

Accomplishment Instructions in Bell Helicopter Textron Technical Bulletin (TB) No. 222-03-171, Part 1, applicable to Model 222 helicopters, serial number (S/N) 47006-47038, and Part 2, applicable to Model 222 helicopters, S/N 47039-47089, and Model 222B helicopters, S/N 47131-47156; TB No. 222U-03-96, applicable to Model 222U helicopters; TB No. 230-03-35, applicable to Model 230 helicopters; and TB No. 430-03-33, applicable to Model 430 helicopters. All of the technical bulletins are dated June 11, 2003.

(b) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Regulations and Policy Group, FAA, ATTN: Carroll Wright, 2601 Meacham Blvd., Fort Worth, Texas 76193-0110, telephone (817) 222-5120, fax (817) 222-5961, for information about previously approved alternative methods of compliance.

**Note:** The subject of this AD is addressed in Transport Canada (Canada) AD CF-2006-03, dated February 28, 2006.

Issued in Fort Worth, Texas, on January 8, 2008.

**Mark R. Schilling,**

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

[FR Doc. E8-1026 Filed 1-22-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2008-0041; Directorate Identifier 2007-SW-16-AD]

RIN 2120-AA64

#### Airworthiness Directives; Eurocopter France Model AS 355 N Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the Eurocopter France (Eurocopter) Model AS 355 N helicopters. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The European Aviation Safety Agency (EASA), the technical Agent for France, with which we have a bilateral agreement states in the MCAI:

This Airworthiness Directive (AD) is issued because it was found that the power drawn by the starter generators from the engines is above the consumption capacity at altitudes above 3,000 meters, declared for the engines of AS 355 N helicopters.

Excessive power consumption of the starter generators reduces the engine surge margin, which can result in engine failure.

After engine start, the starter generator functions as the normal operational electrical generator.

The proposed AD would require actions that are intended to address this unsafe condition.

**DATES:** We must receive comments on this proposed AD by February 22, 2008.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>, or in person at the Docket Operations Office Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Ed Cuevas, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193-0111, telephone (817) 222-5355, fax (817) 222-5961.

#### SUPPLEMENTARY INFORMATION:

##### Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. This streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct

unsafe conditions on U.S.-certificated products.

This proposed AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The proposed AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

#### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2008-0041; Directorate Identifier 2007-SW-16-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued an MCAI in the form of EASA Airworthiness Directive 2006-0338, dated November 7, 2006 (referred to after this as "the MCAI"), to correct an unsafe condition for these French-certificated products. The MCAI states:

This Airworthiness Directive (AD) is issued because it was found that the power drawn by the starter generators from the engines is above the consumption capacity at altitudes above 3,000 meters, declared for the engines of AS 355 N helicopters.

Excessive power consumption of the starter generators reduces the engine surge margin, which can result in engine failure.

The starter-generator is a single unit that operates as both an engine starter generator and after starting, as an operational generator. The EASA AD and the Eurocopter service bulletin refer to this unit as a starter generator when used as a generator. The starter generator requires energy from the engine to generate electricity. When the electrical current exceeds 100 amps, the load on the engine reduces the engine surge margin and may cause the engine to surge and flame out.

Therefore, at altitudes above 10,000 feet, the maximum continuous current

supplied by each starter generator must be limited to 100 amps to prevent engine surging.

You may obtain further information by examining the MCAI and service information in the AD docket.

#### Relevant Service Information

Eurocopter has issued Alert Service Bulletin No. 01.00.52, Revision 1, dated September 14, 2006. The actions described in the MCAI are intended to correct the same unsafe condition as that identified in the service information.

#### FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in the "Differences Between the FAA AD and the MCAI" section in the proposed AD.

#### Costs of Compliance

We estimate that this proposed AD would affect about 17 helicopters of U.S. registry. We also estimate that it would take about 15 minutes to install the placard in each helicopter. The average labor rate is \$80 per work-hour. The manufacturer states in its service bulletin that the "labels will be delivered free of charge on the Operator's order." Because the manufacturer has indicated it will provide the placard free of charge, we have assumed there will be no charge for these placards. However, because we do not control warranty coverage for

affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$340 or \$20 per helicopter.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect 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.

For the reasons discussed above, I certify 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. 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.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new AD:

**Eurocopter France:** Docket No. FAA-2008-0041; Directorate Identifier 2007-SW-16-AD.

#### Comments Due Date

(a) We must receive comments by February 22, 2008.

#### Other Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Model AS 355 N helicopters, certificated in any category.

#### Reason

(d) The mandatory continuing airworthiness information (MCAI) states:

This Airworthiness Directive (AD) is issued because it was found that the power drawn by the starter generators from the engines is above the consumption capacity at altitudes above 3,000 meters, declared for the engines of AS 355 N helicopters.

Excessive power consumption of the starter generators reduces the engine surge margin, which can result in engine failure.

