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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 94-016F]

RIN 0583-AC25

Poultry Inspection: Revision of Finished Product Standards With Respect to Fecal Contamination

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; Request for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the poultry products inspection regulations to clarify and strengthen the enforcement of FSIS's zero-tolerance policy regarding visible fecal material on poultry carcasses. FSIS is amending its regulations to codify an existing standard that ensures poultry carcasses contaminated with fecal material do not enter the chilling tank. In order to clarify the enforcement of this policy, this rule removes "feces" as a nonconformance element in the finished product standards for poultry.

In addition, the Agency is seeking comments on the relationship between ingesta and the presence of microbial pathogens on raw poultry.

DATES: This rule is effective on May 5, 1997. There is no due date for comments requested on the relationship between ingesta and microbial pathogens on raw poultry.

ADDRESSES: Submit one original and two copies of written comments to: FSIS Docket Clerk, DOCKET #94-016F, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 3806 South Agriculture Building, 1400 Independence Ave., SW., Washington, DC 20250-3700. All comments submitted will be available for public

inspection in the Docket Clerk's Office between 8:30 a.m. and 1:00 p.m. and 2:00 p.m. and 4:30 p.m., Monday through Friday. To review the research and other background information used by FSIS in developing this document, interested persons may visit the Docket Clerk's office during the times listed above.

FOR FURTHER INFORMATION CONTACT: Dr. Isabel Arrington, Staff Officer, Slaughter Operations, Office of Field Operations; (202) 720-7905.

SUPPLEMENTARY INFORMATION:

Background

To enforce the "zero tolerance" policy regarding visible fecal contamination on poultry, FSIS program employees look at every carcass to ensure it is not contaminated by visible fecal contamination. This visual check of all carcasses occurs after evisceration but prior to the separation of the viscera from the carcass and prior to the final wash and entry of the carcass into the chilling tank. Should visible fecal contamination be observed, existing regulations permit establishments to reprocess contaminated carcasses by a number of approved methods, including washing and trimming on or off the line. Regardless of the method chosen, the end result must be removal of all visible specks of contamination prior to the carcasses' entering the chiller. This zero tolerance policy for visible fecal contamination is an important food safety standard because fecal contamination is a major vehicle for spreading pathogenic microorganisms, such as *Salmonella*, to raw poultry.

Under current rules, FSIS ensures removal of all visible fecal contamination subsequent to postmortem inspection through off-line reinspection, direct on-line observations by an inspector, and application of finished product standards (FPS). The FPS are applied to samples of product prior to its entering the chiller and after product has left the chiller as a means of measuring an establishment's performance in meeting organoleptic (detectable by the unaided senses) standards, including the removal of visible fecal contamination.

Under an FPS program, the poultry establishment checks carcasses entering and leaving the chiller for nonconformance to the FPS. If the incidence of nonconformances

determined by the FPS test indicates that the establishment's process is out of control, the establishment must take corrective action. Any bird in the sample taken found to be contaminated with feces is set aside for rework or condemnation. FSIS inspectors located before the chiller also evaluate performance by visually observing carcasses, checking quality control data, and sampling product. The establishment and FSIS apply a statistical method to determine if the establishment's processes are under control and producing consistently sound product. In the event an establishment does not meet statistical criteria, the establishment's process is determined to be out of control and corrective action is required. The application of FPS does not preclude the inspector's directing the establishment to take corrective action any time carcasses visibly contaminated with fecal matter are observed.

On July 13, 1994, FSIS published a proposed rule, "Enhanced Poultry Inspection," in the Federal Register (59 FR 35659) to clarify and strengthen substantially the Agency's zero-tolerance policy for visible fecal contamination. The proposed rule would have implemented a single system of postmortem inspection for all poultry species. Establishment personnel would have been required to pre-sort birds before inspection to exclude those with diseases and condemnable conditions. In addition, the inspection sequence would have been changed to permit inspectors to conduct on-line checks for contamination. The proposal would have required all reprocessed birds to be returned to the main processing line for inspection.

FSIS also proposed the mandatory use of antimicrobial rinses in all establishments, use of establishment employees to sort poultry, revision of the FPS, and addition of recordkeeping and verification procedures. The proposal included the removal of "feces" from the list of nonconformances in the FPS and a mandatory line speed reduction triggered by any finding of visible fecal contamination during an FPS review or at other times when such contamination was detected.

