

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
* Solanum spp. (potato) (tuber bearing species only—Section Tuberarium), including potato tubers.	* All except Canada (except Newfoundland and that portion of the Municipality of Central Saanich in the Province of British Columbia east of the West Saanich Road.	* Andean potato latent virus; Andean potato mottle virus; potato mop top virus; dulcamara mottle virus; tomato blackring virus; tobacco rattle virus; potato virus Y (tobacco vein necrosis strain); potato purple top wilt agent; potato marginal flavesence agent; potato purple top roll agent; potato witches broom agent; stolbur agent; parastolbur agent; potato leaflet stunt agent; potato spindle tuber viroid; arracacha virus B; potato yellowing virus.
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3. In § 319.56–2, footnote 1 and the reference to it would be removed, footnote 2 and the reference to it would be redesignated as footnote 1, and paragraph (c) would be revised to read as follows:

§ 319.56–2 Restrictions on entry of fruits and vegetables.

* * * * *

(c) Fruits and vegetables grown in Canada may be imported into the United States without restriction under this subpart; *provided*, that potatoes from Newfoundland and that portion of the Municipality of Central Saanich in the Province of British Columbia east of the West Saanich Road are prohibited importation into the United States in accordance with § 319.37–2 of this part.

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PART 321—RESTRICTED ENTRY ORDERS [REMOVED]

Under the authority of 7 U.S.C. 136, 136a, 154, 159, and 162, 7 CFR, Chapter III, would be amended by removing “Part 321—Restricted Entry Orders.”

PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

4. The authority citation for part 330 would be revised to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd–150ff, 161, 162, 164a, 450, 2260; 19 U.S.C. 1306; 21 U.S.C. 111, 114a; 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.22, 2.80, and 371.2(c).

5. In § 330.300a, the words “South Saanich” would be removed and the words “Central Saanich” would be added in their place.

Done in Washington, DC, this 1st day of May 1997.

Donald W. Luchsinger,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–11886 Filed 5–6–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–CE–53–AD]

RIN 2120–AA64

Airworthiness Directives; The New Piper Aircraft, Inc. Model PA–38–112 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to The New Piper Aircraft, Inc. (Piper) Model PA–38–112 airplanes with serial numbers (S/N) 38–80A0166 through 38–82A0122. The proposed action would require repetitively replacing the upper rudder hinge bracket, part number (P/N) 77610–03. Reports of fatigue cracks occurring on the upper rudder hinge bracket (P/N 77610–02), and the manufacture of a new upper rudder hinge bracket (P/N 77610–03) with a life limited improved design prompted the proposed action. The actions specified by the proposed AD are intended to prevent cracks in the upper rudder hinge bracket, which, if not detected and corrected, could result in separation of the rudder from the airplane and loss of control of the airplane.

DATES: Comments must be received on or before July 10, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, *Attention:* Rules Docket No. 96–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 the proposed AD may be obtained from The

New Piper Aircraft Inc., Attn: Customer Service, 2926 Piper Dr., Vero Beach, Florida 32960. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Ms. Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Ave., suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7362, facsimile (404) 305–7348.

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 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 notice must submit a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. 96–CE–53–D.” 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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-53-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received reports of the Piper Model PA-38-112 airplanes having fatigue cracks on the upper rudder hinge bracket. These reports prompted issuance of AD 80-22-12 which mandates replacing the upper rudder hinge bracket, part number (P/N) 77610-02, on Model PA-38-112 (serial numbers (S/N's) 38-78A0001 through 38-80A0165), with a bracket of improved design. Based on fatigue analysis, the improved upper rudder hinge bracket (P/N 77610-03) withstands fatigue for a longer time, but is still life limited and should be replaced at regular intervals.

Since issuance of AD 80-22-12, Piper has manufactured additional Model PA-38-112 airplanes. These new airplanes have the improved upper rudder hinge bracket (P/N 77610-03) installed at the factory, but the owners are not required to change the bracket at regular intervals either by regulation or regular maintenance.

While conducting a review of the Piper Model PA-38-112 Type Certificate Data Sheet (TCDS) A18SO, the FAA discovered that the Piper Model PA-38-112 airplanes manufactured after the issuance of AD 80-22-12 should be replacing the upper rudder hinge bracket (P/N 77610-03) at regular intervals as well.

Relevant Service Information

Piper previously issued Service Bulletin No. 686, dated May 23, 1980, which specifies procedures for removing and replacing the rudder upper hinge brackets, P/N 77610-03. This service bulletin is also applicable to this proposed action.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the review, tests, reports of fatigue cracks and service information described above, the FAA has determined that AD action should be taken to prevent cracks in the upper rudder hinge bracket, which if not detected and corrected, could result in separation of the rudder from the airplane and loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Piper Model PA-38-112 airplanes of the same type design, the proposed AD would require repetitively replacing the upper rudder hinge bracket, P/N 77610-03, with a new upper rudder hinge bracket, P/N 77610-03, at the total accumulation of 5,000 hours time-in-service (TIS), or within the next 100 hours TIS, whichever occurs later, and then continue to replace the part at 5,000 hour TIS intervals thereafter.

Cost Impact

The FAA estimates that 153 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$60 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$27,540. The manufacturer has informed the FAA that none of the owners/operators of the affected airplanes have accomplished the proposed action.

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 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 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

The New Piper Aircraft, Inc.: Docket No. 96-CE-53-AD.

