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 (d) 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 as indicated, unless accomplished previously.

To prevent failure of the main gearbox suspension diagonal cross-member (diagonal cross-member), which could cause the main gearbox to pivot, resulting in severe vibrations and a subsequent forced landing, accomplish the following:

(a) For Model SA–365N and N1 helicopters, prior to the accumulation of 50,000 operating cycles; and for Model AS–365N2 helicopters, prior to the accumulation of 30,000 operating cycles:

Note 2: The Master Service Recommendations and the flight log contain accepted procedures that are used to determine the cumulative operating cycles on the rotorcraft.

(1) Inspect the diagonal cross-member for cracks in the area of the center bore hole, using a borescope with a 90° angle drive, or a video assembly with optical fiber illumination, or any other appropriate device that makes it possible to visually inspect the center area of the part.

(2) Repeat the inspection required by paragraph (a)(1) of this AD at intervals not to exceed 500 operating cycles, or 100 hours time-in-service, whichever occurs first.

(b) If any crack is found as a result of the inspections required by paragraphs (a)(1) or (a)(2) of this AD, remove the diagonal cross-member and replace it with an airworthy diagonal cross-member.

(c) Installation of modification MOD 073880 that installs a diagonal cross-member, P/N 356A38–3062–20, constitutes a terminating action for the requirements of this AD.

(d) 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, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

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

(e) 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.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD97–093–041(AB)R1, dated July 30, 1997.

Issued in Fort Worth, Texas, on December 2, 1997.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 97–32117 Filed 12–8–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–228–AD]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR–42 and ATR–72 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 Aerospatiale Model ATR–42 and ATR–72 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to modify the limitation that prohibits positioning the power levers below the flight idle stop during flight, and to provide a statement of the consequences of positioning the power levers below the flight idle stop during flight. This proposal is prompted by incidents and accidents involving airplanes equipped with turboprop engines in which the ground propeller beta range was used improperly during flight. The actions specified by the proposed AD are intended to prevent loss of airplane controllability, or engine overspeed and 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 January 8, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–228–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.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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–228–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–228–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

In recent years, the FAA has received reports of 14 incidents and/or accidents involving intentional or inadvertent operation of the propellers in the ground beta range during flight on airplanes equipped with turboprop engines. (For the purposes of this proposal, beta is defined as 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 fourteen 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 that are 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

These airplane models are manufactured in France and are 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 these type designs that are certificated for operation in the United States.

FAA's Determinations

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.

The FAA notes that both Model ATR–42 and ATR–72 series airplanes are equipped with an electro-mechanical gate device that is designed to protect against the positioning of power levers below the flight idle stop in flight. The gate device has an override feature that allows access to beta during a landing roll, in the event of certain system failures. If a certain type of failure occurs, access to beta is available in flight. A pilot who is accustomed to protection that the electro-mechanical gate device provides may inadvertently access beta in flight. Further, a pilot may deliberately access beta in flight using the override feature.

In light of this, the FAA considers that the revision of the AFM is necessary to ensure that pilots are reminded that positioning of power levers below the flight idle stop while the airplane is in flight is prohibited, even though an electro-mechanical gate device is installed. The FAA further considers this to be a minimum action to ensure that pilots do not carry over certain flight habits from an airplane design that mitigates the effects of beta in flight to an airplane design that does not.

Explanation of the Requirements of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop on Model ATR–42 and ATR–72 series airplanes of the same type design, the proposed AD would require revising the Limitations Section of the AFM to modify the limitation that prohibits 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.

Cost Impact

The FAA estimates that 144 Aerospatiale Model ATR–42 and ATR–72 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 $8,640, 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:

Aerospatiale: Docket 97-NM–228-AD.

Applicability: All Model ATR–42 and ATR–72 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 and 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.

