

have been in Canada. We also proposed to remove the requirement that such birds may only be imported through a designated port. For pet birds of Canadian origin, we proposed to add the requirement that the birds be accompanied by a veterinary health certificate issued by Agriculture Canada. We also proposed to allow pet birds imported from countries other than Canada to be maintained under home quarantine for 30 days rather than be quarantined for 30 days at a facility operated by the U.S. Department of Agriculture (USDA). For pet birds of U.S. origin, we proposed to allow microchip implants as a form of permanent identification. We also proposed to amend the regulations in 9 CFR part 130, concerning user fees, to reflect our proposal that pet birds imported from any country could now undergo home quarantine, and should be charged the appropriate user fee for home quarantine services. We proposed these actions in order to facilitate the importation of pet birds, while continuing to provide protection against the introduction of communicable diseases into the United States.

We solicited comments concerning our proposal for 60 days ending October 21, 1996. We received 16 comments by that date. They were from veterinarians, humane organizations, environmental interest groups, raptor breeders and associations, and falconers. Ten of the comments supported the proposed rule, but requested minor changes, mostly concerning special considerations in the importation of raptors from Canada. The remainder of the comments opposed the proposed rule, expressing concerns regarding allowing home quarantine for pet birds imported from countries other than Canada and removing the requirement for veterinary inspection at the port of entry for pet birds imported from Canada. Specifically, commenters said that most pet bird owners would not necessarily recognize the signs of disease in their pet birds under home quarantine, that home quarantine would not include any tests for disease or precautionary medication (as is administered when a pet bird undergoes quarantine at a USDA-operated facility), and that the proposal did not include adequate provisions to ensure that pet bird owners comply with the home quarantine requirements. Commenters were also concerned that removing veterinary inspection at the port of entry for pet birds from Canada would increase the opportunities for exotic birds to be smuggled illegally into the United States.

After considering all the comments we received, we have concluded that it

is necessary to reexamine the need for relieving restrictions on the importation of pet birds and the disease risks associated with the importation of pet birds into the United States. Therefore, we are withdrawing the August 21, 1996, proposed rule referenced above. The concerns and recommendations of all the commenters will be considered if any new proposed regulations regarding the importation of pet birds are developed.

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

Done in Washington, DC, this 26th day of February 1997.

Terry L. Medley,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-5161 Filed 2-28-97; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-126-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain CASA Model CN-235 series airplanes. This proposal would require a one-time inspection to detect fatigue cracking in the area of the center wing-to-fuselage attachment fitting, and repair, if necessary. This proposal also would require installation of a reinforcing plate in the attachment area of that fitting. This proposal is prompted by a report from the manufacturer indicating that, during full-scale fatigue testing, fatigue cracks were detected in this area. The actions specified by the proposed AD are intended to prevent fatigue cracking, which consequently could reduce the structural integrity of this area.

**DATES:** Comments must be received by April 10, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport

Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-126-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Greg Dunn, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2799; fax (206) 227-1149

#### **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 shall 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 96-NM-126-AD." 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, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-126-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

## Discussion

The Dirección General de Aviación (DGAC), which is the airworthiness authority for Spain, recently notified the FAA that an unsafe condition may exist on certain CASA Model CN-235 series airplanes. The DGAC advises that it has received a report from the manufacturer indicating that, during full-scale fatigue testing, fatigue cracks were detected on the test article in the area of the center wing-to-fuselage attachment fitting. This condition, if not prevented, could reduce the structural integrity of this area.

## Explanation of Relevant Service Information

CASA has issued Service Bulletin SB-235-53-20, Revision 2, dated June 9, 1994 (for non-military airplanes), and Service Bulletin SB-235-53-20M, Revision 1, dated November 27, 1995 (for military airplanes). Both service bulletins describe procedures for installing a reinforcing plate in the attachment area of the center wing-to-fuselage attachment fitting. Installation of the reinforcing plate will preclude the development of fatigue cracking in the attachment area.

The DGAC classified CASA Service Bulletin SB-235-53-20 as mandatory and issued Spanish airworthiness directive 03/94, dated August 1994, in order to assure the continued airworthiness of these airplanes in Spain.

## FAA's Conclusions

This airplane model is manufactured in Spain 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 Proposed 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, the proposed AD would require a one-time inspection to detect cracking in the area where the center wing-to-fuselage attachment fitting is located, and repair, if necessary. The proposed AD also would require installation of a

reinforcing plate in the attachment area of the center wing-to-fuselage attachment fitting, after inspection and any necessary repairs have been accomplished. The installation of the reinforcing plate would be required to be accomplished in accordance with the applicable service bulletin described previously.