Since the proposed rule was published, FSIS has adopted a

comprehensive, preventive food safety strategy to reduce the incidence and prevalence of foodborne illness in the United States. The centerpiece of this strategy is the "Pathogen Reduction; Hazard Analysis and Critical Control Points (HACCP) Systems" final rule (61 FR 38805-38989, July 25, 1996). HACCP is a system of preventive controls designed to improve the safety of food products.

The Pathogen Reduction/HACCP regulations require each establishment to conduct a hazard analysis and develop a HACCP plan applicable to every product it produces. Fecal contamination is a reliable indicator of the likely presence of microbial pathogens, a food safety hazard which all slaughtering establishments will necessarily address in their HACCP plans. Poultry processing establishments must adopt HACCP controls that they can demonstrate are effective in reducing the occurrence of microbial pathogens; those controls include preventing the fecal contamination of carcasses and thus preventing fecally contaminated carcasses from entering the chilling tanks. They will be required to monitor, verify, and record results which demonstrate the effective operation of those controls on a continuing basis.

Under the Pathogen Reduction/HACCP rule, in addition to controls for reducing microbial pathogens, such as ensuring that all poultry carcasses are free of visible fecal contamination before entering the chiller, slaughtering establishments will verify their process controls by testing sampled carcasses for generic *Escherichia coli* (Biotype I). In addition, FSIS has established pathogen reduction performance standards based on *Salmonella* prevalence in raw product. These standards, which FSIS will enforce through its own *Salmonella* testing program, complement the process control performance criteria for visible fecal contamination and *E. coli* testing.

The Pathogen Reduction/HACCP rule establishes a more comprehensive framework for food safety protection than did the 1994 proposal, and therefore supersedes it. It couples HACCP-based process control to prevent visible fecal contamination (and other hazards) with microbial testing and pathogen reduction performance standards to scientifically verify the effectiveness of the HACCP plan. Some of the concepts in the July 1994 proposal, such as antimicrobial processes and the role of FSIS inspectors, may be addressed by future rulemakings if the concepts appear to

provide substantial food safety benefits in a HACCP context.

The zero-tolerance standard for visible fecal contamination, an indicator of likely microbial contamination, is one that must be achieved by processing control and therefore is consistent with the HACCP framework. The HACCP regulations require all establishments to identify all food safety hazards reasonably likely to occur in a specific process, and to identify critical control points adequate to prevent them. Fecal contamination is a food safety hazard because of its direct link to microbiological contamination and foodborne illness. Preventing carcasses with visible fecal contamination from entering the chiller is critical for preventing cross-contamination of other carcasses. The final carcass wash before the carcasses enter the chiller is a critical control point for preventing cross-contamination of other carcasses. Critical control points to eliminate visible fecal contamination are predictable and essential components of the HACCP plans for all slaughter establishments. For establishments' HACCP plans to be validated, they will have to achieve the zero tolerance for visible contamination at the point where carcasses enter the chiller.

Though the zero-tolerance policy has not been codified in the regulations until now, it is implicit in some of the regulations. For example, § 381.91(b), provides that poultry accidentally contaminated with digestive tract contents need not be condemned if promptly reprocessed under the supervision of an inspector and found not to be adulterated. The codification of the zero-tolerance policy for visible fecal contamination and removal of "feces" as a nonconformance element in the finished product standards for poultry provide a clear and unambiguous standard that poultry slaughtering establishments must meet today and, eventually, incorporate into their HACCP systems.

FSIS will continue to verify that establishments are meeting the zero-tolerance standard through visual observations, data collection, and sampling. However, consistent with the policy, any indication of visible fecal contamination will require establishments to take immediate corrective action after deviations occur, rather than after a certain statistical measure of control is exceeded over a period of time.

The bulk of the comments on the July 1994 proposal addressed provisions that are unrelated to this final rule. Of the 434 comments received, 64 addressed the zero-tolerance policy on fecal

contamination. Forty-eight commenters were clearly in favor of the policy; 16 expressed various reservations, such as: (1) Fecal material was undefined; (2) visible feces should be trimmed, not washed; (3) since FSIS has a zero tolerance policy for fecal contamination, a rule change is not necessary; and (4) a zero tolerance policy should also be established for ingesta and other intestinal tract contents.

