

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 46

[Docket No. FV96-351A]

RIN: 0581-AB41

Amendments to the Perishable Agricultural Commodities Act (PACA)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: This document reopens the period for filing written comments on revisions to the Perishable Agricultural Commodities Act (PACA) license fees. These changes would conform current regulations to new legislative changes signed into law by President Clinton. Specifically, the changes to the license fee structure phase retailers and grocery wholesalers out of license fee payments over a 3-year period; establish a one-time administrative fee for new retailers and grocery wholesalers entering the program after the 3-year phase-out period; and increase license fees from \$400 to \$550 annually for all other licensees.

DATES: Comments must be received by April 30, 1997.

ADDRESSES: Interested persons are invited to submit written comments concerning this reopened action. Comments must be sent to James R. Frazier, Chief, PACA Branch, Fruit and Vegetable Division, Room 2095-South Building, 1400 Independence Avenue, S.W., P.O. Box 96456, Washington, DC 20090-6456. All comments should reference the docket number and the date and page number of this issue in the **Federal Register** and will be made available for inspection in the PACA Branch during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Frazier, Chief, PACA Branch, F&V Division, AMS, USDA, Room 2095-South Building, P.O. Box 96456,

Washington, DC 20090-6456, Phone (202) 720-2272.

SUPPLEMENTARY INFORMATION: The PACA was amended by Public Law 104-48. The regulations implementing the PACA (other than the Rules of Practice) are published in the Code of Federal Regulations at Title 7, Part 46 (7 CFR Part 46). A proposed rule to amend the regulations to implement Public Law 104-48 was published in the September 10, 1996 issue of the **Federal Register** (61 FR 47674). The 60-day comment period closed on November 12, 1996. Twelve comments were received on the proposed rule from four trade associations representing growers and shippers, three trade groups representing retailers and grocery wholesalers, three law firms, one association representing the frozen food industry, and one fruit and vegetable broker.

Section 46.6 of the proposed rule would phase all retailers and grocery wholesalers out of license fee payments over the 3-year period, beginning November 15, 1995 and ending November 14, 1998. The gradual phase-out of fee payments under this proposed rule is inclusive of all retailers and grocery wholesalers, regardless of when they were initially licensed under the PACA.

Of the twelve comments received, three addressed the collection of renewal fees paid by grocery wholesalers and retailers licensed by USDA after enactment of Public Law 104-48. The three commentators write that USDA is incorrectly proposing that first-time licensed retailers and grocery wholesalers pay renewal fees. They refer to section 499 (c) (3) of the statute designated, "ONE-TIME FEE FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS", which specifies the fees to be paid by a retailer or a grocery wholesaler making an initial application during the phase-out period and after such period ends. The commentators emphasized the statutory language ending section 499 (c) (3) which states: "* * * a retailer or grocery wholesaler paying a fee under this paragraph shall not be required to pay any fee for renewal of the license for subsequent years." Since the commentators' interpretation of the legislative amendment is substantially different from USDA's view but appears to be

plausible, USDA has determined that reopening the comment period until April 30, 1997, would allow other parties interested in this matter more time to review this section of the proposed rule and provide their comments. In the meantime, USDA will continue to assess license renewal fees as provided in 7 CFR Part 46.6. Should USDA, after notice and comment, conclude that the law excludes certain categories of licensees from the requirement to pay regular renewal fees, all such fees paid by those firms or individuals shall be refunded with interest. If USDA reaches such a conclusion, the PACA program will face a projected \$750,000 loss in revenue over the three-year phase-out period.

Accordingly, the period in which to file written comments is reopened until April 30, 1997.

List of Subjects in 7 CFR Part 46

Agricultural commodities, Brokers, Penalties, Reporting and recordkeeping requirements.

Dated: March 21, 1997.

