

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

**Note 3:** The subject of this AD is addressed in French airworthiness directive (CN) 95-111-181(B) R1, dated October 23, 1996.

Issued in Renton, Washington, on February 26, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-CE-53-AD]

RIN 2120-AA64

#### **Airworthiness Directives; British Aerospace (Operations) Limited HP.137 Mk1, Jetstream Series 200, and Jetstream Model 3101 Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

**SUMMARY:** This document proposes to revise an earlier proposed airworthiness directive (AD) that would have superseded Airworthiness Directive (AD) 82-20-04 R1, which currently requires repetitively inspecting the main landing gear (MLG) hinge fitting, support angles, and attachment bolts on British Aerospace (Operations) Limited HP.137 Mk1 and Jetstream series 200 airplanes, and repairing or replacing any part that is cracked beyond certain limits. The proposed AD would have required installing improved design MLG fittings, as terminating action for the repetitive inspections that are currently required by AD 82-20-04 R1, and would have incorporated the Jetstream Model 3101 airplanes into the Applicability of the AD. The actions specified in the proposed AD are intended to prevent structural failure of the MLG caused by fatigue cracking, which could result in loss of control of the airplane during landing operations. The Federal Aviation Administration (FAA) inadvertently proposed eliminating repetitive inspections of both the MLG fitting and MLG support angles in the proposal. Only the

inspections of the MLG fitting should be eliminated; the inspections of the MLG support angle are still valid. Since adding these inspections goes beyond the scope of what was originally proposed, the FAA has determined that the comment period for the proposal should be reopened and the public should have additional time to comment.

**DATES:** Comments must be received on or before May 8, 1998.

**ADDRESSES:** Submit comments in triplicate to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 95-CE-53-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to this proposed AD may be obtained from British Aerospace (Operations) Limited, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (44-292) 79888; facsimile: (44-292) 79703; or AI(R) Ltd., 13850 McLearen Road, Herndon, Virginia 22071; telephone: (703) 736-4325; facsimile: (703) 736-4399. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. S.M. Nagarajan, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426-2169.

#### **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 supplemental 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 that

summarizes 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 supplemental notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-CE-53-AD." The postcard will be date stamped and returned to the commenter.

#### **Availability of Supplemental NPRM's**

Any person may obtain a copy of this supplemental NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 95-CE-53-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

#### **Events Leading to This Supplemental NPRM**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to British Aerospace (Operations) Limited HP.137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 18, 1997 (62 FR 12771). The NPRM proposed to supersede AD 82-20-04 R1 with a new AD that would (1) initially retain the requirement of repetitively inspecting the MLG hinge fitting, support angles, and attachment bolts, and repairing or replacing any part that is cracked; (2) incorporate the Jetstream Model 3101 airplanes into the Applicability of the AD; and (3) eventually require the installation of improved design MLG fittings, part number (P/N) 1379133B1 and 1379133B2 (Modification 5218), as terminating action for the repetitive inspections. Accomplishment of the proposed action would in accordance with the following service information:

—British Aerospace Jetstream Mandatory Service Bulletin (MSB) No. 7/5, which includes procedures for inspecting the left and right main landing gear hinge attachment nuts to the auxiliary and aft spars for signs of relevant movement between the nuts and hinge fitting on HP.137 MK1 and Jetstream series 200 airplanes. This MSB incorporates the following effective pages:

Pages	Revision level	Date
2 and 4 .....	Original Issue .....	March 31, 1982.
1 and 3 .....	Revision 1 .....	May 23, 1988.

—British Aerospace MSB No. 7/8, which includes procedures for inspecting the MLG hinge fitting for cracks, and repairing cracked hinge fittings on HP.137 MK1 and Jetstream series 200 airplanes. This MSB incorporates the following effective pages:

Pages	Revision level	Date
2, 5, 6, 7, and 8 .....	Revision 2 .....	January 6, 1983.
1, 3, and 4 .....	Revision 3 .....	May 23, 1988.

