

Done in Washington, DC, this 14th day of July 1997.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-18951 Filed 7-17-97; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 92

[Docket No. 96-094-2]

#### Limited Ports; Dayton, OH

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** On May 22, 1997, the Animal and Plant Health Inspection Service published a direct final rule. (See 62 FR 27937-27938, Docket No. 96-094-1.) The direct final rule notified the public of our intention to amend the animal importation regulations by adding Dayton, OH, to the list of limited ports of entry for horses and horse products, such as horse test specimens, that do not appear to require restraint and holding inspection facilities. We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to the direct final rule.

**EFFECTIVE DATE:** The effective date of the direct final rule is confirmed as: July 21, 1997.

**FOR FURTHER INFORMATION CONTACT:** Dr. David Vogt, Senior Staff Veterinarian, Animal Products, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231, (301) 734-8423; or e-mail: dvogt@aphis.usda.gov.

**Authority:** 7 U.S.C. 1622, 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 14th day of July 1997.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-18950 Filed 7-17-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-CE-47-AD; Amendment 39-10063; AD 97-14-05]

RIN 2120-AA64

#### Airworthiness Directives; Air Tractor Incorporated Models AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-501, and AT-502 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes Airworthiness Directive AD 95-20-06, which applies to certain Air Tractor Incorporated (Air Tractor) Models AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-501, and AT-502 airplanes and currently requires repetitively inspecting the front spar attachment lugs and the rear spar for fatigue cracks, and modifying the vertical fin if cracks are found. The modification terminates the repetitive inspection requirement of AD 95-20-06 and may be incorporated at any time, if cracks are not found. The FAA has determined that the Air Tractor Models mentioned above with a 1/4-inch fin front spar fitting installed should be exempt from the AD. The AD will retain the requirements of AD 95-20-06 for all

Air Tractor airplanes that have a 3/16-inch fin front spar fitting. The actions specified by this AD are intended to prevent in-flight vertical fin cracking, which, if not detected and corrected, could result in structural failure of the front spar attachments and eventually the rear spar attachment and cause loss of directional control of the airplane.

**DATES:** Effective August 25, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 25, 1997.

**ADDRESSES:** Service information that applies to this AD may be obtained from Air Tractor Incorporated, P. O. Box 485, Olney, Texas 76374. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-47-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Bob May, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5156; facsimile (817) 222-5960.

#### SUPPLEMENTARY INFORMATION:

#### Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Air Tractor airplanes fitted with 3/16-inch thick front spar attachment fittings that do not have the modification in Snow Engineering Company Report No. 138, dated July 29, 1995, Revised August 7, 1996, included the following Models and serial numbers:

Models	Serial numbers
AT-301 and AT-401 .....	301-0261 through 301-0736, and 401-0662 through 401-0736 that have been converted to turbine powerplants and equipped with the all metal rudder, part number (P/N) 30456-1.
AT-302 .....	All aircraft equipped with the all metal rudder, P/N 30456-1.
AT-400 and AT-400A .....	All aircraft equipped with the all metal rudder, P/N 30456-1.
AT-402 .....	402-0694, and 402-0695 through 402-0736.
AT-501 .....	501-0002 through 501-0030 that have been converted to turbine powerplants and equipped with the all metal rudder, P/N 30456-1.
AT-502 .....	502-0002 through 502-0030.

The notice of proposed rulemaking (NPRM) for this action was published in the **Federal Register** on February 19, 1997 (62 FR 7377). The proposed AD

would supersede AD 95-20-06 with a new AD that would require inspecting the fin front spar attachment fittings of Models that have 3/16-inch thick fin front

spar attachment fittings for cracks, and if cracks are found, prior to further flight, modifying the front spar attachment fittings. If no cracks are

found, the proposed AD would require repetitively inspecting the front spar attachment fittings until cracks are found. Accomplishing the modification upon finding cracks or at any time prior to finding cracks would terminate the repetitive inspections.

Accomplishment of the proposed action would be in accordance with Snow Engineering Report (SER) number (No.) 138, dated July 29, 1995, Revised August 7, 1996.

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's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

#### Cost Impact

The FAA estimates that 24 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 16 workhours per airplane to accomplish this action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$10 per airplane. Based on these figures, the

total cost impact of this AD on U.S. operators is estimated to be \$23,280 or \$970 per airplane. This figure is based on the presumption that no owner/operator of the affected airplanes has accomplished the required actions.

#### Regulatory Impact

The regulations adopted herein will 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 final rule does 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) 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 final evaluation prepared for this action is contained 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, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 USC 106(g), 40113, 44701.

#### §39.13 [Amended]

2. Section 39.13 is amended by removing airworthiness directive (AD) 95-20-06, Amendment No. 39-9384 (60 FR 52620) and by adding a new AD to read as follows:

#### 97-14-05. Air Tractor Incorporated:

Amendment No. 39-10063; Docket No. 96-CE-47-AD; Supersedes AD 95-20-06, Amendment 39-9384. Applicability: The following airplane Models and serial numbers fitted with a 3/16-inch fin front spar fitting that do not have the modification in Snow Engineering Company Report No. 138, dated July 29, 1995, revised August 7, 1996, incorporated, certificated in any category:

**Note 1:** The modification in Snow Engineering Company Report No. 138, dated July 29, 1995, revised August 7, 1996, and AD 95-20-06 required the airplanes to replace 3/16-inch thick fin front spar attach fittings with 1/4-inch thick fin front spar attach fittings.