Eric M. Forman,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 97-7808 Filed 3-28-97; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-45-AD]

RIN 2120-AA64

Airworthiness Directives; de Havilland DHC-6 series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

SUMMARY: This document proposes to revise an earlier proposed airworthiness directive (AD), which would have superseded AD 78-26-02. That AD currently requires repetitively inspecting the fuselage side frame flanges at Fuselage Station (FS) 218.125 and FS 219.525 for cracks on certain de Havilland DHC-6 series airplanes, and repairing or replacing any cracked part. The previous document would have

required modifying the fuselage side frames at the referenced FS areas, as terminating action for the repetitive inspections that are currently required by AD 78-26-02. As currently written, the document allows continued flight if cracks are found in the fuselage side frames that do not exceed certain limits. Since publication of that proposal, the Federal Aviation Administration (FAA) has established a policy to disallow airplane operation when known cracks exist in primary structure (the fuselage area is considered primary structure). The actions specified by the proposed AD are intended to prevent failure of the fuselage because of cracks in the fuselage side frames, which, if not detected and corrected, could result in loss of control of the airplane. Since the comment period for the original proposal has closed and the change described above goes beyond the scope of what was originally proposed, the FAA is allowing additional time for the public to comment.

DATES: Comments must be received on or before June 13, 1997.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-45-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 de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario, Canada, M3K 1Y5. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Jon Hjelm, Aerospace Engineer, FAA, New York Aircraft Certification Office, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581; telephone (516) 256-7523; facsimile (516) 568-2716.

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. 91-CE-45-AD." The postcard will be date stamped and returned to the commenter.

Availability of Supplemental NPRM

Any person may obtain a copy of this supplemental NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-45-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain de Havilland DHC-6 series airplanes without Modification Nos. 6/1461 and 6/1462 incorporated was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 11, 1995 (60 FR 41030). The NPRM proposed to supersede AD 78-26-02 with a new AD that would (1) retain the current requirement of repetitively inspecting the fuselage side frame flanges at Fuselage Station (FS) 218.125 and FS 219.525, as applicable, and repairing or replacing any cracked part; and (2) require modifying the fuselage side frame flanges in the referenced FS areas (Modification Nos. 6/1461 and 6/1462), as terminating action for the repetitive inspections. Accomplishment of the proposed actions as specified in the NPRM would be in accordance with de Havilland Service Bulletin (SB) No. 6/371, dated June 2, 1978.

Modification No. 6/1461 introduces fuselage side frames manufactured from material having improved stress corrosion properties at FS 218.125, and Modification No. 6/1462 introduces fuselage side frames of this material at FS 219.525.

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 Aging Commuter-Class Aircraft Policy

The actions specified in the NPRM are part of the FAA's aging commuter class aircraft policy, which briefly states that, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. This policy is based on the FAA's determination that reliance on critical repetitive inspections on aging commuter-class airplanes carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences of the airplane if the known problem is not detected by the inspection; (2) the reliability of the inspection such as the probability of not detecting the known problem; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

Events Leading to the Issuance of This Supplemental NPRM

As currently written, the existing NPRM (as does AD 78-26-02) allows continued flight if cracks are found in the fuselage side frames that do not exceed certain limits. Since issuing the NPRM, the FAA has established a policy to disallow airplane operation when known cracks exist in primary structure, unless the ability to sustain ultimate load with these cracks is proven. The fuselage structure is considered primary structure, and the FAA has not received any analysis to prove that ultimate load can be sustained with cracks in this area. For this reason, the FAA has determined that the crack limits contained in the NPRM and AD 78-26-02 should be eliminated, and that AD action should be taken to require immediate replacement of any cracked fuselage flange.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other de Havilland DHC-6 series airplanes of the same type design without Modification Nos. 6/1461 and 6/1462 incorporated, the proposed AD would supersede AD 78-26-02 with a new AD that would (1) retain the current requirement of repetitively inspecting the fuselage side frame flanges at FS 218.125 and FS 219.525,

as applicable, and repairing or replacing any cracked part (except that the repair or replacement would be required prior to further flight); and (2) require modifying the fuselage side frame flanges in the referenced FS areas (Modification Nos. 6/1461 and 6/1462), as terminating action for the repetitive inspections. Accomplishment of the proposed actions would be in accordance with de Havilland SB No. 6/371, dated June 2, 1978.

The FAA prepared a Regulatory Flexibility Determination and Analysis for the original proposal. This analysis is unchanged and is repeated in this supplemental NPRM.

