

an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

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

Issued in Renton, Washington, on September 6, 1996.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-23442 Filed 9-12-96; 8:45 am]

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14 CFR Part 39

[Docket No. 96-SW-06-AD]

Airworthiness Directives; Hiller Aircraft Corporation Model UH-12, UH-12A, UH-12B, UH-12C, UH-12D, UH-12E, CH-112, H-23A, H-23B, H-23C, H-23D, H-23F, HTE-1, HTE-2, and OH-23G Helicopters

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 Hiller Aircraft Corporation Model UH-12, UH-12A, UH-12B, UH-12C, UH-12D, UH-12E, CH-112, H-23A, H-23B, H-23C, H-23D, H-23F, HTE-1, HTE-2, and OH-23G helicopters, and Model UH-12D and UH-12E helicopters, converted to turbine engine power in accordance with Supplemental Type Certificate (STC) No.'s SH177WE and SH178WE, that currently requires inspections of the control rotor blade spar tube (blade spar tube) and cuff for cracks, and repair or replacement as necessary. This action would require inspections of the blade spar tube and cuff for corrosion or cracks, or elongation, corrosion, burrs, pitting or fretting of the bolt holes, and repair as necessary, and would define specific intervals in which the inspections must be performed. This proposal is prompted by analyses that showed that the amount of calendar time that elapses between the current repetitive inspections may allow corrosion to develop. The actions specified by the proposed AD are intended to prevent separation of the control rotor blade

assembly and subsequent loss of control of the helicopter.

DATES: Comments must be received by November 12, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-SW-06-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.

The service information referenced in the proposed rule may be obtained from Hiller Aircraft Corporation, 7980 Enterprise Dr., Newark, California 94560-3497. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Matheis, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Blvd., Lakewood, California 90712-4137, telephone (310) 627-5235, fax (310) 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. 96-SW-06-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. 96-SW-06-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On October 4, 1974, the FAA issued AD 74-21-05, Amendment 39-1990 (39 FR 36855, October 15, 1974), to require, within the next 25 hours time-in-service (TIS) after the effective date of the AD, unless already accomplished within the last 25 hours TIS, and thereafter, at intervals of 100 hours TIS, inspections, and repair or replacement, as necessary, of the blade spar tube and cuff. On March 24, 1977, the FAA issued superseding AD 77-07-05, Amendment 39-2862 (42 FR 17868, April 4, 1977) to require, within the next 100 hours TIS after the effective date of the AD, unless already accomplished within the last 100 hours TIS, and thereafter, at intervals of 100 hours TIS, inspections of the blade spar tube and cuffs for cracks, corrosion or excessive wear of the outboard retention bolts, and repair or replacement, if necessary; and to establish a service life of 6,860 hours TIS. Then, on June 3, 1977, the FAA issued a revision to Amendment 39-2862 (42 FR 30604, June 16, 1977), AD 77-07-05, which required, within the next 25 hours time-in-service (TIS) after the effective date of the AD, unless previously accomplished within the last 25 hours TIS, and thereafter at intervals not to exceed 50 hours TIS from the date of the last inspection, dye penetrant inspections of the cuff for cracks, and replacement as necessary. That action was prompted by a determination made by the FAA that the data originally furnished as to the availability of replacement parts was inaccurate. Also, the FAA determined that the service experience and the use of repetitive dye penetrant inspections at intervals not to exceed 50 hours TIS, would provide an adequate level of safety and would avoid the unnecessary grounding of aircraft. The requirements of that AD are intended to prevent separation of the control rotor blade assembly and subsequent loss of control of the helicopter.

Since the issuance of that AD, FAA analyses have shown that the amount of calendar time that elapses between the current repetitive inspections may allow corrosion to develop. Additionally, the FAA has determined that the AD should also apply to those model helicopters that have been converted to turbine

engine power in accordance with STC No.'s SH177WE and SH178WE.