—Jetstream Alert Service Bulletin (ASB) 32-A-JA 850127, which includes procedures for inspecting the MLG hinge fitting and support angle for cracks on Jetstream Model 3101 airplanes. This ASB incorporates the following effective pages:

Pages	Revision level	Date
5 through 14 .....	Original Issue .....	April 17, 1985.
1 through 4 .....	Revision 2 .....	November 11, 1994.

—Jetstream Service Bulletin (SB) 57-JM 5218, which includes procedures for installing improved design MLG fittings, part number (P/N) 1379133B1 and 1379133B2 (Modification 5218), on HP.137 Mk1, Jetstream series 200, and certain Jetstream Model 3101 airplanes. This SB incorporates the following effective pages:

Pages	Revision Level	Date
3, 5, 6, 7, 8, 9, 11, 12, 17, 18, 19, 21, 22, 23, 24, 27, 28, 29, 30, and 31 .....	Revision 1 .....	September 29, 1987.
25 and 26 .....	Revision 2 .....	August 24, 1988.
10 and 20 .....	Revision 3 .....	January 29, 1990.
1, 2, 4, 13, 14, 15, and 16 .....	Revision 4 .....	October 31, 1990.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA inadvertently proposed eliminating repetitive inspections of both the MLG fitting and MLG support angles in the NPRM. Only the inspections of the MLG fitting should be eliminated; the inspections of the MLG support angles are still valid.

**The Supplemental NPRM**

Because the inspections of the MLG support angles go beyond the scope of what was originally proposed in the NPRM, the FAA has determined that the comment period for the NPRM should be reopened and the public should have additional time to comment.

**Differences Between the Proposed AD, the British AD, and Existing AD 82-20-04 R1**

AD 82-20-04 R1 allows continued flight if cracks are found in the MLG hinge fitting support angles that propagate no further than the tooling holes. The applicable service bulletin

specifies replacement of the support angles only if cracks are found exceeding this limit, as does British AD 015-05-85. The proposed AD, if adopted, would not allow continued flight if any crack is found. FAA policy is to disallow airplane operation when known cracks exist in primary structure, unless the ability to sustain ultimate load with these cracks is proven. The main landing gear is considered primary structure, and the FAA has not received any analysis to prove that ultimate load can be sustained with cracks in this area.

**Cost Impact**

The FAA estimates that 71 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 271 workhours (inspections: 61 workhours; installation: 210 workhours) per airplane to accomplish the proposed actions, and that the average labor rate is approximately \$60 an hour. Parts to accomplish the proposed AD are provided by the manufacturer at no cost to the owners/operators of the affected airplanes. Based on these figures, the total cost impact of the proposed AD on

U.S. operators is estimated to be \$1,154,460, or \$16,260 per airplane. This figure only takes into account the cost of the initial inspections and inspection-terminating modification and does not take into account the cost of repetitive inspections. The FAA has no way of determining the number of repetitive inspections each HP.137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplane owner/operator would incur.

This figure is also based on the presumption that no affected airplane operator has accomplished the proposed installation. This action would eliminate the repetitive inspections required by AD 82-20-04 R1. The FAA has no way of determining the operation levels of each individual owner/operator of the affected airplanes, and cannot determine the repetitive inspection costs that would be eliminated by the proposed action. The FAA estimates these costs to be substantial over the long term.

In addition, British Aerospace (Operations) Limited has informed the FAA that parts have been distributed to owners/operators that would equip approximately 39 of the affected

airplanes. Presuming that each set of parts has been installed on an affected airplane, the cost impact of the proposed modification upon the public would be reduced \$634,140 from \$1,154,460 to \$520,320.

**Regulatory Flexibility Determination and Analysis**

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by government regulations. The RFA requires government agencies to determine whether rules would have a "significant economic impact on a substantial number of small entities," and, in cases where they would, conduct a Regulatory Flexibility Analysis in which alternatives to the rule are considered. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, outlines FAA procedures and criteria for complying with the RFA. Small entities are defined as small businesses and small not-for-profit organizations that are independently owned and operated or airports operated by small governmental jurisdictions. A "substantial number" is defined as a number that is not less than 11 and that is more than one-third of the small entities subject to a proposed rule, or any number of small entities judged to be substantial by the rulemaking official. A "significant economic impact" is defined by an annualized net compliance cost, adjusted for inflation, which is greater than a threshold cost level for defined entity types.

FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, defines a small entity as "a small business or small not-for-profit organization which is independently-owned and operated and has no more than a specified number of employees or aircraft." For operators of aircraft for hire (those entities that are affected by parts 121, 127, and 135 of the Federal Aviation Regulations (14 CFR parts 121, 127, and 135)), the size threshold specified in FAA Order 2100.14A is nine aircraft.

There are only nine different operators of British Aerospace (Operations) Limited HP.137 MK1, Jetstream series 200, and Jetstream Model 3101 airplanes. Of these nine, only four operate less than nine airplanes. Because 4 is a number that is less than 11 and the rulemaking official has not determined this number to be substantial, the proposed AD would not significantly affect a number of small entities.

A copy of the full Cost Analysis and Regulatory Flexibility Determination for

the proposed action may be examined at the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 95-CE-53-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

**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 action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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 has been placed 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 14 CFR part 39 of the Federal Aviation Regulations 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 Airworthiness Directive (AD) 82-20-04 R1, Amendment 39-4468, and adding a new AD to read as follows:

**British Aerospace (Operations) Limited**

(Type Certificate No. A21EU formerly held by Jetstream Aircraft Limited):  
Docket No. 95-CE-53-AD. Supersedes 82-20-04 R1, Amendment 39-4468.

**Applicability:** The following model and serial number airplanes, certificated in any

category, that do not have improved design main landing gear (MLG) fittings, part number (P/N) 1379133B1 and 1379133B2 (Modification 5218), installed in accordance with Jetstream Service Bulletin (SB) 57-JM 5218:

Model	Serial Nos.
HP.137 MK1 .....	All serial numbers.
Jetstream Series 200	All serial numbers.
Jetstream Model 3101.	601 through 695.

**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 (f) 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 after the effective date of this AD, unless already accomplished.

To prevent structural failure of the MLG caused by fatigue cracking, which could result in loss of control of the airplane during landing operations, accomplish the following:

**Note 2:** The compliance times of this AD are presented in landings. If the total number of airplane landings is not kept or is unknown, hours time-in-service (TIS) may be used by multiplying the total number of airplane hours TIS by 0.75.

(a) For the HP.137 MK1 and Jetstream series 200 airplanes, within the next 50 landings after the effective date of this AD or within 200 landings after the last inspection required by AD 82-20-04 R1 (superseded by this AD), whichever occurs first, and thereafter at intervals not to exceed 200 landings, accomplish the following in accordance with British Aerospace Mandatory Service Bulletin (MSB) No. 7/5, which incorporates the following pages:

Pages	Revision level	Date
2 and 4 .....	Original Issue	March 31, 1982.
1 and 3 .....	Revision 1 ....	May 23, 1988.

(1) Inspect the MLG hinge attachment nuts to auxiliary and aft spars on both the left and right MLG for signs of fuel leakage or signs of relative movement between the nuts and hinge fitting.

(2) If any signs of fuel leakage or relative movement between the nuts and hinge fitting are found, prior to further flight, resecure the MLG hinge fitting to auxiliary spar in accordance with actions 3.8 through 3.15 of British Aerospace MSB No. 7/5.

(b) Upon accumulating 4,000 landings on the left and right MLG fittings or within the next 50 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 400 landings, inspect the MLG hinge support angles for cracks in accordance with the following, as applicable:

(1) For the HP.137 MK1 and Jetstream series 200 airplanes: British Aerospace MSB 7/8, which incorporates the following effective pages:

Pages	Revision level	Date
2, 5, 6, 7, and 8.	Revision 2 ....	January 6, 1983.
1, 3, and 4 ....	Revision 3 ....	May 23, 1988

(2) For the Jetstream Model 3101 airplanes: Jetstream Alert Service Bulletin (ASB) 32-A-JA 850127, which incorporates the following effective pages:

Pages	Revision level	Date
5 through 14	Original Issue	April 17, 1985.
1 through 4 ...	Revision 2 ....	November 11, 1994.