''Positioning of power levers below the flight idle stop while the airplane is in flight is prohibited. Such positioning may lead to loss of airplane control or may result in an 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 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 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 December 2, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–32120 Filed 12–8–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 57 and 75

RIN 1219–AA94

Safety Standards for the Use of Roof-Bolting Machines in Underground Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Recent accidents in underground coal mines involving roof-bolting machines indicate the need to modify the design of such machines and require additional safety features. The accident history involving use of these machines prompted the Mine Safety and Health Administration (MSHA) to evaluate roof-bolting machines currently in use, primarily focusing on potential hazards to the machine operators during the drilling and roof-bolt installation procedures. As a result of the evaluation of accidents, MSHA is in the early stages of establishing design criteria and operating procedures for roof-bolting machines in underground mines. This notice seeks to obtain additional information and data on machine design, operating procedures, and miners' experiences with roof-bolting machines.

DATES: Submit comments on or before February 9, 1998.

ADDRESSES: Send comments to the Office of Standards, Regulations, and Variances, MSHA, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203. Commenters are encouraged to submit comments on a computer disk or via e-mail to psilvey@msha.gov along with an original hard copy or via telefax to: 703–235–5551.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 703–235–1910.

SUPPLEMENTARY INFORMATION:

I. Background

An estimated 2,500 roof-bolting machines are currently in use at underground coal, potash, trona, and salt mines in the United States. The machines are used to install many types of roof bolts and other support materials into the mine roof.

Between January 1984 and April 1994, 16 fatal accidents occurred involving the operation and maintenance of roof-bolting machines. In a six-week period in early 1994, three operators of roof-bolting machines were killed while operating the machines in coal mines. Two were crushed between the drill head and machine frame while bolting the rib, and the other was crushed between the drill head boom and canopy when the fast-feed boom lift lever was inadvertently activated. Responding to these accidents, on April 4, 1994, MSHA formed and chaired the Roof-Bolting-Machine Committee (committee) with representatives from the U.S. Bureau of Mines and the West Virginia Office of Miners' Health, Safety, and Training, to review accident data, to visit mines to observe roof-bolting practices, and to interview miners. Additionally, the committee met with four major roof-bolting machine manufacturers, who provided data and technical information on machine design and function.

The study focused on boom and mast-type roof-bolting machines and did not include continuous mining machines with integral bolters. Primarily, the committee examined the potential hazards to the roof-bolter operators during the drilling and roof-bolt installation procedures.

Following this study, the committee issued a Report of Findings (Report) on roof bolter safety on July 8, 1994 outlining problems and potential solutions for reducing roof-bolting accidents. These findings are summarized below. Copies of the Report are available to the public at all MSHA district offices; from MSHA's Office of Standards, Regulations, and Variances, by calling 703–235–1910; and through MSHA's Home Page on the Internet, at http://www.msha.gov.

The committee was reconvened on October 21, 1996. The purpose of this meeting was to determine whether any new technology or design changes had occurred beyond those included in the committee's 1994 Report. The committee identified one design change, a new valve developed by a manufacturer to prevent its two-handed, fast-feed valve from being bypassed.

The committee also reviewed MSHA accident data for the period from April 1994 through December 1996. (The report covered January 1984 through March 25, 1994.) Although there have been numerous accidents and injuries, there have been no fatalities related to the operation of roof-bolting machines in either coal or metal and nonmetal mines since the issuance of the roof-bolter safety report. An analysis of the data confirmed that accidents directly related to the operation and maintenance of roof-bolting machines continue to occur.

II. Findings

The committee identified several roof-bolting-related problem areas which may have contributed to or caused the accidents. These included: (1) inadvertent actuation of controls, particularly the drill-head, fast-feed control lever, which contributed to approximately 50 percent of the fatal accidents; (2) work position location; (3) retrieval of drill steel; (4) resin insertion; (5) location of controls; and (6) control malfunction. In addition, the committee identified various other areas for improvement in future roof-bolting machine design.

III. General Issues

The committee developed ten possible solutions to address problems with existing roof-bolting machines. The solutions are as follows:

1. Installing two-handed, fast-feed controls that prevent actuation of drill-head feed controls while the machine operators are positioned in pinch-point areas.