

Burbank has been phased out completely and the Centennial Russet accounts for less than 10 percent of the crop. The Burbank and the Centennial have been replaced by other varieties, including new Russet varieties which have the same bulky features as the Centennial.

The new varieties, however, were required only to meet the 1 7/8 inch minimum diameter, not the 2 inch minimum diameter or 4 ounce minimum weight requirements that Centennial Russets were required to meet. The industry was concerned that Centennial Russets could be misrepresented as one of the new Russet varieties, so as to comply only with the smaller size requirement. The interim final rule, by establishing the same size requirements for all Russet varieties, eliminated that possibility.

Reducing the size requirement allowed handlers to market a larger portion of the Centennial Russet crop in fresh outlets. That change improved the marketing of Colorado potatoes and increased returns to producers.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

There are approximately 118 handlers of Colorado Area 2 potatoes who are subject to regulation under the marketing order and approximately 280 producers of Colorado potatoes in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those whose annual receipts are less than \$500,000. The majority of potato producers and handlers regulated under the marketing agreement and order may be classified as small entities.

Section 948.22 of the order authorizes the issuance of handling regulations for potatoes grown in Colorado. The interim final rule relaxed the size requirement for Centennial Russet variety potatoes grown in Area No. 2 from a 2 inch minimum diameter or 4-ounce minimum weight to a 1 7/8 inch minimum diameter with no weight option. This change enabled handlers to market a larger portion of the crop in fresh market outlets and improved the marketing of Colorado potatoes. There is no available information detailing how many potatoes this relaxation allowed to be marketed which could not have been marketed prior to this action.

The rule also eliminated a potential compliance problem, as all Russet varieties are now required to meet the same size specifications. Other Russet varieties were required only to meet the smaller size regulation of 1 7/8 inch diameter. Because some of the new Russet varieties with characteristics very similar to Centennials faced the smaller size requirement and have surpassed Centennials in popularity, there was a possibility that Centennials could have been misrepresented as one of the new Russet varieties.

The only viable alternative to reducing the size requirement for Centennials was to increase the size requirement for all other long potatoes, including all other Russets. The Committee surveyed 270 growers from Area No. 2 concerning the grade and size regulation. Both options for equalizing the size regulations for all long potatoes were included in the survey. The participating growers rejected increasing the size requirements for all other long potatoes, which would have reduced the number of Colorado potatoes on the market, in favor of the size requirement reduction established by the interim final rule.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Colorado potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the August 21, 1997, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. The Committee itself is composed of 12 members, of which 5 are handlers and 7 are producers, the majority of whom are small entities.

Also, the Committee surveyed 270 producers in Area No. 2, the majority of whom are small entities, concerning regulation during the 1997-98 potato shipping season. This rule reflects the outcome of that survey of predominantly small growers.

An interim final rule concerning this action was published in the **Federal Register** on September 26, 1997 (62 FR 50479). Copies of the rule were mailed or sent via facsimile to all Committee

members and Area 2 potato producers and handlers. Finally, the rule was made available through the Internet by the Office of the **Federal Register**. A 60-day comment period was provided. No comments were received.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

#### **List of Subjects in 7 CFR Part 948**

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

#### **PART 948—IRISH POTATOES GROWN IN COLORADO**

Accordingly, the interim final rule amending 7 CFR part 948 which was published at 62 FR 50479 on September 26, 1997, is adopted as a final rule without change.

Dated: December 15, 1997.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

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#### **DEPARTMENT OF TRANSPORTATION**

##### **Federal Aviation Administration**

##### **14 CFR Part 39**

[Docket No. 97-CE-13-AD; Amendment 39-10258; AD 97-26-15]

RIN 2120-AA64

##### **Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Models 1900, 1900C, and 1900D airplanes (formerly referred to as Beech Models 1900, 1900C, and 1900D airplanes). This AD requires lubricating the main landing gear actuator rod ends and eventually replacing these rod ends with Teflon-lined rod ends. The AD results from reports of in-flight separations of the rod end that attaches the actuator to the arm of the main landing gear drag brace assembly on two of the affected airplanes caused by excessive friction in the rod end bearing. The actions

specified by this AD are intended to prevent actuator rod end failure caused by excessive friction in the rod end bearing, which could result in the inability to lower the main landing gear or result in landing gear collapse during landing.

