

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 a regulatory 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:

Diamond Aircraft Industries GmbH: Docket No. FAA-2008-0685; Directorate Identifier 2008-CE-037-AD.

Comments Due Date

- (a) We must receive comments by July 23, 2008.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to Model DA 42 airplanes, all serial numbers, with aileron bellcranks part number (P/N) DA4-2717-50-00 installed, certificated in any category.

Subject

- (d) Air Transport Association of America (ATA) Code 27: Flight Controls.

Reason

- (e) The mandatory continuing airworthiness information (MCAI) states:

The original designed bellcrank for the aileron control system in the wing needed to be installed with slightly bent rod ends during production of the aircraft to avoid friction and possible chafing. In addition to being a nonpreferable production practice, this creates the risk of replacement parts being installed during subsequent in-service maintenance without being bent or not being bent correctly. This condition, if not detected and corrected, could lead to chafing damage of the aileron control system and consequent loss of control of the aircraft. Diamond Aircraft Industries GmbH has now developed a new aileron bellcrank that allows for additional angular movement of the push rod, thereby eliminating the chafing risk without using bent rod ends.

For the reasons described above, this EASA Airworthiness Directive (AD) requires the replacement of the aileron bellcrank with an improved part and the replacement of any bent rod ends P/N DAI-9027-00-01. In addition, this AD prohibits the reinstallation of P/N DA4-2717-50-00 aileron bellcranks and bent rod ends P/N DAI-9027-00-01 as replacement in the future.

Actions and Compliance

- (f) Unless already done, do the following actions:

- (1) Within the next 200 hours time-in-service (TIS) after the effective date of this AD, replace the aileron bellcrank, P/N DA4-2717-50-00, with the improved design aileron bellcrank, P/N DA4-2717-50-00_01, and replace any bent rod ends, P/N DAI-9027-00-01, with straight rod ends, P/N DAI-9027-00-01, following Mandatory Service Bulletin No. MSB-42-043/1, dated April 3, 2008; Diamond Aircraft Industries GmbH Work Instruction WI-MSB-42-043, dated February 4, 2008; and Diamond Aircraft Industries GmbH Drawing Number D60-2717-00-00, dated January 24, 2008.

- (2) As of the effective date of this AD, do not install any aileron bellcrank, P/N DA4-2717-50-00, or bent rod ends, P/N DAI-9027-00-01.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

- (g) The following provisions also apply to this AD:

- (1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, 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: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

- (2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). 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 (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

- (h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2008-0086, dated May 13, 2008; Diamond Aircraft Industries GmbH Mandatory Service Bulletin No. MSB-42-043/1, dated April 3, 2008; Diamond Aircraft Industries GmbH Work Instruction WI-MSB-42-043, dated February 4, 2008; and Diamond Aircraft Industries GmbH Drawing Number D60-2717-00-00, dated January 24, 2008, for related information.

Issued in Kansas City, Missouri, on June 17, 2008.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8-14078 Filed 6-20-08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA-HQ-OAR-2002-0064; FRL-8683-6]

RIN 2060-AK26

Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances—n-Propyl Bromide in Adhesives, Coatings, and Aerosols; Notice of Data Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability and request for comment period.

SUMMARY: The Environmental Protection Agency (EPA) is making available to the public information related to a May 30, 2007 proposed rule under the Significant New Alternatives Policy

(SNAP) program under section 612 of the Clean Air Act. The SNAP program reviews alternatives to Class I and Class II ozone-depleting substances and finds acceptable the use of alternatives that reduce the overall risk to public health and the environment. EPA proposed to list n-propyl bromide (nPB) as unacceptable for use as a substitute for chlorofluorocarbon (CFC)-113, methyl chloroform, and hydrochlorofluorocarbon (HCFC)-141b in the adhesive and aerosol solvent end uses; and acceptable subject to use conditions (limited to coatings at facilities that, as of May 30, 2007, had provided EPA with information demonstrating their ability to maintain acceptable workplace exposures) as a substitute for methyl chloroform, CFC-113, and HCFC-141b in the coatings end use. The Agency has received additional information regarding the exposure levels of n-propyl bromide found in the workplace due to use of aerosols containing n-propyl bromide, as well as information on industry practices from aerosol suppliers and from a survey of a significant number of end users. The Agency is requesting comment on these materials. We plan to consider this information, and any comments received during the comment period on this notice of data availability, in determining what future action to take on our May 2007 proposal regarding the use of n-propyl bromide in aerosols.

DATES: Comments must be received on or before August 22, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2002-0064, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail:* A-And-R-Docket@epa.gov.
- *Mail:* Air and Radiation Docket, Environmental Protection Agency, Mail code 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2002-0064.
- *Hand Delivery:* EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID No. EPA-HQ-OAR-2002-0064. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OAR-2002-0064. EPA's policy is that all comments received will be included in the public docket without change and may be

made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to section I. of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: Margaret Sheppard, Stratospheric Protection Division, Office of Atmospheric Programs, Mail Code 6205J, Environmental Protection

Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number (202) 343-9163; fax number (202) 343-2362; e-mail address: sheppard.margaret@epa.gov. Notices and rulemakings under the SNAP program are available on EPA's Stratospheric Ozone World Wide Web site at <http://www.epa.gov/ozone/snap/regs>.

SUPPLEMENTARY INFORMATION:

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I. What Should I Consider as I Prepare My Comments for EPA?