Cost Impact

The FAA estimates that 94 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 300 workhours per airplane to accomplish the proposed modification, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$16,200 (average) per airplane. Based on these figures, the total cost impact of the proposed modification on U.S. operators is estimated to be \$3,214,800 or \$34,200 per airplane. This cost figure is based upon the presumption that no affected airplane owner/operator has incorporated Modification Nos. 6/1461 and 6/1462.

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class airplanes that are in commercial service without adversely impacting private operators. Of the approximately 94 airplanes in the U.S. registry that would be affected by the proposed AD, the FAA has determined that approximately 45 percent are operated in scheduled passenger service. A significant number of the remaining 55 percent are operated in other forms of air transportation such as air cargo and air taxi.

The proposed AD allows 4,800 hours time-in-service (TIS) after the proposed AD would become effective before mandatory accomplishment of the design modification. The average utilization of the fleet for those airplanes in commercial commuter service is approximately 25 to 50 hours TIS per week. Based on these figures, operators of commuter-class airplanes involved in commercial operation would have to accomplish the proposed modification within 24 to 48 calendar months after the proposed AD would become effective. For private owners, who typically operate between 100 to 200 hours TIS per year, this would allow 24 to 48 years before the proposed modification would be mandatory.

The following paragraphs present cost scenarios for airplanes where no cracks were found and where cracks were found during the inspections, and where the remaining airplane life is 15 years with an average annual utilization rate of 1,600 hours TIS. A copy of the full Cost Analysis and Regulatory Flexibility Determination for the proposed action may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-45-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

- **No Cracks Scenario:** Under the provisions of AD 78-26-02, an owner/operator of an affected de Havilland DHC-6 series airplane in scheduled service who operates an average of 1,600 hours TIS annually would inspect every 400 hours TIS. This would amount to a remaining airplane life (estimated 15 years) cost of \$18,420; this figure is based on the presumption that no cracks are found during the inspections. The proposed AD would require the same inspections except at 600-hour TIS intervals until 4,800 hours TIS after the proposed AD would become effective where the operator would have to replace the fuselage side frame flanges (eliminating the need for further repetitive inspections), which would result in a present value cost of \$31,433. The incremental cost of the proposed AD for such an airplane would be \$13,013 or \$4,959 annualized over the three years it would take to accumulate 4,800 hours TIS. An owner of a general aviation airplane who operates 800 hours TIS annually without finding any cracks during the 600-hour TIS inspections would incur a present value incremental cost of \$7,598. This would amount to a per year amount of \$1,594 over the six years it would take to accumulate 4,800 hours TIS.

- **Cracks found scenario:** AD 78-26-02 requires repairing or replacing the fuselage side frames if excessive cracking is found (as defined by SB No. 6/371), as would the proposed AD. The difference is that AD 78-26-02 requires immediate crack repair and then replacement within 360 days after finding the crack, and the proposed AD would require immediate repair and mandatory replacement of the fuselage side frames within 4,800 hours TIS after the proposed AD would become effective. This would result in a present value total cost of \$34,709 per airplane in scheduled service, which would make immediate replacement more economical (\$32,400) than repetitively inspecting. With this scenario, the proposed AD would average a present value cost savings over that required in

AD 78-26-02 of \$2,083 (\$794 annualized over three years) for each airplane operated in scheduled service, and \$6,607 (\$1,386 annualized over six years) for each airplane operated in general aviation service.

Regulatory Flexibility Determination and Analysis

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by government regulations. The RFA requires government agencies to determine whether rules would have a "significant economic impact on a substantial number of small entities," and, in cases where they would, conduct a Regulatory Flexibility Analysis in which alternatives to the rule are considered. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, outlines FAA procedures and criteria for complying with the RFA. Small entities are defined as small businesses and small not-for-profit organizations that are independently owned and operated or airports operated by small governmental jurisdictions. A "substantial number" is defined as a number that is not less than 11 and that is more than one-third of the small entities subject to a proposed rule, or any number of small entities judged to be substantial by the rulemaking official. A "significant economic impact" is defined by an annualized net compliance cost, adjusted for inflation, which is greater than a threshold cost level for defined entity types. FAA Order 2100.14A sets the size threshold for small entities operating aircraft for hire at nine aircraft owned and the annualized cost thresholds, adjusted to 1994 dollars, at \$69,000 for scheduled operators and \$5,000 for unscheduled operators.