In response to the commenters who stated that fecal material and/or feces should be defined, FSIS has developed guidelines for inspectors to use in identifying feces on carcasses. In these guidelines, three factors—color, consistency, and composition—are essential in positively identifying fecal contamination. In general, fecal material color ranges from varying shades of yellow to green, brown, and white; the consistency of feces is usually semi-solid to a paste; and the composition of feces may include plant material. Inspectors use the feces identification guidelines to verify that establishments prevent carcasses with visible fecal contamination from entering the chilling tanks.

Several commenters also felt that any contamination on the carcass should be trimmed, and that washing, including reprocessing, should not be permitted as an alternative to trimming. The regulations (9 CFR 381.91(b)) permit poultry contaminated during slaughter with digestive tract contents, such as feces, to be reprocessed in lieu of being condemned. These regulations were promulgated in 1978 and were based, in part, on an Agricultural Research Service (ARS) study, published in the *Journal of Food Science*, which concluded that effective washing of contaminated poultry carcasses produced carcasses with microbiological levels essentially equal to normally processed and inspected carcasses.¹ A subsequent ARS study supported this finding.²

Several commenters stated that FSIS has a zero tolerance policy for feces and, therefore, a change to the regulations was not needed. However, the apparent incompatibility between FSIS's zero tolerance policy for fecal material on individual poultry carcasses and the existence of a process measure that

¹ Blankenship LC, Cox NA, Craven SE, Mercuri AJ, and Wilson RL. Comparison of the Microbiological Quality of Inspection-Passed and Fecal Contamination-Condemned Broiler Carcasses. *J. Food Science* 1975; 40:1236-1238.

² Blankenship LC, Bailey JS, Cox NA, Musgrove MT, Berrang ME, Wilson RL, Rose MJ, and Dua SK. A Research Note: Broiler Carcass Reprocessing, A Further Explanation. *J. Food Prot.* 1993; 56:983-985.

includes a tolerance for "feces" in the finished product standards has continued to cause confusion. To clarify the zero tolerance policy, FSIS is amending the poultry products inspection regulations by removing "feces" as a nonconformance element from the finished product standards.

Several commenters stated that there should be a zero tolerance policy for ingesta and other digestive tract contents, in addition to feces. Ingesta are processing defects generally consisting of undigested feed remaining in a bird's crop, esophagus, and gizzard. Ingesta contamination and attached portions of the crop and esophagus are processing defects counted as FPS nonconformances. Ingesta contamination of poultry was not directly addressed in the July 1994 proposal.

A research report³ recently identified the crop as a potential source of *Salmonella* contamination for broiler carcasses. The report noted that crops may be ruptured during processing, suggesting that the crop may serve as a source of carcass contamination if exposure to pathogenic microbes occurs during the last week before slaughter. The fact that birds are especially likely to pick up fecal droppings during the feed withdrawal period prior to slaughter could explain the presence of *Salmonella* in the crops.

Comments and information on ingesta contamination would be useful to the Agency in its consideration of the need for additional regulatory measures regarding ingesta. Such information would also be helpful to establishments in identifying hazards and determining critical control points in their HACCP systems. FSIS would like to have more information on how the presence of ingesta on dressed poultry carcasses relates to the presence of microbial pathogens and, consequently, the food safety profile of ready-to-cook raw poultry. Specific information is requested on (1) the capacity of current technology to prevent ingesta contamination, (2) the consumer perspective on the presence of ingesta on ready-to-cook raw poultry, (3) the tolerance level and defect categories in the current FPS program for ingesta, crop, and esophagus, and (4) the availability and cost of new technology and its capacity to prevent ingesta contamination.

The Final Rule

In summary, this final rule amends the poultry products inspection regulations by explicitly prohibiting dressed poultry carcasses contaminated with feces from entering the chiller. It also removes "feces" from the list of nonconformance elements in the poultry finished product standards. Any visible fecal contamination found by the establishment during the finished product standards check means that the establishment has failed to meet the standard and that immediate corrective action is required, irrespective of the overall FPS results. Under this final rule, FSIS inspectors will continue their current practice of verifying the establishment's process control through visual observation of carcasses and off-line checks of sampled birds.

