

Finally, the rule was made available through the Internet by the Office of the Federal Register.

A 15-day comment period was provided to allow interested persons to respond to the proposal. Fifteen days was deemed appropriate because a rule finalizing the action would need to be in place as soon as possible since handlers are already shipping dates from the 1996–97 crop.

Two comments were received during the comment period in response to the proposal. The commenters, both representing the same producer operation, opposed the proposed relaxation. The points made by the commenters were thoroughly discussed prior to the committee vote.

The commenters disagreed with the statement in the proposed rule that the relaxation would benefit both producers and handlers. They claimed that the increased returns to the handlers would not be passed down to the producers. While this may differ between and among individual handlers and producers, it is the Department's understanding that growers are paid for their dates by handlers either on a weight basis (so much money per pound of dates delivered) or on a packout basis (so much money per pound of U.S. Grade B or U.S. Grade C dates). Committee members indicated at the meeting that, when growers are paid based on packout, such growers receive about \$.30 more per pound for U.S. Grade B dates than U.S. Grade C dates. As previously mentioned, the committee anticipates that increasing the tolerance for smaller size fruit will allow more dates to meet U.S. Grade B and be sold as DAC and FP dates and thus, will benefit handlers and producers in the industry.

The commenters also contend that the proposed relaxation will lower industry quality standards at a time when the industry should be striving for higher standards. However, as discussed by the committee and specified in the proposed rule, the 5 percent increase in the number of smaller size dates should result in an average of only 2 additional smaller sized dates in each package of approximately 60 dates. The majority of the committee members felt such a relaxation would not significantly affect the overall quality of each date package.

One commenter claimed that the estimate of 450,000 to 750,000 pounds of additional dates made available by the proposed rule is not accurate because the industry's carry-in inventory was 14 million pounds. While the total inventory is, indeed, estimated at 14.7 million pounds, the inventory of DAC dates—those dates affected by the

relaxation—is only 5.7 million pounds, which is less than normal. The committee's estimate of an additional 450,000 to 750,000 pounds of DAC dates is accurate.

The commenter also suggested that smaller dates would not necessarily come only from the 1996 crop. The commenter stated that the rule's expiration date of October 31, 1997, overlaps the 1997 crop harvest. The commenter contends that smaller dates from the 1997 crop could be packed with the 1996 crop. However, harvest usually begins in mid to late October and only a small amount of dates are harvested and processed before the end of the month. Also, it is common industry practice to store dates for up to 10 months prior to processing, packaging and shipment. Therefore, the October 1997 time period would allow stored 1996 crop dates to be used.

The commenter also claimed that the relaxation is a short term solution and questioned whether other commodities lower quality standards because of adverse weather conditions. Such action has been recommended by other marketing order committees and approved by the Secretary for some commodities. Such recommendations have helped marketing order industries to fully utilize available production when harvests are diminished by adverse weather or other disasters.

Accordingly, no changes will be made to the rule as proposed, based on the comments received.

After consideration of all relevant matter presented, including the information and recommendation submitted by the committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register (5 U.S.C. 553) because handlers are already shipping dates from the 1996–97 crop and handlers want to take advantage of the relaxation as soon as possible. Further, handlers are aware of this rule, which was recommended at a public meeting. Also, a 15-day comment period was provided for in the proposed rule.

#### List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 987 is amended as follows:

1. The authority citation for 7 CFR part 987 continues to read as follows:

Authority: 7 U.S.C. 601–674.

## PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

### § 987.112a [Amended]

2. In § 987.112a, paragraphs (b)(2) and (c)(2), the words “December 29, 1992, and ending October 31, 1993,” are removed and the words “February 21, 1997, and ending October 31, 1997,” are added in their place.

Dated: February 14, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–4335 Filed 2–18–97; 2:02 pm]

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## Rural Utilities Service

### 7 CFR Part 1710

RIN 0572–AB30

## Pre-Loan Procedures for Electric Loans

AGENCY: Rural Utilities Service, USDA.

ACTION: Direct final rule.

**SUMMARY:** The Rural Utilities Service (RUS) is issuing a minor amendment to its pre-loan procedures that will clarify that use of a conventional utility indenture as a security instrument for loans to power supply borrowers is permissible. This amendment will give these borrowers and RUS the flexibility to address the complex issues surrounding power supply loans in the rapidly changing electric industry. The rule will also enhance loan security and, by conforming more closely to private lending practice, allow easier access to private sector financing.