A. Submitting Confidential Business Information (CBI)

Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

Send or deliver information identified as CBI only by delivery service to the following address: Margaret Sheppard, U.S. EPA, 1310 L Street, NW., Room 1029, Washington DC 20005, Attention Docket ID No. EPA-HQ-OAR-2002-0064.

B. Tips for Preparing Your Comments

When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** (FR) date, and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

- Describe any assumptions and provide any technical information and/or data that you used.

- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

- Provide specific examples to illustrate your concerns, and suggest alternatives.

- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the comment period deadline identified.

C. How Can I Get Copies of Related Information?

The specific public comments and data on which EPA is taking comment are available in Docket ID No. EPA-HQ-OAR-2002-0064 (continuation of Air Docket A-91-42). The physical address for EPA's docket is discussed above in the **ADDRESSES** section of this action. These documents and other information concerning EPA's May 30, 2007 proposed rulemaking are available electronically through <http://www.regulations.gov>, as discussed above in the **ADDRESSES** section of this action. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

II. What Is This Action?

We are requesting comment on additional information received during and after the public comment period concerning industry practices and workplace exposure levels of n-propyl bromide when it is used as an aerosol solvent. The May 30, 2007 proposed rule, 72 FR 30168, proposed to list the chemical n-propyl bromide as an unacceptable substitute for methyl chloroform (1,1,1-trichloroethane), CFC-113 (1,1,2-trifluoro-1,2,2-trichloroethane), and HCFC-141b (1,1-dichloro-1-fluoroethane) when used in aerosol solvents. EPA proposed that nPB in this end use poses unacceptable risks to human health when compared with other substitutes that are available. In addition, EPA took comment on alternate options that would find nPB acceptable subject to use conditions in aerosol solvents.

In response to the May, 2007 proposal, EPA received public comments, which have been made available to the public through docket EPA-HQ-OAR-2002-0064. Most of these comments concerned the Agency's proposal to find nPB unacceptable in aerosols.¹ In the proposal, we stated: "EPA's greatest concern with nPB-based aerosols is that users of nPB as an aerosol solvent cannot reliably maintain exposures at sufficiently low levels to ensure that workers are protected. This finding is based on measured exposure data and model estimations indicating the likelihood of elevated concentrations associated with nPB-based aerosols given typical ventilation conditions." (72 FR 30188)

III. On What Information Is EPA Requesting Comment?

EPA is requesting comment on the public comments and data in the following documents in:

Docket EPA-HQ-OAR-2002-0064:

- July 30, 2007 Comments submitted by D. Douglas Fratz, Vice President, Scientific and Technical Affairs, and Andrew R. Hackman, Manager, State Affairs Programs, Consumer Specialty Products Association (CSPA) and attachments—docket items EPA-HQ-OAR-2002-0064-0319 and EPA-HQ-OAR-2002-0064-0319.1.

- November 16, 2007 Supplemental Comments submitted by D. Douglas Fratz, Vice President, Scientific & Technical Affairs and Andrew Hackman, Manager, State Affairs Programs, CSPA and attachments—docket items EPA-HQ-OAR-2002-0064-0327, EPA-HQ-OAR-2002-0064-0327.1, and EPA-HQ-OAR-2002-0064-0327.2.

- E-mail exchanges between M. Sheppard, EPA, and A. Hackman, CSPA—docket items EPA-HQ-OAR-2002-0064-0340, EPA-HQ-OAR-2002-0064-0341, EPA-HQ-OAR-2002-0064-0342, and EPA-HQ-OAR-2002-0064-0344.

IV. Where Can I Get the Data and Comments Being Made Available for Comment?

All of the data on which we are seeking comment can be obtained through docket EPA-HQ-OAR-2002-

¹ Comments were also received on the other two aspects of that proposal which concerned nPB as a substitute for methyl chloroform, CFC-113, and HCFC-141b in the adhesives and coatings end uses.

0064 at <http://www.regulations.gov>. You also can find this information in hard copy through EPA's Air and Radiation Docket in the Public Reading Room at the address given in the **ADDRESSES** section above.

V. Why Is EPA Requesting Comment on These Data and Comments?

We are soliciting comment on this new information to ensure that we use the best information available when we determine how to proceed on our May 2007 proposal, in which we proposed to list nPB as unacceptable in the aerosol solvent end use. The information which we are seeking comment on will be considered by EPA in determining how to proceed on our proposal and because it substantially expands data for this end use beyond the information the Agency had available at the time we issued the proposed rule, the Agency is now providing the public with an opportunity to comment on the quality, accuracy and representativeness of the information. We will consider this information, along with other data and public comments also available in the public docket, to move forward with a final rulemaking concerning nPB in the aerosol solvent end use.

VI. What Is EPA Not Taking Comment On?

EPA is not taking additional comment on exposure data or industry practices in end uses of adhesives and coatings. EPA is only taking on comment in the end use of aerosol solvents. Furthermore, we are only accepting comments on the quality, accuracy, and representativeness of the information and comments described in this action.

VII. What Supporting Documentation Do I Need To Include in My Comments?

Please provide any information or data supporting your comments, particularly information on exposure levels, the amount of nPB usage, and ventilation levels when nPB is used as an aerosol solvent.

Dated: June 4, 2008.

Brian McLean,

*Director, Office of Atmospheric Programs,
Office of Air and Radiation.*

[FR Doc. E8-14103 Filed 6-20-08; 8:45 am]

BILLING CODE 6560-50-P