Additionally, beginning on the effective date of this rule and prior to HACCP implementation, FSIS inspectors will, during each shift in all poultry slaughtering operations, check at least two more 10-bird samples on each evisceration line for visible fecal contamination after the final wash, before the carcasses enter the chiller. Any amount of visible fecal contamination found by FSIS inspectors during these checks will be regarded as a lack of process control requiring immediate correction.

FSIS will continue to verify the effectiveness of the establishment's corrective actions and, if the actions prove ineffective, will prohibit birds on affected lines from entering the chilling tank directly until the establishment demonstrates, and FSIS verifies, that the zero-tolerance standard for visible fecal contamination is being met. This prohibition may result in slowing or stopping the line until the problem is solved. FSIS also will check carcasses on the affected lines after they exit the chilling tank.

After HACCP systems are implemented in slaughtering establishments, FSIS personnel will determine the effectiveness of preventive controls and corrective actions for visible fecal contamination as they verify HACCP system adequacy. They will continue close oversight of processor efforts to prevent visible fecal contamination, sampling birds at the same frequency as before HACCP implementation. The presence of visible fecal contamination on poultry carcasses entering the chiller will mean that controls to prevent such contamination have failed. The finding of fecal matter on carcasses entering the chiller even after corrective actions have been taken to prevent its recurrence will

constitute evidence of a HACCP system failure. FSIS will consider a documented pattern of repeated system failures to be evidence that the establishment's HACCP plan is inadequate. The Agency will take immediate action to ensure proper disposition of adulterated product, including its condemnation. Additionally, if appropriate, the Agency will undertake proceedings to withdraw inspection from the establishment.

FSIS plans to review the application of this standard during the implementation of HACCP in affected establishments. The Agency would certainly welcome input from interested parties on the application of this standard in a HACCP environment.

FSIS expects that its zero-fecal-contamination policy, together with the Pathogen Reduction/HACCP rule, will improve the safety of raw poultry products and help bring about measurable declines in foodborne illness attributable to poultry consumption.

Executive Order 12866 and Effect on Small Entities

This final rule has been determined to be significant and was reviewed by OMB under Executive Order 12866.

This rule codifies as a standard the existing FSIS zero-tolerance policy for the presence of visible fecal contamination on poultry carcasses entering the chilling tank, and removes "feces" as a nonconformance element in the FPS for poultry. The rule does not require any facility changes nor does it stipulate what steps establishments must take to comply with the standard. Furthermore, this rule is compatible with the mandatory HACCP program for meat and poultry establishments.

The rule will affect about 520 poultry slaughtering establishments subject to inspection under the Poultry Products Inspection Act. Approximately 360 of these are inspected by FSIS, about 300 operating under inspection systems incorporating FPS; the other 60 or so—most processing low-consumption-volume species, such as ducks and geese—operating under "traditional" systems. In the "traditional" establishments, inspectors check outgoing product using lot acceptance plans from which entries for "feces" are being removed by Agency directive. The final rule will also affect about 160 poultry slaughtering establishments where States maintain inspection that is "at least equal to" Federal inspection.

Alternatives Considered

As discussed in the preamble to the proposal, FSIS considered two

³Hargis BM, Caldwell DJ, Brewer RL, Corrier DE, DeLoach JR, An Evaluation of the Chicken Crop as a Source of *Salmonella* Contamination for Broiler Carcasses. *Poult Sci* 1995; 74:1548-52.

alternatives to the proposed regulatory amendments that would have met the objectives of strengthening poultry products inspection, reducing the occurrence of pathogens on raw product, and enforcing a "zero tolerance" for visible fecal contamination of raw product. The first of the alternatives would have required detaching the viscera from the carcass before post-mortem inspection and presenting the organs and the carcass for inspection at the same time, rather than sequentially. A separate belt or tray would have been provided to prevent the viscera from contaminating the carcass. However, preliminary estimates indicated that costs to the industry of equipment acquisition and installation and downtime for construction would have approached \$1 billion.

The second alternative would have involved retaining the current postmortem inspection procedures while positioning an additional inspector at the end of the evisceration line at a point after viscera removal to examine each carcass for fecal contamination. Under this alternative, the Government could have incurred an additional \$16 million per annum in personnel costs, which was unacceptable to FSIS, and production rates could have been slowed by 30 to 50 percent if fewer inspectors were assigned to perform the required tasks. The annual cost to the industry and consumers of slowed linespeeds could have been as high as \$5.2 billion. In the Agency's judgment, either of these alternatives would have posed unacceptable costs.