Of the 94 U.S.-registered airplanes affected by the proposed AD, four airplanes are owned by the federal government. Of the other 90 airplanes, one business owns 26 airplanes, two businesses own 7 airplanes each, one business owns 3 airplanes, seven businesses own 2 airplanes each, and thirty-three businesses own 1 airplane each.

Because the FAA has no readily available means of obtaining data on sizes of these entities, the economic analysis for the proposed AD utilizes the worst case scenario, using the lower annualized cost threshold of \$5,000 for operators in unscheduled service instead of \$69,000 for operators in scheduled service. With this in mind and based on the above ownership distribution, the 33 entities owning two

or fewer airplanes would not experience a "significant economic impact" as defined by FAA Order 2100.14A. Since the remaining 11 entities do not constitute a "substantial number" as defined in the Order, the proposed AD would not have a "significant economic impact on a substantial number of small entities."

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 USC 106(g), 40113, 44701.

39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 78-26-02, Amendment 39-3370, and adding the following new AD to read as follows:

De Havilland: Docket No. 91-CE-45-AD. Supersedes AD 78-26-02, Amendment 39-3370.

Applicability: Models DHC-6-1, DHC-6-100, DHC-6-200, and DHC-6-300 airplanes (serial numbers 1 through 411), certificated in any category, that do not have Modification Nos. 6/1461 and 6/1462 incorporated.

Note 1: Modification No. 6/1461 introduces fuselage side frames manufactured from material having improved stress corrosion properties at Fuselage Station (FS) 218.125, and Modification No. 6/1462 introduces fuselage side frames of this material at FS 219.525.

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 (e) 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 as indicated, unless already accomplished.

To prevent failure of the fuselage because of cracks in the fuselage side frames, which, if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Within the next 200 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished (compliance with AD 78-26-02), and thereafter as indicated below, inspect the fuselage side frames for cracks at FS 218.125 and FS 219.525, as applicable (see chart below) in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland Service Bulletin (SB) No. 6/371, dated June 2, 1978. Utilize the following chart to determine which fuselage stations are affected:

Serial Nos.	Modification 6/1553 incorporated	Fuselage stations affected (both sides)
1 through 395	No	218.125 and 219.525.
1 through 395 396 through 411.	Yes N/A	219.525 only. 219.525 only.

Note 3: Modification 6/1553 incorporates fuselage side frames of improved stress corrosion resistant material at FS 218.125.

(1) If any crack is found during any inspection required by this AD, prior to further flight, accomplish one of the following:

(i) Repair the cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS: REPAIR: section of de Havilland SB No. 6/371, dated June 2, 1978. Reinspect thereafter at intervals not to exceed 600 hours TIS until the modification specified in paragraph (b) of this AD is incorporated; or

(ii) Replace the cracked fuselage side frame in accordance with the ACCOMPLISHMENT INSTRUCTIONS: REPLACEMENT: section of de Havilland SB No. 6/371, dated June 2, 1978. Reinspect any fuselage side frame not replaced at intervals not to exceed 600 hours TIS until the modification specified in paragraph (b) of this AD is incorporated.

(2) If no cracks are found, reinspect thereafter at intervals not to exceed 600 hours TIS until the modification specified in paragraph (b) of this AD is incorporated, provided no cracks are found during an inspection. If cracks are found, prior to further flight, repair or replace and reinspect as specified in paragraph (a)(1) of this AD.

(b) Within the next 4,800 TIS after the effective date of this AD, incorporate Modification Nos. 6/1461 and 6/1462 in accordance with the ACCOMPLISHMENT INSTRUCTIONS: REPLACEMENT: section of de Havilland SB No. 6/371, dated June 2, 1978. This consists of replacing all fuselage side frames required as specified in the following chart:

Serial Nos.	Modification 6/1553 incorporated	Fuselage stations affected (both sides)
1 through 395	No	218.125 and 219.525.
1 through 395 396 through 411.	Yes N/A	219.525 only. 219.525 only.

(c) Incorporating Modification Nos. 6/1461 and 6/1462 as specified in paragraph (b) of this AD is considered terminating action for the inspection requirement of this AD. The modifications may be incorporated at any time prior to the next 4,800 hours TIS after the effective date of this AD, at which time they must be incorporated.