**DATES:** Effective January 25, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 25, 1998.

**ADDRESSES:** Service information that applies to this AD may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-13-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:** Mr. Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4124; facsimile (316) 946-4407.

#### **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 certain Raytheon Models 1900, 1900C, and 1900D airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on July 23, 1997 (62 FR 39492). The NPRM proposed to require lubricating the actuator rod ends of the P/N 114-380041-11 (or FAA-approved equivalent part number) main landing gear actuators in accordance with Raytheon Safety Communiqué 1900-128, dated October 25, 1996. The proposed AD would also require eventually replacing the rod ends of the P/N 114-380041-11 (or FAA-approved equivalent part number) main landing gear actuators with Teflon-lined rod ends, P/N M81935/1-8K (or FAA-approved equivalent part number). Accomplishment of this proposed replacement would be in accordance with Raytheon Mandatory Service Bulletin No. 2730, Issued: November, 1996.

Raytheon Models 1900, 1900C, and 1900D airplanes could have main landing gear actuators installed that have Parts Manufacturer Approval

(PMA). For those airplanes having PMA parts that are equivalent (PMA by equivalency) to those referenced in the proposed AD, the phrase "or FAA-approved equivalent part number" means that the proposed actions, if followed by a final rule, would also apply to airplanes with PMA by equivalency actuators installed.

The NPRM resulted from reports of in-flight separations of the rod end that attaches the actuator to the arm of the main landing gear drag brace assembly on two of the affected airplanes caused by excessive friction in the rod end bearing.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received from one commenter. No comments have been received regarding the FAA's estimate of the cost impact upon the public.

##### *Comment No. 1: Language Change in the AD*

The commenter requests that the FAA add the following language to paragraph (b) of the proposed AD:

Installation of P/N M81935/1-8K (or FAA-approved equivalent part) rod end constitutes terminating action to the lubricating requirements of provision (a) of this AD.

The commenter feels that adding this language to paragraph (b) of this AD will eliminate the need for the language in paragraph (a)(1) and (a)(2) of this AD.

The FAA partially agrees. The FAA believes that language similar to that proposed by the commenter could replace paragraph (a)(1) of the proposed AD, which currently reads:

This lubrication is not needed on airplanes that have P/N M81935/1-8K (or FAA-approved equivalent part number) main landing gear actuator rod ends installed, as required by paragraph (b) of this AD.

However, paragraph (a)(2) states that the operator may accomplish the installation at any time prior to 600 hours time-in-service (TIS). The FAA feels that this paragraph is necessary as it provides information and clarification necessary for persons who might want to accomplish the installation at a regular maintenance interval, and would prefer to accomplish the installation and not accomplish the lubrication requirements of the AD. The FAA will replace the language of paragraph (a)(1) with language similar to that requested by the commenter. Paragraph (a)(1) of the final rule has been changed accordingly.

##### *Comment No. 2: Wrong reference to Raytheon Safety Communiqué 1900-128*

The commenter states that Raytheon Safety Communiqué 1900-128 was incorrectly referenced in the proposed AD as Raytheon Safety Communiqué 1900-28. The commenter requests that the proposed AD be changed to reflect the correct reference to this service information.

The FAA concurs and will change the final rule accordingly.

#### **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 the changes described above and minor editorial corrections. The FAA has determined that these changes and 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 507 airplanes in the U.S. registry would be affected by this AD, that it would take approximately 4 workhours per airplane (2 workhours per actuator with 2 actuators per airplane) to accomplish the required installation, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$233 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$239,811, or \$473 per airplane. These figures are based on the presumption that no owner/operator of the affected airplanes has incorporated the required installation.