The alternative proposed by the Agency included a single postmortem inspection system for all kinds and classes of poultry, a requirement for the establishment to present for inspection birds that had been pre-sorted to exclude those with diseases and condemnable conditions, a change in the inspection sequence to include on-line checks for contamination, the return of all reprocessed birds to the main processing line for reinspection, and mandatory antimicrobial treatment of all dressed poultry. In addition, some establishments would have had to install adjustable inspection stands and enhanced lighting. A completely revised FPS, without a nonconformance element for feces, would have been applied to all poultry. An FSIS inspector would have been required to stop or slow the line upon finding any fecally contaminated bird. The Agency estimated the cost of the proposal to industry at about \$7 million. Cost estimates supplied by industry commenters indicated costs would

substantially exceed the Agency's estimate.

Since the proposal was published, the Agency has adopted a comprehensive food safety strategy based on mandatory HACCP systems for meat and poultry establishments. The Pathogen Reduction/HACCP rule implementing this policy supersedes the July 1994 proposal. Accordingly, FSIS has limited this final rule to the codification of the zero tolerance policy for visible fecal contamination and to the removal of the "feces" nonconformance element from the poultry FPS.

Costs

As mentioned, visible fecal contamination of poultry carcasses currently is addressed at postmortem inspection by off-line reprocessing of accidentally contaminated poultry, through pre-chill FPS checks, and at other times that visible fecal contamination is detected. FSIS estimates that the frequency of corrective actions required because establishments fail an FPS test due to visible fecal contamination nonconformances is, at most, 1 time a year per establishment. Normally, the presence of visible fecal contamination found during an FPS review is at a level such that it will cause an FPS failure and trigger immediate corrective action. A typical establishment may fail a pre-chill FPS test once a month or less because nonconformances other than visible fecal contamination, such as the presence of feathers or other dressing defects, have been observed. Such an establishment may fail a post-chill FPS test about six times a year, usually because extraneous matter is found on the carcass. Some establishments operate for 2 or 3 years without failing an FPS test.

The Agency will have to shift the allocation of Federal poultry inspection resources during the period after this rule becomes effective. Upon the effective date of this rule, FSIS inspectors will be sampling additional birds at pre-chill to examine them for visible fecal contamination, a task that will require as many as 10 staff-years to perform. This cost can be absorbed within FSIS's current resources.

As mentioned, this final rule removes the nonconformance element for "feces" from the current FPS for poultry and codifies the policy prohibiting poultry carcasses contaminated with visible feces from entering the chiller tank. As stated elsewhere in this preamble, this rule establishes a standard that is compatible with the Agency's Pathogen Reduction/HACCP regulations. It will take effect, however, before mandatory

HACCP plans are implemented in most federally inspected poultry products establishments.

When this final rule becomes effective, the detection of visible fecal contamination during the pre-chill FPS or at any other time that visible fecal contamination is detected on the carcasses before the carcasses enter the chiller will trigger corrective actions to prevent recurrence of the problem. The Agency foresees that initially, when this final rule goes into effect, there may be an increase in the frequency of corrective actions. Establishments may incur costs attributed to slowing or temporary stoppage of production lines, equipment adjustments, product rework, and the placing of additional personnel on the processing line, at a somewhat higher rate than previously.

These costs are likely to result from two primary causes. First, following the effective date, establishments will be placing increased emphasis on preventing carcasses with visible fecal contamination from entering chiller tanks. The increased vigilance of establishment personnel initially may cause some production slowdowns. Second, FSIS inspectors will be sampling birds at an increased rate to enforce the zero-tolerance policy. It is possible that a prevalence level of fecal contamination that had not been detected previously in FPS tests will now be shown to occur, and that processing lines may be slowed or stopped more often for corrective actions to be taken.

FSIS estimates that the industry-wide cost of stopping or slowing the processing line when fecal contamination is found on dressed poultry could be as high as \$15 million during the first year this final rule is in effect. This estimate is derived from data submitted by commenters on estimated efficiency losses—including losses due to stopping or slowing the processing lines—that the proposed rule might have caused. An assumption of the commenters, which FSIS does not share, was that the efficiency reduction costs would recur annually.

FSIS sees any such cost increases as short-term. Once establishments adjust to the new inspection procedures and adopt more stringent operating standards, the need for corrective action should be reduced, and there will be greater assurance that product entering chillers is free of visible fecal contamination.