(d) 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.

(e) 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, New York Aircraft Certification Office (ACO), FAA, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft ACO. Alternative methods of compliance approved in accordance with AD 78-26-02 are not considered approved as alternative methods of compliance with this AD.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario

M3K 1Y5 Canada; 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.

(g) This amendment supersedes AD 78-26-02, Amendment 39-3370.

Issued in Kansas City, Missouri, on March 24, 1997.

Henry Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-7967 Filed 3-28-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 93-ANE-08]

RIN 2120-AA64

Airworthiness Directives; Teledyne Continental Motors IO-360, TSIO-360, LTSIO-360, IO-520, and TSIO-520 Series, and Rolls-Royce plc IO-360 and TSIO-360 Series Reciprocating Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This notice revises an earlier proposed airworthiness directive (AD), applicable to certain Teledyne Continental Motors (TCM) IO-360, TSIO-360, LTSIO-360, IO-520, and TSIO-520 series reciprocating engines. Airworthiness directive 87-23-08 currently requires ultrasonic inspection for subsurface fatigue cracks in crankshafts installed in TCM IO-520 and TSIO-520 series engines and replacement of the crankshaft if a crack is found. The proposed AD would have superseded AD 87-23-08 by expanding the applicability of the AD to include IO-360, TSIO-360 and LTSIO-360 series engines, requiring the removal of all crankshafts manufactured using the airmelt process on all of the affected engine models and replacement with crankshafts manufactured using the vacuum arc remelt (VAR) process. That proposal was prompted by reports of crankshaft failures due to subsurface fatigue cracking on engines that had been inspected in accordance with the current AD. This action revises the proposed rule by superseding AD 87-23-08, making the new AD applicable to TCM IO-360, TSIO-360, LTSIO-360, IO-520, LTSIO-520, TSIO-520, LTSIO-520 and Rolls-Royce, plc IO-360 and TSIO-360 series engines, incorporating new ultrasonic inspection criteria in the AD and revising the economic impact analysis. The proposed action would still require removal of crankshafts

manufactured using the airmelt process and replacement with crankshafts manufactured using the VAR process. The actions specified by this proposed AD are intended to prevent crankshaft failure and subsequent engine failure.

DATES: Comments must be received by April 30, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93-ANE-08, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@dot.faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601; telephone (334) 438-3411. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Jerry Robinette, Aerospace Engineer, Atlanta Aircraft Certification Office, FAA, Small Airplane Directorate, Campus Building, 1701 Columbia Ave., Suite 2-160, College Park, GA 30337-2748; telephone (404) 305-7371, fax (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 summarizing 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 Number 93-ANE-08." 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, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93-ANE-08, 12 New England Executive Park, Burlington, MA 01803-5299.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Teledyne Continental Motors (TCM) IO-360, TSIO-360, LTSIO-360, IO-520 and TSIO-520 series reciprocating engines was published as a supplemental notice of proposed rulemaking (SNPRM) in the **Federal Register** on August 24, 1995 (60 FR 43995). That proposal would have superseded AD 87-23-08, Amendment 39-5735 (52 FR 41937, October 30, 1987), which currently requires ultrasonic inspection of TCM IO-520 and TSIO-520 series engines for subsurface fatigue cracks in the crankshaft and replacement of the crankshaft, if a crack is found. The proposed AD would have retained the ultrasonic inspection, but would have required the removal of crankshafts manufactured using the airmelt process and required replacement with crankshafts that were manufactured using the vacuum arc remelt (VAR) process. The proposed AD would have also expanded the affected population of engines to add the TCM IO-360, TSIO-360 and LTSIO-360 series engines to the IO-520 and TSIO-520 series engines affected by AD 87-23-08. That proposal was prompted by reports of crankshaft failures due to subsurface fatigue cracking on engines that had been inspected in accordance with AD 87-23-08. That condition, if not corrected, could result in crankshaft failure and subsequent engine failure.

Since the issuance of that SNPRM, the Federal Aviation Administration (FAA) has determined that TCM LIO-520 and LTSIO-520 and Rolls-Royce, plc IO-360 and TSIO-360 series engines are also affected and should be included in this proposal as they are identical in design and manufacturing process. The number