Models	Serial numbers
AT-301 and AT-401 .....	301-0261 through 301-0736, and 401-0662 through 401-0736 that have been converted to turbine powerplants and equipped with the all metal rudder, part number (P/N) 30456-1.
AT-302 .....	All aircraft equipped with the all metal rudder, P/N 30456-1.
AT-400 and AT-400A .....	All aircraft equipped with the all metal rudder, P/N 30456-1.
AT-402 .....	402-0694 and 402-0695 through 402-0736.
AT-501 .....	501-0002 through 501-0030 that have been converted to turbine powerplants and equipped with the all metal rudder, P/N 30456-1.
AT-502 .....	AT-502 502-0002 through 502-0030.

**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 (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 initially within the next 25 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished, and thereafter as indicated in the body of this AD.

To prevent in-flight vertical fin cracking, which, if not detected and corrected, could result in structural failure of the front spar attachments and eventually the rear spar attachment and cause loss of directional control of the airplane, accomplish the following:

(a) Inspect the fin front spar attachment fittings for fatigue cracks in accordance with the INSTRUCTIONS section of the Snow Engineering Report (SER) number (No.) 138, dated July 29, 1995, Revised August 7, 1996.

(b) If no cracks are found during the initial inspection, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 25 hours TIS thereafter in accordance with the INSTRUCTIONS section of the SER No. 138, Revised August 7, 1996.

(c) If cracks are found during any inspections required by this AD, prior to further flight, modify the fin front spar attachment fittings in accordance with the

INSTRUCTIONS section of the SER No. 138, dated July 29, 1995, Revised August 7, 1996.

(d) Incorporating the modification specified in paragraph (c) of this AD is considered terminating action for the repetitive inspection requirements of this AD.

(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 compliance times that provides an equivalent level of safety may be approved by the Manager, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth Airplane Certification Office.

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

(g) The inspection and modification required by this AD shall be done in accordance with Snow Engineering Report No. 138, dated July 29, 1995, Revised August 7, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Air Tractor Incorporated, P.O. Box 485, Olney, Texas 76374. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment supersedes AD 95-20-06, Amendment 39-9384.

(i) This amendment (39-10063) becomes effective on August 25, 1997.

Issued in Kansas City, Missouri, on June 26, 1997.

**James E. Jackson,**

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

[FR Doc. 97-17533 Filed 7-17-97; 8:45 am]

BILLING CODE 4910-13-U

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to McDonnell Douglas Helicopter Systems (MDHS) Model 369D, E, F, FF, 500N, AH-6, and MH-6 helicopters. This action requires replacement of certain transmission output drive gears (gears). This amendment is prompted by several reports of spalled or fractured gear teeth, most of which occurred during high-power or external-lift operations. The actions specified in this AD are intended to prevent failure of the gear, which could result in loss of main rotor control and subsequent loss of control of the helicopter.

**DATES:** August 4, 1997.

Comments for inclusion in the Rules Docket must be received on or before September 16, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97-SW-02-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bruce Conze, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, Propulsion Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627-5261, fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** This amendment adopts a new AD that is applicable to MDHS Model 369D, E, F, FF, 500N, AH-6, and MH-6 helicopters, equipped with main rotor transmission, part number (P/N) 369D25100, that contain a gear, P/N 369D25127-11, having the following serial numbers: serial number (S/N) 005570-0646 through S/N 005570-0765, and S/N 005570-0876 through S/N 005570-0998. This action requires replacement of gears having the affected serial numbers within a specified number of hours time-in-service (TIS). There have been several occurrences of spalled or fractured gear teeth in the last seven years. Five of the occurrences involved fractured gear teeth, and two involved spalling of the gear tooth face. All seven failures occurred on helicopters having less than 1,000 hours TIS, with the lowest being 467 hours TIS. Most of the damage and subsequent failures have occurred during high-power or external-lift operations conducted on military aircraft. This amendment is prompted by several reports of spalled or fractured gear teeth, most of which occurred during high-power or external-lift

operations. Until 1996, all failures had occurred only in military operations in which it was thought to be due to overtorquing during maximum effort exercises. Since there is no reporting requirement for military use, those failures were handled under military maintenance and not reported. In 1996, a similar failure occurred in New Zealand with an external load operator. This was the first commercial failure and the first reported to the FAA by MDHS. MDHS was allowed time to examine the failure and determine the cause. Once it was determined that the failure was due to a quality control problem, the affected lots were identified and MDHS issued service information. Warping of the ring gear during carburizing heat treatment and subsequent grinding through the hardened case results in a lowering of the contact stress and fatigue resistance of the gear teeth. This could result in fracture or loss of a gear tooth, which could lead to jamming or binding of the drive system. The actions specified in this AD are intended to prevent failure of the gear, which could result in loss of main rotor control and subsequent loss of control of the helicopter.

The FAA has reviewed McDonnell Douglas Helicopter Systems Service Information Notice DN-189/EN-82/FN-69/NN-009, dated January 10, 1997, which describes procedures for determining, through an inspection of records or physical inspection, if a gear, P/N 369D25127-11, with serial number (S/N) S/N 005570-0646 through S/N 005570-0765, or S/N 005570-0876 through S/N 005570-0998 is installed.

Since an unsafe condition has been identified that is likely to exist or develop on other MDHS Model 369D, E, F, FF, 500N, AH-6, and MH-6 helicopters of the same type design, this AD is being issued to prevent failure of the gear, which could result in loss of main rotor control and subsequent loss of control of the helicopter. This AD requires an inspection to determine if an affected gear (based on the gear's serial number) is installed, and if an affected gear is installed, replacement of the gear with an airworthy gear.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-SW-02-AD; Amendment 39-10081; AD 97-15-08]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Helicopter Systems Model 369D, E, F, FF, 500N, AH-6, and MH-6 Helicopters

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