

design feature, the special conditions would apply to that model as well.

### Conclusion

This action affects only certain novel or unusual design features on the previously identified airplane models. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**; however, as the certification date for these airplane models, as modified by AmSafe Aviation, is imminent, the FAA finds that good cause exists to make these amended special conditions effective upon issuance.

### List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

### Citation

■ The authority citation for these amended special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

### The Amended Special Conditions

The FAA has determined that this project will be accomplished on the basis of not lowering the current level of safety of the occupant restraint system for the airplane models listed in these special conditions. Accordingly, the FAA is issuing the following amended special conditions as part of the type certification basis for these models, as modified by AmSafe, Aviation.

*Inflatable Two-, Three-, Four-, or Five-Point Restraint Safety Belt with an Integrated Airbag Device Installed in an Airplane Model.*

1a. It must be shown that the inflatable restraint will provide restraint protection under the emergency landing conditions specified in the original certification basis of the airplane. Compliance will be demonstrated using the static test conditions specified in the original certification basis for each airplane.

1b. It must be shown that the crash sensor will trigger when exposed to a rapidly applied deceleration, like an actual emergency landing event. Therefore, compliance may be demonstrated using the deceleration pulse specified in § 23.562, which may be modified as follows:

I. The peak longitudinal deceleration may be reduced; however, the onset rate of the

deceleration must be equal to or greater than the emergency landing pulse identified in § 23.562.

II. The peak longitudinal deceleration must be above the deployment threshold of the sensor, and equal or greater than the forward static design longitudinal load factor required by the original certification basis of the airplane.

2. The inflatable restraint must provide adequate protection for each occupant. In addition, unoccupied seats that have an active restraint must not constitute a hazard to any occupant.

3. The design must prevent the inflatable restraint from being incorrectly buckled and/or incorrectly installed such that the airbag would not properly deploy. Alternatively, it must be shown that such deployment is not hazardous to the occupant and will provide the required protection.

4. It must be shown that the inflatable restraint system is not susceptible to inadvertent deployment as a result of wear and tear or the inertial loads resulting from in-flight or ground maneuvers (including gusts and hard landings) that are likely to be experienced in service.

5. It must be extremely improbable for an inadvertent deployment of the restraint system to occur, or an inadvertent deployment must not impede the pilot's ability to maintain control of the airplane or cause an unsafe condition (or hazard to the airplane). In addition, a deployed inflatable restraint must be at least as strong as a Technical Standard Order (C22g or C114) restraint.

6. It must be shown that deployment of the inflatable restraint system is not hazardous to the occupant or will not result in injuries that could impede rapid egress. This assessment should include occupants whose restraints are loosely fastened.

7. It must be shown that an inadvertent deployment that could cause injury to a sitting person is improbable. In addition, the restraint must also provide suitable visual warnings that would alert rescue personnel to the presence of an inflatable restraint system.

8. It must be shown that the inflatable restraint will not impede rapid egress of the occupants 10 seconds after its deployment.

9. For the purposes of complying with HIRF and lightning requirements, the inflatable restraint system is considered a critical system since its deployment could have a hazardous effect on the airplane.

10. It must be shown that the inflatable restraints will not release hazardous quantities of gas or particulate matter into the cabin.

11. The inflatable restraint system installation must be protected from the effects of fire such that no hazard to occupants will result.

12. There must be a means to verify the integrity of the inflatable restraint activation system before each flight or it must be demonstrated to reliably operate between inspection intervals.

13. A life limit must be established for appropriate system components.

14. Qualification testing of the internal firing mechanism must be performed at vibration levels appropriate for a general aviation airplane.

Issued in Kansas City, Missouri on October 31, 2008.

**James E. Jackson,**

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

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Part 102

[CBP Dec. 08-42]

#### Technical Corrections Relating to the Rules of Origin for Goods Imported Under the NAFTA and for Textile and Apparel Products

##### Correction

In rule document E8-25734 beginning on page 64518 in the issue of Thursday, October 30, 2008, make the following correction:

##### §102.21 [Corrected]

On page 64539, in §102.21, in the table, in the first column, in the first entry, "6209.20.1000...." should read "6209.20.1000-".

[FR Doc. Z8-25734 Filed 11-6-08; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Parts 56, 57, and 71

RIN 1219-AB24

#### Asbestos Exposure Limit

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Final rule, technical amendment.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is amending and clarifying its existing health standards for asbestos exposure. The amendments make no substantive change to the existing standards, MSHA's enforcement of the standards, or the protection afforded miners under the standards.

**DATES:** This technical amendment is effective November 7, 2008.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey at *silvey.patricia@dol.gov* (e-mail), 202-693-9440 (Voice), or 202-693-9441 (Fax).

**SUPPLEMENTARY INFORMATION:** MSHA published a final rule amending its health standards for asbestos exposure at metal and nonmetal mines, surface coal mines, and surface areas of underground coal mines on February 29, 2008 (73 FR 11284). The rule became effective on April 29, 2008. To assure that the mining community fully understands MSHA's intent with respect to certain provisions of the existing standards, the Agency is issuing this technical amendment. This technical amendment clarifies MSHA's definition of asbestos and analytical methods the Agency uses to enforce the existing asbestos exposure limit. As stated above, these clarifications do not change any substantive requirements and reflect MSHA's intent as explained in the preamble to the final rule issued on February 29, 2008.