Since an unsafe condition has been identified that is likely to exist or develop on other Model UH-12, UH-12A, UH-12B, UH-12C, UH-12D, UH-12E, CH-112, H-23A, H-23B, H-23C, H-23D, H-23F, HTE-1, HTE-2, and OH-23G helicopters, and Model UH-12D and UH-12E helicopters, converted to turbine engine power in accordance with STC No.'s SH177WE and SH178WE, the proposed AD would supersede AD 77-07-05 to require, within the next 100 hours TIS after the effective date of this AD, unless accomplished within the last 100 hours TIS, and thereafter at intervals not to exceed 100 hours TIS from the date of the last inspection, or at the next annual inspection, whichever occurs first, an inspection of the blade spar tube and cuff for corrosion or cracks, or elongation, corrosion, burrs, pitting or fretting of the bolt holes, and repair, as necessary, in accordance with Hiller Aviation Service Bulletin No. 36-1, Revision 3, dated October 24, 1979.

The FAA estimates that 673 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per helicopter to accomplish the inspection, 1 work hour to accomplish the repair, and 8 work hours to accomplish the replacement, if necessary, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$1,000 per cuff, if replacement is necessary. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$121,140, assuming after inspection that repairs are necessary on all of the fleet, or \$246,772, assuming inspection of all the fleet and replacement of a cuff in one-sixth of the fleet is necessary.

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 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-2862 (42 FR 17868, April 4, 1977), and Amendment 39-2917 (42 FR 30604, June 16, 1977) and by adding a new airworthiness directive (AD), to read as follows:

Hiller Aircraft Corporation: Docket No. 96-SW-06-AD. Supersedes AD 77-07-05, Amendment 39-2862 and Amendment 39-2917.

Applicability: Model UH-12, UH-12A, UH-12B, UH-12C, UH-12D, UH-12E, CH-112, H-23A, H-23B, H-23C, H-23D, H-23F, HTE-1, HTE-2, and OH-23G helicopters, and Model UH-12D and UH-12E helicopters, converted to turbine engine power in accordance with Supplemental Type Certificate (STC) No.'s SH177WE and SH178WE, 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 (e) 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 separation of the control rotor blade assembly and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless previously accomplished within the last 100 hours TIS, and thereafter at intervals not to exceed 100 hours TIS from the date of the last inspection, or at the next annual inspection, whichever occurs first, inspect the control rotor blade spar tube and cuff for corrosion or cracks, or elongation, corrosion, burrs, pitting or fretting of the bolt holes, and repair, as necessary, in accordance with the Accomplishment Instructions of Hiller Aviation Service Bulletin No. 36-1, Revision 3, dated October 24, 1979.

(b) After any reaming procedure is accomplished in accordance with Hiller Aviation Service Bulletin No. 36-1, Revision 3, dated October 24, 1979, the control rotor blade spar tube (faired and unfaired) and cuff must be retired at or before accumulating an additional 2,500 hours TIS after repair or when the current approved total service life (total service life before repair plus service life after repair) is reached, whichever comes first.

(c) Fabric covered, metal covered, faired and unfaired control rotor blades are not interchangeable and must not be intermixed.

(d) For Hiller cuffs, part number (P/N) 36124, used with both faired and unfaired paddles:

(1) With more than 6,660 hours TIS, remove and replace with an airworthy part within 200 hours TIS after the effective date of this AD.

(2) With less than or equal to 6,660 hours TIS, remove and replace with an airworthy part prior to 6,860 hours TIS.

(3) Without a complete prior service history, within the next 25 hours TIS, unless already accomplished within the last 25 hours TIS prior to the effective date of this AD, and at intervals not to exceed 50 hours TIS, perform a dye penetrant inspection of the cuff in accordance with paragraph G of the Accomplishment Instructions of Hiller Aviation Service Bulletin, No. 36-1, Revision 3, dated October 24, 1979. If a crack is discovered, remove the cracked cuff from service prior to further flight. A cuff for which the prior service history cannot be documented cannot be used as a replacement part. Remove from service all cuffs prior to the accumulation of 225 hours total TIS since April 7, 1977.

(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, Los Angeles Aircraft Certification Office, FAA. 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.

(f) 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 September 4, 1996.

Eric Bries,

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

[FR Doc. 96-23441 Filed 9-12-96; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Supplement to California State Plan; Request for Public Comment

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Request for public comment: California State Standard on Hazard Communication Incorporating Proposition 65.