## Differences Between the Proposed Rule and the Applicable Service Bulletin

Operators should note that this proposed AD would require that a one-time visual inspection be conducted immediately prior to the installation of the reinforcing plate. Any necessary repairs would be required to be accomplished in a manner approved by the FAA. CASA Service Bulletins SB-235-53-20 and SB-235-53-20M do not provide for procedures for conducting such an inspection or necessary repairs.

The FAA has determined that, due to the safety implications and consequences associated with fatigue cracking in this area, any such cracking must be repaired prior to further flight and the installation of the reinforcing plate.

## Cost Impact

The FAA estimates that 2 CASA Model CN-235 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 25 work hours per airplane to accomplish the proposed actions, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$645 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operator is estimated to be \$4,290, or \$2,145 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

## 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 proposed regulation (1) is not a "significant regulatory action"

under Executive Order 12866; (2) is not a "significant rule" under the 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 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, 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 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Construcciones Aeronauticas, S.A. Casa:  
Docket 96-NM-126-AD.

*Applicability:* Model CN-235 series airplanes; as listed in CASA Service Bulletin SB-235-53-20, Revision 2, dated June 9, 1994 (for non-military airplanes); and Service Bulletin SB-235-53-20M, Revision 1, dated November 27, 1995 (for military airplanes); certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (c) 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 accomplished previously.

To prevent fatigue cracking in the area of the center wing-to-fuselage attachment fitting, which consequently could reduce the structural integrity of this area, accomplish the following:

(a) For non-military airplanes: Prior to the accumulation of 17,000 total landings, accomplish the actions specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD:

(1) Remove all parts and other items in the area of the center wing-to-fuselage attachment fitting, in accordance with Paragraph 2.B. ("Removal") of the Accomplishment Instructions of CASA Service Bulletin SB-235-53-20, Revision 2, dated June 9, 1994.

(2) After all parts and other items have been removed in accordance with paragraph (a)(1) of this AD, conduct a visual inspection, using a magnifier of at least 10x magnitude, to detect fatigue cracking in this area (ref: Figure 1, Sheet 1, of the service bulletin). If any cracking is detected, prior to further flight and prior to installing the reinforcing plate in accordance with paragraph (a)(3) of this AD, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(3) Install a reinforcing plate having CASA part number (P/N) 35-25010-0101 in the attachment area of the center wing-to-fuselage attachment fitting, in accordance with the service bulletin.

(b) For military airplanes: Prior to the accumulation of 15,000 total landings, accomplish the actions specified in paragraphs (b)(1), (b)(2), and (b)(3) of this AD:

(1) Remove all parts and other items in the area of the center wing-to-fuselage attachment fitting, in accordance with Paragraph 2.B. ("Removal") of the Accomplishment Instructions of CASA Service Bulletin SB-235-53-20M, Revision 1, dated November 27, 1995.

(2) After all parts and other items have been removed in accordance with paragraph (b)(1) of this AD, conduct a visual inspection, using a magnifier of at least 10x magnitude, to detect fatigue cracking in this area (ref: Figure 1, Sheet 1, of the service bulletin). If any cracking is detected, prior to further flight and prior to installing the reinforcing plate in accordance with paragraph (b)(3) of this AD, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA.

(3) Install a reinforcing plate having CASA part number (P/N) 35-25010-0101 in the attachment area of the center wing-to-fuselage attachment fitting, in accordance with the service bulletin.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

Issued in Renton, Washington, on February 25, 1997.

James V. Devany,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 97-5160 Filed 2-28-97; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 96-CE-24-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2A and BN-2A Mk 111 Series Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to supersede Airworthiness Directive (AD) 75-24-07 R1, which currently requires repetitively inspecting the left-hand (LH) rudder bar assembly for cracks and loose fasteners on certain Pilatus Britten-Norman Ltd. BN-2A and BN-2A Mk 111 series airplanes, and replacing any cracked part. The Federal Aviation Administration's policy on aging commuter-class aircraft is to eliminate certain repetitive short-interval inspections when improved parts or modifications are available. The proposed action would require inspecting the LH rudder bar assembly, determining the wall thickness of the slider tube unit, modifying the rudder bar assembly by replacing the LH slider tube with a new strengthened slider tube unit as terminating action for the repetitive inspections that are currently required by AD 75-24-07 R1. The actions specified in the proposed AD are intended to prevent failure of the pilot's rudder bar assembly, which, if not detected and corrected, could result in loss of control of the airplane.

**DATES:** Comments must be received on or before May 5, 1997.

**ADDRESSES:** Submit comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-24-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

Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone 44-1983 872511; facsimile 44-1983 873246. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Tom Rodriguez, Program Officer, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; telephone (322) 508.2715; facsimile (322) 230.6899; or Mr. S. M. Nagarajan, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

#### **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. 96-CE-24-AD." 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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-24-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.