Raytheon has informed the FAA that approximately 609 actuator rod ends have been shipped from the Raytheon Aircraft Authorized Service Center. This is enough to equip approximately 300 of the affected airplanes (two main landing gear actuators per airplane). Presuming that these actuator rod ends were incorporated on the affected airplanes (two per airplane), this would reduce the cost impact of this AD by \$141,900 from \$239,811 to \$97,911.

#### **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 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:

97-26-15 Raytheon Aircraft Company: Amendment 39-10258; Docket No. 97-CE-13-AD.

Applicability: The following model and serial number airplanes, certificated in any category, that are equipped with at least one part number (P/N) 114-380041-11 (or FAA-approved equivalent part number) main landing gear actuator:

Model	Serial numbers
1900 .....	UA-2 and UA-3.
1900C .....	UB-1 through UB-74, and UC-1 through UC-174.
1900C (C-12J) .....	UD-1 through UD-6.
1900D .....	UE-1 through UE-249 and UE-252.

Note 1: The airplanes affected by this AD could have main landing gear actuators installed that have Parts Manufacturer Approval (PMA). For those airplanes having PMA parts that are equivalent (PMA by equivalency) to those referenced in this AD,

the phrase "or FAA-approved equivalent part number" means that this AD applies to airplanes with PMA by equivalency main landing gear actuators installed.

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 installation, 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 in the body of this AD, unless already accomplished.

To prevent actuator rod end failure caused by excessive friction in the rod end bearing, which could result in the inability to lower the main landing gear or result in landing gear collapse during landing, accomplish the following:

(a) Upon accumulating 1,200 hours time-in-service (TIS) on each P/N 114-380041-11 (or FAA-approved equivalent part number) main landing gear actuator or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, lubricate the actuator rod ends in accordance with Raytheon Safety Communiqué 1900-128, dated October 25, 1996.

(1) Installation of P/N M81935/1-8K (or FAA-approved equivalent part number) main landing gear actuator rod ends constitutes terminating action to the lubricating requirements of paragraph (a) of this AD.

(2) Installing the P/N M81935/1-8K (or FAA-approved equivalent part number) main landing gear actuator rod ends may be accomplished at any time prior to the next 600 hours TIS, at which time they must be installed (see paragraph (b) of this AD).

(b) Within the next 600 hours TIS after the effective date of this AD, install Teflon-lined main landing gear actuator rod ends, P/N M81935/1-8K (or FAA-approved equivalent part number), in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon Mandatory Service Bulletin No. 2730, Issued: November, 1996.

(c) As of the effective date of this AD, no person may install a P/N 114-380041-11 (or FAA-approved equivalent part number) main landing gear actuator without replacing the rod ends with P/N M81935/1-8K (or FAA-approved equivalent part number). Installing these Teflon-lined rod ends re-identifies the main landing gear actuator as P/N 114-380041-13.

(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 compliance time that provides an equivalent level of safety may be

approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(f) The lubrication required by this AD shall be done in accordance with Raytheon Safety Communiqué 1900-128, dated October 25, 1996. The installation required by this AD shall be done in accordance with Raytheon Mandatory Service Bulletin No. 2730, Issued: November, 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 the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Central Region, Office of the Regional 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.

(g) This amendment (39-10258) becomes effective on January 25, 1998.

Issued in Kansas City, Missouri, on December 10, 1997.

Michael Gallagher, Manager, Small Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-140-AD; Amendment 39-10254; AD 97-26-11]

RIN 2120-AA64

Airworthiness Directives; Aerospatiale Model ATR42-200, -300, and -320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR42-200, -300, and -320 series airplanes, that requires an inspection to detect corrosion of the rear spars of the wings, and corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are