Benefits

FSIS expects the net benefits to society from this rule will be in the form of fewer outbreaks of foodborne disease

attributable to poultry products. The rule will help ensure that raw poultry entering chiller tanks is free of contamination that may harbor pathogens and, thus, that there will be less cross-contamination in the chiller tanks. FSIS expects that this reduced cross-contamination will mean that raw poultry shipped in commerce will have fewer pathogens and that the risk of illness due to improper handling of raw product after it leaves the inspected establishment will be reduced.

The Administrator, FSIS, has determined that this final rule will not have a significant impact on a substantial number of small entities. The small entities affected by this rule are the approximately 220 small poultry slaughtering establishments that meet the Small Business Administration size standard of 500 or fewer employees. This is a significant number of small entities but, for reasons given above, costs to establishments, whether they be small or large entities, should not be significantly affected by this rule. Thus, the rule will not have a significant impact on a substantial number of small entities.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule (1) preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Requirements

The July 13, 1994, proposed rule required paperwork and recordkeeping activities that would have provided FSIS with information to ensure that establishments were in compliance with the proposed regulations. As noted above, however, FSIS is withdrawing the provisions of the proposal that would have required such paperwork and recordkeeping.

List of Subjects in 9 CFR Part 381

Poultry inspection, Poultry and poultry products.

For the reasons discussed in the preamble, FSIS is amending part 381 of the poultry products inspection regulations as set forth below:

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451-470; 7 CFR 2.18, 2.53.

Subpart I—Operating Procedures

2. Section 381.65 is amended by adding a new paragraph (e) to read as follows:

§ 381.65 Operations and procedures, generally.

* * * * *

(e) Poultry carcasses contaminated with visible fecal material shall be prevented from entering the chilling tank.

* * * * *

Subpart K—Post Mortem Inspection; Disposition of Carcasses and Parts

§ 381.76 [Amended]

3. Section 381.76(b)(3)(vi), Table 1—Definitions of Nonconformances, is amended in paragraph A-1 by removing the word "feces," by removing the end note from paragraph A-2 regarding feces, by removing paragraph A-8, "Feces $\geq 1/8$," and by renumbering paragraphs A-9 through A-20 as A-8 through A-19.

* * * * *

Done at Washington, DC, on January 30, 1997.

Thomas J. Billy,

Administrator.

[FR Doc. 97-2736 Filed 1-30-97; 3:30 pm]

BILLING CODE 3410-DM-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-258-AD; Amendment 39-9913; AD 97-03-07]

RIN 2120-AA64

Airworthiness Directives; Raytheon Model Hawker 800 and 1000 and Model DH/BH/HS/BAe 125 Series Airplanes (Including Major Variants C29A, U125, and U125A Series Airplanes)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Raytheon Model BAe 125-1A through -1000A series airplanes and Model Hawker 800 and 1000 airplanes, that currently requires repetitive inspections to detect fatigue cracking of the sidestay jack pivots of the main landing gear (MLG), and replacement of the sidestay jack pivot assemblies with new assemblies. This amendment adds a requirement to replace the sidestay jack pivot

assemblies with new, improved assemblies; when accomplished, this replacement would terminate the inspection requirements of the AD. This amendment also expands the applicability of the existing AD to include additional airplanes. The actions specified by this AD are intended to prevent fatigue fracturing of the sidestay jack pivots of the MLG, which could result in the inability of the MLG to deploy and a consequent wheels-up landing.

DATES: Effective March 11, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 11, 1997.

The incorporation by reference of Raytheon Corporate Jets Service Bulletin SB 32-233, dated June 24, 1994, listed in the regulations, was approved previously by the Director of the Federal Register as of February 3, 1995 (60 FR 330, January 4, 1995).

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201-0085. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94-26-12, amendment 39-9107 (60 FR 330, January 4, 1995), which is applicable to certain Raytheon Model BAe 125-1A through -1000A series airplanes and Model Hawker 800 and 1000 airplanes, was published in the Federal Register on October 18, 1996 (61 FR 54359). The action proposed to expand the applicability of the existing AD to include additional airplanes. It also proposed to require installation of new, improved sidestay jack pivot assemblies, which would constitute terminating action for the inspection requirements of this AD.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No