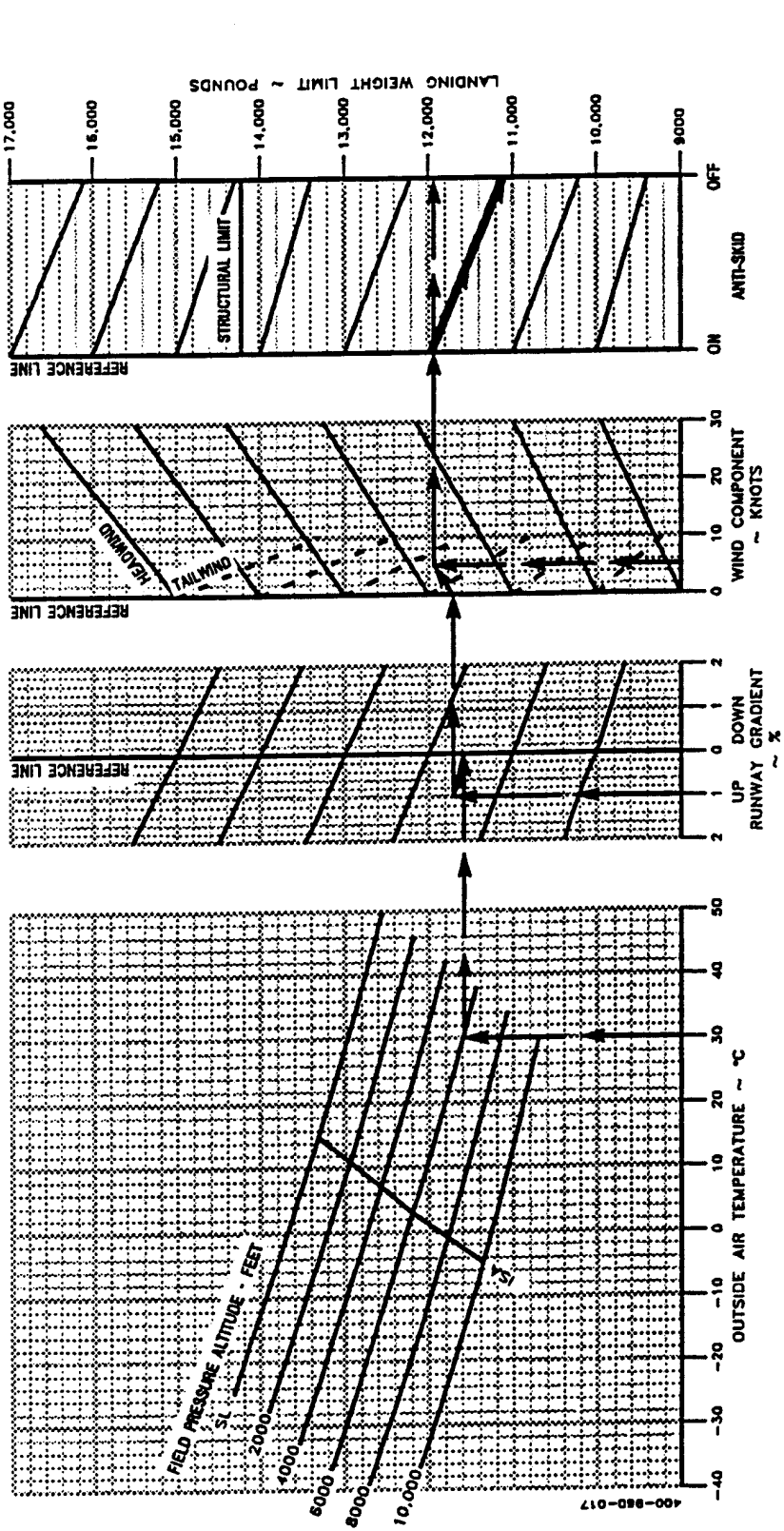
ASSOCIATED CONDITIONS:
BRAKING ... MAXIMUM

EXAMPLE:

OAT ... 30°C
FIELD PRESSURE ALTITUDE ... 6000 FT
RUNWAY GRADIENT ... 1% UP
HEADWIND ... 5 KTS

LANDING WEIGHT LIMIT:

ANTI-SKID (ON) ... 11,940 LBS
ANTI-SKID (OFF) ... 11,100 LBS



Issued in Renton, Washington, on February 20, 1997.

James V. Devany,

*Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.*

[FR Doc. 97-4719 Filed 2-25-97; 8:45 am]

BILLING CODE 4910-13-C

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Household Products Containing Petroleum Distillates and Other Hydrocarbons; Advance Notice of Proposed Rulemaking; Request for Comments and Information

AGENCY: Consumer Product Safety Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Commission ("CPSC" or "Commission") has reason to believe that child-resistant packaging may be needed to protect children from serious illness or injury from products that contain either petroleum distillates or other hydrocarbons or combinations of these ingredients. This advance notice of proposed rulemaking ("ANPR") initiates

a rulemaking proceeding under the Poison Prevention Packaging Act ("PPPA"). Existing PPPA standards require child-resistant packaging for some products that contain petroleum distillates or other hydrocarbons. The Commission desires information on a variety of issues concerning products containing petroleum distillates or other hydrocarbons as it considers the possibility of requiring child-resistant packaging for additional consumer products that contain these substances.

The Commission solicits written comments from interested persons concerning the risks of injury or illness associated with household products containing petroleum distillates and other hydrocarbons, the regulatory alternatives discussed in this notice, other possible means to address these risks, and the economic impacts of the various regulatory alternatives.

DATES: Written comments and submissions in response to this notice must be received by the Commission by May 12, 1997.

ADDRESSES: Comments should be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission,

Room 502, 4330 East-West Highway, Bethesda, Maryland 20814; telephone (301) 504-0800. Comments should be captioned "ANPR for Petroleum Distillates."

FOR FURTHER INFORMATION CONTACT: Suzanne Barone, Directorate for Epidemiology and Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0477, ext. 1196.

SUPPLEMENTARY INFORMATION:

I. Background

1. *Introduction.* Petroleum distillates are a group of hydrocarbon-based chemicals that are refined from crude oil. Petroleum distillates include gasoline, naphtha, mineral spirits, kerosene, paraffin wax, and tar. They are the primary ingredient in many consumer products, including certain furniture polishes, paint solvents, adhesives, and automotive chemicals. As explained below, the presence of such petroleum distillates in products may contribute to the products' toxicity.

A number of consumer products contain hydrocarbons that are not petroleum distillates, but that can cause similar toxic effects. These other hydrocarbons include substances such as benzene, toluene, xylene, pine oil, turpentine, and limonene.