SUMMARY: This document invites public comment on a supplement to the California occupational safety and health plan. The supplement, submitted on January 30, 1986, with amendments submitted on November 22, 1986 and January 30, 1992, concerns the State's adoption of a hazard communication standard, which incorporates provisions of the Safe Drinking Water and Toxic Enforcement Act, also called Proposition 65. California also submitted clarifications concerning the standard and its enforcement on February 16 and February 28, 1996. The State's standard is substantively different in both its content and supplemental method of enforcement from the Federal Occupational Safety and Health Administration (OSHA) standard found at 29 CFR 1910.1200. Where a State standard adopted pursuant to an OSHA-approved State plan differs significantly from a comparable Federal standard, the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (the Act) requires that the State standard must be "at least as effective" as the Federal standard. In addition, if the standard is applicable to a product distributed or used in interstate commerce, it must be required by compelling local conditions and not pose any undue burden on interstate commerce. OSHA, therefore, seeks public comment on whether the California hazard communication standard meets the above requirements.

DATES: Written comments should be submitted by November 12, 1996.

ADDRESSES: Written comments should be submitted to Docket T-032, Docket Office, Room N-2625, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3700, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Ann Cyr, Acting Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue, N.W., Washington, DC 20210. Telephone: (202) 219-8148.

A. Background

The Act generally preempts any State occupational safety and health standard that addresses an issue covered by an OSHA standard, unless a State plan has been submitted and approved. (See *Gade, Director, Illinois Environmental Protection Agency v. National Solid Wastes Management Association*, No. 90-1676 (June 18, 1992).) Once a State plan is approved, the bar of preemption is removed and the State is then able to adopt and enforce standards under its own legislative and administrative authority. Therefore, any State standard or policy promulgated under an approved State plan becomes enforceable upon State promulgation. Newly adopted State standards must be submitted for OSHA review and approval under procedures set forth in 29 CFR Part 1953, but are enforceable by the State prior to Federal review and approval. (See *Florida Citrus Packers, et. al. v. State of California, Department of Industrial Relations, Division of Occupational Safety and Health et al.*, No. C-81-4218 (July 26, 1982).)

On May 1, 1973, a document was published in the Federal Register (38 FR 10717) of the approval of the California State plan and the adoption of Subpart CC to Part 1952 containing the decision.

The requirements for adoption and enforcement of safety and health standards by a State with a State plan approved under section 18(b) of the Act are set forth in section 18(c)(2) of the Act and in 29 CFR 1902.29, 1952.7, 1953.21, 1953.22 and 1953.23. OSHA regulations require that States respond to the adoption of new or revised permanent Federal standards by State promulgation of comparable standards within six months of OSHA publication in the Federal Register.

Section 18(c)(2) of the Act provides that if State standards which are not identical to Federal standards are

applicable to products which are distributed or used in interstate commerce, such standards, in addition to being at least as effective as the comparable Federal standards, must be required by compelling local conditions and must not unduly burden interstate commerce. (This latter requirement is commonly referred to as the "product clause.") OSHA's policy (as contained in OSHA Instruction STP 2-1.117) is to make a preliminary determination as to whether the standard is at least as effective as the Federal standard, and then rely on public comment as the basis for its decision on the product clause issue.

B. Description of the Supplement

Original Hazard Communication Standard

On September 10, 1980, the Governor of California signed the Hazardous Information and Training Act (California Labor Code, sections 6360 through 6399). This Act provided that the Director of Industrial Relations establish a list of hazardous substances and issue a standard setting forth employers' duties toward their employees under that Act. The standard, General Industry Safety Order 5194, was adopted by the State in 1981. Both the Director's initial list and the standard became effective on February 21, 1983. Subsequently, Federal OSHA promulgated a hazard communication standard (29 CFR 1910.1200) in November 1983. The State amended its law in 1985, and, after a period for public review and comment, the California Standards Board adopted a revised standard for hazard communication comparable to the Federal standard on October 24, 1985. The standard became effective on November 22, 1985. By letter dated January 30, 1986, with attachments, from Dorothy H. Fowler, Assistant Program Manager, to then Regional Administrator, Russell B. Swanson, the State submitted the standard (8 CCR section 5194) and incorporated the standard as part of its occupational safety and health plan.

The State hazard communication standard differs from the Federal standard in several respects. The State standard requires that each Material Safety Data Sheet contain certain information including Chemical Abstracts Service (CAS) name and a description in lay terms of the specific potential health risks posed by the hazardous substance. These two State requirements are not included in the Federal standard. However, in a memorandum from John Howard, Chief,