Applicability: Model PA-38-112 airplanes (serial numbers 38-80A0166 through 38-82A0122), certificated in any category.

Note 1: The serial numbers listed in the applicability section of this AD do not match the serial numbers in Piper Aircraft Corporation Service Bulletin (SB) No. 686, dated May 23, 1980. This AD takes precedence over Piper SB 686, dated May 23, 1980.

Note 2: 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 (c) 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 upon the accumulation of 5,000 hours total time-in-service (TIS) or within the next 100 hours TIS, whichever occurs later after the effective date of this AD, and thereafter at intervals not to exceed 5,000 hours TIS, unless already accomplished.

To prevent cracks in the upper rudder hinge bracket, which if not corrected, could result in separation of the rudder from the airplane and loss of control of the airplane, accomplish the following:

(a) Remove and replace the upper rudder hinge bracket, part number (P/N) 77610-03, with a new upper rudder hinge bracket, P/N 77610-03 in accordance with the Instructions section of Piper SB No. 686, dated May 23, 1980.

(b) 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.

(c) 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, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Ave., suite 2-160, College Park, Georgia 30337-2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from Atlanta Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to The New Piper Aircraft, Inc., Attn: Customer Service, 2926 Piper Dr., Vero Beach, Florida 32960 or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on April 29, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-11778 Filed 5-6-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket No. RM97-3-000]

Research, Development, and Demonstration Funding

April 30, 1997.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is amending its research, development, and demonstration (RD&D) regulations at 18 CFR 154.401, to propose a new funding mechanism for the Gas Research Institute. The Commission is proposing a mechanism that would fund "core" RD&D programs that benefit gas consumers through a nondiscountable, non-bypassable volumetric surcharge on all pipeline throughput. Voluntary funding would continue for all other GRI programs.

DATES: GRI's comments are due on or before May 30, 1997. All other comments are due on or before June 30, 1997.

ADDRESSES: File comments with the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

Mary E. Bengé, Office of the General Counsel, Federal Energy Regulatory Commission 888 First Street, N.E., Washington, DC 20426, (202) 208-1214;

Harris S. Wood, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, (202) 208-0224.

SUPPLEMENTARY INFORMATION:

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 2A, 888 First Street, N.E., Washington D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing 202-208-1397 if dialing locally or 1-800-856-3920 if dialing long distance. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this order will be available on CIPS in ASCII and WordPerfect 5.1 format. CIPS user assistance is available at 202-208-2474.

CIPS is also available on the Internet through the Fed World system. Telnet software is required. To access CIPS via the Internet, point your browser to the URL address: <http://www.fedworld.gov> and select the "Go to the FedWorld Telnet Site" button. When your Telnet software connects you, log on to the FedWorld system, scroll down and select FedWorld by typing: 1 and at the command line and type: /go FERC. FedWorld may also be accessed by Telnet at the address fedworld.gov.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, La Dorn Systems Corporation. La Dorn Systems Corporation is also located in the Public Reference Room at 888 First Street, N.E., Washington, DC 20426.

The Federal Energy Regulatory Commission is proposing to amend its Research, Development, and Demonstration (RD&D) regulations at 18 CFR 154.401, to propose a new funding mechanism for the Gas Research Institute (GRI). For the reasons discussed below, the Commission is proposing a mechanism that would fund

GRI "core" RD&D programs that benefit gas consumers through a nondiscountable, non-bypassable, volumetric surcharge on all jurisdictional pipeline throughput. Voluntary funding would continue for all other GRI programs.

I. Background

A. History of RD&D Funding

The concept of a cooperative RD&D organization funded by the natural gas industry evolved during a time of uncertainty in the industry, when the excess of demand for natural gas over the supply became apparent in the late 1960s and progressively through the 1970s.¹ During that period, the industry's RD&D was initially conducted by individual jurisdictional companies, with some collective RD&D conducted under the auspices of the American Gas Association (AGA).

In light of gas shortages and rapidly increasing gas prices, the Commission sought to reduce, or at least curb, the demand, and to augment the supply.² The Commission began a series of initiatives to stimulate RD&D efforts by jurisdictional companies and to encourage jurisdictional companies to support RD&D organizations which, in turn, would be broadly supported by energy industry sectors.

The Commission recognized a lack of concentrated and coordinated RD&D effort by the natural gas industry to relieve the curtailment of service then being experienced by natural gas pipelines.³ The Commission also cited the difficulty in reviewing research projects individually to test their reasonableness. Thus, in Order No. 566,⁴ the Commission decided to clarify the Commission's review and accounting procedures and provide for simplified proceedings before the Commission by allowing advance approval of RD&D programs of organizations funded by jurisdictional companies.

In 1976, GRI was formed in response to the Commission's challenge in Order No. 566, with its purpose to serve the mutual interests of the gas industry and gas consumers. GRI is a nonprofit organization that sponsors RD&D in the fields of natural gas and manufactured

¹ Gas Research Institute, Opinion No. 11, 2 FERC ¶ 61,259 (1978) (Approving GRI's initial RD&D program).

² *Id.* at 61,616.

³ *Id.* at 61,617.

⁴ Research, Development and Demonstration; Accounting; Advance Approval of Rate Treatment, Opinion No. 566, Order Prescribing Changes in Accounting and Rate Treatment for Research, Development and Demonstration Expenditures, 58 FPC 2238 (1977).