In the proposed rules section of this Federal Register, RUS is proposing approval of and soliciting comments on this action. If adverse comments are received on this action, RUS will withdraw this final rule prior to its effective date and address the comments received in response to this action in a final rule on the related proposed rule, which is published in the proposed rules section of this Federal Register. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time.

**DATES:** This rule will become effective on April 7, 1997, unless we receive written adverse comments or notice of intent to submit adverse comments on or before March 24, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Submit any adverse comments or notice of intent to submit adverse comments to F. Lamont Heppe, Jr., Director, Program Support and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, Room 2230-S, 1400 Independence Avenue, SW., STOP 1522, Washington, DC 20250-1522. RUS requires, in hard copy, a signed original and 3 copies of all comments (7 CFR 1700.30(e)). Comments will be available for public inspection during regular business hours at Room 4034, South Building, U.S. Department of Agriculture, Washington, DC 20250 between 8:00 a.m. and 4:00 p.m. (7 CFR part 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** F. Lamont Heppe, Jr., Director, Program Support and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, Room 2230-S, 1400 Independence Avenue, SW., STOP 1522, Washington, DC 20250-1522. Telephone: 202-720-0736. FAX: 202-720-4120. E-mail: fheppe@rus.usda.gov.

**SUPPLEMENTARY INFORMATION:** This regulatory action has been determined to be not significant for the purposes of Executive Order 12866, Regulatory Planning and Review, and, therefore has not been reviewed by the Office of Management and Budget (OMB). The Administrator of RUS has determined that a rule relating to the RUS electric loan program is not a rule as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for which RUS published a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b), or any other law. Therefore, the Regulatory Flexibility Act does not apply to this action. The Administrator of RUS has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment. This rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. A Notice of Final Rule titled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts RUS electric loans and loan guarantees from coverage under this Order. This rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in Sec. 3. of the Executive Order.

The program described by this rule is listed in the Catalog of Federal Domestic Assistance Programs under number

10.850 Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402-9325.

#### Information Collection and Recordkeeping Requirements

The recordkeeping and reporting burdens contained in this rule were approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) under control number 0572-0032.

#### Background

RUS recognizes that power supply borrowers (also known as generation and transmission borrowers or "G&T's") generally have a far more complex corporate structure and face more complex financing issues than distribution borrowers. In order to meet the financing needs of these borrowers more efficiently, RUS is amending its regulations to specifically allow the use of a conventional utility indenture in lieu of a mortgage as security instruments for loans to these borrowers.

Although current RUS regulations do not preclude the use of trust indentures as security instruments for RUS loans, the Agency believes that it would be useful to clarify how RUS regulations in 7 CFR Chapter XVII will be reconciled with any conflicting provisions contained in conventional utility indentures and related loan contracts which the Agency may accept in lieu of typical RUS mortgages and mortgages as loan instruments. The Agency anticipates that otherwise some of the provisions in such indentures and loan contracts might conflict with provisions in this chapter that were developed to implement or interpret the traditional standard forms of RUS loan instruments which were designed for use under different circumstances.

On July 18, 1995, at 60 FR 36882, and December 29, 1995, at 60 FR 67396, RUS substantially revised the forms of loan instruments it uses in making loans to electric distribution borrowers. Because of the differing situations of power supply borrowers, RUS did not attempt to prescribe corresponding forms of those new documents for power supply borrowers. Nevertheless, RUS recognizes that many of the reasons underlying the modernization effort apply to its power supply borrowers. Thus, RUS believes that the option of using trust indentures represents a balanced approach to increasing borrowers' access to private capital

markets and reducing RUS operational controls while simultaneously enhancing RUS loan security by appropriately adapting to the changing cooperative electric industry.

RUS is willing to consider the use of an indenture when RUS and the power supply borrower mutually agree that it is appropriate. The terms of each indenture and related loan agreement will be negotiated on a case by case basis to best meet the needs of the individual borrower and the Government as the electric industry undergoes a period of drastic change. RUS believes that ultimately this approach will enhance loan security by addressing the individual circumstances of each borrower; will allow RUS greater flexibility in dealing with the more complex structures of most power supply borrowers; and will allow these borrowers easier access to private sources of credit, thus reducing their dependence on RUS financing. RUS recognizes that this approach may conflict from time to time with some provisions of 7 CFR Chapter XVII. This regulation provides that the terms of any indenture or associated loan contract control in such circumstances.

RUS is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in the proposed rules section of this Federal Register publication, RUS is proposing to amend 7 CFR part 1710 should adverse or critical comments be filed.