**List of Subjects**

30 CFR Parts 56 and 57

Air quality, Asbestos, Chemicals, Hazardous substances, Metals, Mine safety and health.

30 CFR Part 71

Air quality, Asbestos, Chemicals, Coal mining, Hazardous substances, Mine safety and health.

**Richard E. Stickler,**  
*Acting Assistant Secretary for Mine Safety and Health.*

■ For the reasons set out in the preamble, MSHA is amending title 30 of the Code of Federal Regulations as follows.

**PART 56—SAFETY AND HEALTH STANDARDS—SURFACE METAL AND NONMETAL MINES**

■ 1. The authority citation for part 56 continues to read as follows:

**Authority:** 30 U.S.C. 811.

■ 2. Amend § 56.5001 by revising the introductory text of paragraph (b)(1),

adding a definition for asbestos fiber, and revising paragraph (b)(3) to read as follows:

**§ 56.5001 Exposure limits for airborne contaminants.**

\* \* \* \* \*  
(b) *Asbestos standard*—(1)

*Definitions.* Asbestos is a generic term for a number of asbestiform hydrated silicates that, when crushed or processed, separate into flexible fibers made up of fibrils.

\* \* \* \* \*  
*Asbestos fiber* means a fiber of asbestos that meets the criteria of a fiber.

\* \* \* \* \*  
(3) *Measurement of airborne asbestos fiber concentration.* Potential asbestos fiber concentration shall be determined by phase contrast microscopy (PCM) using the OSHA Reference Method in OSHA's asbestos standard found in 29 CFR 1910.1001, Appendix A, or a method at least equivalent to that method in identifying a potential asbestos exposure exceeding the 0.1 f/cc full-shift limit or the 1 f/cc excursion limit. When PCM results indicate a potential exposure exceeding the 0.1 f/cc full-shift limit or the 1 f/cc excursion limit, samples shall be further analyzed using transmission electron microscopy according to NIOSH Method 7402 or a method at least equivalent to that method.

\* \* \* \* \*

**PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES**

■ 3. The authority citation for part 57 continues to read as follows:

**Authority:** 30 U.S.C. 811.

■ 4. Amend § 57.5001 by revising the introductory text of paragraph (b)(1), adding a definition for asbestos fiber, and revising paragraph (b)(3) to read as follows:

**§ 57.5001 Exposure limits for airborne contaminants.**

\* \* \* \* \*  
(b) *Asbestos standard*—(1)

*Definitions.* Asbestos is a generic term for a number of asbestiform hydrated silicates that, when crushed or processed, separate into flexible fibers made up of fibrils.

\* \* \* \* \*  
*Asbestos fiber* means a fiber of asbestos that meets the criteria of a fiber.

\* \* \* \* \*  
(3) *Measurement of airborne asbestos fiber concentration.* Potential asbestos fiber concentration shall be determined by phase contrast microscopy (PCM)

using the OSHA Reference Method in OSHA's asbestos standard found in 29 CFR 1910.1001, Appendix A, or a method at least equivalent to that method in identifying a potential asbestos exposure exceeding the 0.1 f/cc full-shift limit or the 1 f/cc excursion limit. When PCM results indicate a potential exposure exceeding the 0.1 f/cc full-shift limit or the 1 f/cc excursion limit, samples shall be further analyzed using transmission electron microscopy according to NIOSH Method 7402 or a method at least equivalent to that method.

\* \* \* \* \*

**PART 71—MANDATORY HEALTH STANDARDS—SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES**

■ 5. The authority citation for part 71 continues to read as follows:

**Authority:** 30 U.S.C. 811, 951, 957.

■ 6. Amend § 71.702 by revising the introductory text of paragraph (a), adding a definition for asbestos fiber, and revising paragraph (c) to read as follows:

**§ 71.702 Asbestos standard.**

(a) *Definitions.* Asbestos is a generic term for a number of asbestiform hydrated silicates that, when crushed or processed, separate into flexible fibers made up of fibrils.

\* \* \* \* \*

*Asbestos fiber* means a fiber of asbestos that meets the criteria of a fiber.

\* \* \* \* \*

(c) *Measurement of airborne asbestos fiber concentration.* Potential asbestos fiber concentration shall be determined by phase contrast microscopy (PCM) using the OSHA Reference Method in OSHA's asbestos standard found in 29 CFR 1910.1001, Appendix A, or a method at least equivalent to that method in identifying a potential asbestos exposure exceeding the 0.1 f/cc full-shift limit or the 1 f/cc excursion limit. When PCM results indicate a potential exposure exceeding the 0.1 f/cc full-shift limit or the 1 f/cc excursion limit, samples shall be further analyzed using transmission electron microscopy according to NIOSH Method 7402 or a method at least equivalent to that method.

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