The starter-generator is a single unit that is operated both as an engine starter generator and after starting, as an operational generator. The EASA AD and the Eurocopter service bulletin refer to this unit as a starter generator. The starter generator requires energy from the engine to generate electricity. When the electrical current exceeds 100 amps, the load on the engine reduces the engine surge margin and may cause the engine to surge and flame out.

Therefore, at altitudes above 10,000 feet, the maximum continuous current supplied by each starter generator must be limited to 100 amps to prevent engine surging.

#### Actions and Compliance

(e) Within 100 hours time-in-service or within 12 months, whichever occurs first, unless already done, do the following actions:

(1) Install a limitation placard (indicating the new load limitation for the starter generator) on the overhead instrument panel, immediately below the ammeter.

(2) The placard must state the following: Maximum continuous load per generator 100A IF Hp>10000 ft.

#### Differences Between the FAA AD and the MCAI

(f) None.

#### Subject

(g) Air Transport Association of America (ATA) Code 2435—Electrical Power Starter Generator, 80—Starting.

**Other Information**

(h) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Safety Management Group, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Ed Cuevas, Aviation Safety Engineer, Fort Worth, Texas 76193-0111, telephone (817) 222-5355, fax (817) 222-5961.

(2) *Airworthy Product*: Use only FAA-approved corrective actions. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent) if the State of Design has an appropriate bilateral agreement with the United States. You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements*: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

**Related Information**

(i) MCAI EASA Airworthiness Directive No. 2006-0338, dated November 7, 2006, and Eurocopter Alert Service Bulletin, Revision 1, No. 01.00.52, dated September 14, 2006, contain related information.

Issued in Fort Worth, Texas, on December 27, 2007.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. E8-1027 Filed 1-22-08; 8:45 am]

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**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Part 1926**

[Docket ID-OSHA-2007-0026]

**RIN 1218-AB47**

**Confined Spaces in Construction**

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

**ACTION:** Notice of Proposed Rulemaking; extension of written comment period.

**SUMMARY:** On November 28, 2007, OSHA published a Notice of Proposed Rulemaking (NPRM) titled "Confined Spaces in Construction." The period for submitting written comments is being extended 30 days to allow parties affected by the rule more time to review the proposed rule and collect information and data necessary for comments.

**DATES:** Comments must be submitted (postmarked or sent) by February 28, 2008.

**ADDRESSES:** You may submit written comments, identified by Docket No. OSHA-2007-0026, by any of the following methods:

*Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

*Fax:* If your comments, including attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, messenger or courier service:* You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2007-0026, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.-4:45 p.m., E.T.

*Instructions:* All submissions must include the Agency name and the docket number for this rulemaking (Docket No. OSHA-2007-0026). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <http://www.regulations.gov>. Therefore, OSHA cautions you about submitting personal information such as social security numbers and birthdates. For further information on submitting comments, plus additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* To read or download comments and materials submitted in response to this **Federal Register** notice, go to Docket No. OSHA-2007-0026 at <http://www.regulations.gov> or at the OSHA Docket Office at the above address. All comments and submissions are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through that Web page. All comments and submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

For information on accessing exhibits referenced in the Confined Spaces in

Construction proposal, see the "Public Participation" heading in the **SUPPLEMENTARY INFORMATION** section of this document.

Electronic copies of this **Federal Register** document are available at <http://www.regulations.gov>. Copies also are available from the OSHA Office of Publications, Room N-3101, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1888. This document, as well as news releases and other relevant information, also are available at OSHA's Web page at <http://www.osha.gov>.

**FOR FURTHER INFORMATION CONTACT:**

*General information and press inquiries:* Contact Mr. Kevin Ropp, Office of Communications, Room N-3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1999.

*Technical inquiries:* Contact Mr. Garvin Branch, Directorate of Construction, Room N-3468, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2020 or fax (202) 693-1689.

**SUPPLEMENTARY INFORMATION:****I. Extension of Comment Period**

On November 28, 2007, at 72 FR 67351, OSHA published a Notice of Proposed Rulemaking (NPRM) titled "Confined Spaces in Construction." In this NPRM, OSHA announced a proposed rule for confined spaces in construction; provided an explanation of the rule and its economic analysis; and solicited comments from the public regarding various confined-spaces issues. The period for submitting written comments was to expire on January 28, 2008. However, the following associations have requested a 60-day extension for submitting their written comments and information: The National Association of Home Builders (NAHB), the National Utility Contractors Association (NUCA), and the Associated Builders and Contractors Association (ABC). The NAHB cites as reasons for its request the complexity of the rule and its need for additional time to enable them to consult with their members. The ABC cites these reasons and notes that the comment period coincided with the holiday season, which made it more difficult for ABC to survey its members on the NPRM.

OSHA believes that a 30-day extension will be sufficient to accommodate these considerations, facilitate the submission of more thorough reviews, and provide OSHA with a complete record for this