If RUS receives such comments, RUS will publish a subsequent document that will withdraw this direct final rule before the effective date. All public comments received will be addressed in a subsequent final rule based on the proposed rule. RUS will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

#### List of Subjects in 7 CFR Part 1710

Electric power, Electric utilities, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

For the reasons set out in the preamble, and under the authority of 7 U.S.C. 901 *et seq.*, RUS amends 7 CFR Part 1710 as follows:

#### **PART 1710—GENERAL AND PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS**

1. The authority citation for part 1710 continues to read as follows:

Authority: 7 U.S.C. 901–950(b); Pub. L. 99–591, 100 Stat. 3341; Pub. L. 103–354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

2. Section 1710.113 is amended by redesignating the existing paragraph (c) as paragraph (c)(1) and adding a new paragraph (c)(2) to read as follows:

**§ 1710.113 Loan security.**

\* \* \* \* \*

(c)(1) \* \* \*

(2) The Administrator, at his or her discretion, may approve the use of an indenture patterned after those indentures commonly used by utilities engaged in private market financing, in lieu of a mortgage as the security instrument for loans to power supply borrowers. The use of an indenture will be by mutual agreement of the borrower and the Administrator. The terms of each indenture and related loan agreement will be negotiated on a case by case basis to best meet the needs of the individual borrower and the Government. The provisions of the indenture and loan contract shall control, notwithstanding any provisions of 7 CFR Chapter XVII which may be in conflict therewith.

\* \* \* \* \*

Dated: February 10, 1997.

Jill Long Thompson,

*Under Secretary, Rural Development.*

[FR Doc. 97–3990 Filed 2–19–97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97–NM–24–AD; Amendment 39–9933; AD 97–04–09]

RIN 2120–AA64

#### Airworthiness Directives; Aerospatiale Model ATR42–300 and ATR42–320 Series Airplanes

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR42–300 and ATR42–320 series airplanes. This action requires repetitive ultrasonic inspections to detect fatigue cracks of the lower lugs of the barrel of the main landing gear (MLG); and replacement of cracked lower lugs with new or serviceable ones and a follow-on inspection. This amendment is prompted by reports indicating that, due

to fatigue cracking in the lower lugs of the barrel, the MLG collapsed. The actions specified in this AD are intended to detect and correct such fatigue cracking, which could lead to the collapse of the MLG.

**DATES:** Effective March 7, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 7, 1997.

Comments for inclusion in the Rules Docket must be received on or before April 21, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–24–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 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:** Gary Lium, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1112; fax (206) 227–1149.

**SUPPLEMENTARY INFORMATION:** The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Aerospatiale Model ATR42–300 and ATR42–320 series airplanes. The DGAC advises that it has received reports indicating that the main landing gear (MLG) collapsed on two airplanes; one incident occurred during taxi and the other during landing roll. Investigation revealed that, following normal overhaul or repair procedures, moisture may enter the joint between the fixed barrel and the shock absorbing portion of the trailing arm of the MLG. Such moisture could result in corrosion and consequent fatigue cracking in the lower lugs of the barrel of the MLG, which is the main attachment point for the joint.

Fatigue cracking in the lower lugs of the barrel of the MLG, if not detected and corrected in a timely manner, could lead to the collapse of the MLG.

#### Explanation of Relevant Service Information

Messier-Dowty has issued Service Bulletin No. 631–32–132, dated January 21, 1997, which describes procedures for performing repetitive ultrasonic inspections to detect fatigue cracks of the barrel lower lugs of MLG. The service bulletin also describes procedures for replacement of cracked barrel lower lugs with new or serviceable ones and a follow-on inspection. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 96–294(B), dated January 15, 1997, in order to assure the continued airworthiness of these airplanes in France.

#### FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to detect and correct fatigue cracking in the lower lugs of the barrel, which could result in collapse of the MLG. This AD requires repetitive ultrasonic inspections to detect fatigue cracks of the lower lugs of the barrel of MLG. This AD also requires replacement of cracked lower lugs with new or serviceable ones and a follow-on inspection. The actions are required to be accomplished in accordance with the service bulletin described previously.

#### Interim Action

The FAA is considering further rulemaking action to supersede this AD to require modification of the lower lugs of the barrel of the MLG, which will constitute terminating action for the repetitive inspections required by this AD action. However, the planned compliance time for these actions is sufficiently long so that prior notice and time for public comment will be practicable.