(c) Install improved design MLG fittings, part number (P/N) 1379133B1 and 1379133B2 (Modification 5218). Perform this installation at the applicable compliance time presented below ( paragraphs (c)(1) and (c)(2) of this AD). Accomplish this installation in accordance with Jetstream Service Bulletin (SB) 57-JM 5218, which incorporates the following effective pages:

Pages	Revision level	Date
3, 5, 6, 7, 8, 9, 11, 12, 17, 18, 19, 21, 22, 23, 24, 27, 28, 29, 30, and 31.	Revision 1 ....	September 29, 1987.
25 and 26 .....	Revision 2 ....	August 24, 1988.
10 and 20 .....	Revision 3 ....	January 29, 1990.
1, 2, 4, 13, 14, 15, and 16.	Revision 4 ....	October 31, 1990.

(1) Prior to further flight after finding any crack during an inspection required by paragraph (b) of this AD; or

(2) Upon accumulating 20,000 landings on the left and right MLG fittings or within the next 50 landings after the effective date of this AD (whichever occurs later).

(d) Incorporating Modification 5218 as required by paragraph (c) of this AD terminates the repetitive inspection requirement of paragraph (a) of this AD. The repetitive inspections of the MLG support angles required by paragraph (b) of this AD are still required.

(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.

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

(2) Alternative methods of compliance approved in accordance with AD 82-20-04 R1 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(g) Questions or technical information related to the service information referenced in this AD should be directed to British Aerospace (Operations) Limited, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (44-292) 79888; facsimile: (44-292) 79703; or AI(R) Ltd., 13850 McLearen Road, Herndon, Virginia 22071; telephone: (703) 736-4325; facsimile: (703) 736-4399. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas.

(h) This amendment supersedes AD 82-20-04 R1, Amendment 39-4468.

Issued in Kansas City, Missouri, on February 26, 1998.

**Marvin R. Nuss,**

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

[FR Doc. 98-5518 Filed 3-3-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-5973-7]

#### Extension of Comment Period for the GE-Housatonic Site Included in National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 23

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; extension of comment period for GE-Housatonic site.

**SUMMARY:** The Environmental Protection Agency (EPA) is extending the comment period for the GE-Housatonic site in Pittsfield, Massachusetts which was proposed to be added to the National Priorities List (NPL) on September 25, 1997 (62 FR 50450). The comment

period was scheduled to end on November 24, 1997. However, due to the unique circumstances surrounding the GE-Housatonic site, the comment period was extended until March 1, 1998 (62 FR 60199, November 7, 1997). This new document further extends the comment period until May 1, 1998.

The Environmental Protection Agency (EPA) has formed a partnership with several state and federal agencies (intergovernmental team) in order to achieve a comprehensive solution to the environmental problems at the GE/Housatonic River Site in Pittsfield, MA. The Intergovernmental Team is comprised of representatives from EPA, the Massachusetts Department of Environmental Protection, the Massachusetts Executive Office of Environmental Affairs, the Massachusetts Attorney General's Office, the Connecticut Department of Environmental Protection, the Connecticut Attorney General's Office, the US Department of Interior, the US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and the United States Department of Justice. The Intergovernmental Team is attempting to negotiate, with General Electric, a comprehensive solution in lieu of final listing of the General Electric/Housatonic River Site on the National Priorities list. March 30, 1998, has now been set as the appropriate deadline for concluding negotiations. In order to facilitate this intensive and comprehensive negotiation, the EPA has decided to extend the public comment period until May 1, 1998.

Numerous parties, including the public, are directly or indirectly participating in these negotiations. These parties include the City of Pittsfield and other cities and towns downstream of the GE facility, environmental and business groups. It is EPA's view that the added time for comments will improve the quality of comments eventually submitted.

**DATES:** Comments regarding the GE-Housatonic site must be submitted (postmarked) on or before May 1, 1998.

**ADDRESSES:** By Postal Mail: Mail original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. EPA; CERCLA Docket Office; (Mail Code 5201G); 401 M Street, SW; Washington, DC 20460; 703/603-9232.

By Overnight Mail: Send original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. EPA; CERCLA Docket Office; 1235 Jefferson Davis