decision affirming the carrier's denial of benefits.

[FR Doc. 96–8373 Filed 4–4–96; 8:45 am]
BILLING CODE 6325–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 98

[Docket No. 94–006–2]

Importation of Embryos From Ruminants and Swine From Countries Where Rinderpest or Foot-and-Mouth Disease Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations to allow, under specified conditions, the importation of embryos from all ruminants, including cervids, camelids, and all species of cattle, and from swine from countries where rinderpest or foot-and-mouth disease exists. The regulations currently provide for importing only embryos from certain species of cattle in countries where rinderpest or foot-and-mouth disease exists. Research now indicates that embryos from all species of cattle, from ruminants other than cattle, and from swine, which are produced, collected, and handled under certain conditions in countries where rinderpest or foot-and-mouth disease exists, can be imported with virtually no risk of introducing communicable diseases of livestock into the United States. This action will make additional sources of genetic material available to domestic animal breeders.

EFFECTIVE DATE: April 5, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Roger Perkins, Staff Veterinarian, Import Animals Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231, (301) 734–8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 98 (referred to below as the regulations) govern the importation of animal germ plasm so as to prevent the introduction of contagious diseases of livestock or poultry into the United States. Subpart A of part 98 applies to ruminant and swine embryos from countries free of rinderpest and foot-and-mouth disease (FMD), and to embryos of horses and asses. Subpart B applies to certain cattle embryos from countries where rinderpest or FMD exists. Subpart C applies to certain animal semen.

Subpart B currently allows for the importation of embryos from cattle (*Bos indicus* and *Bos taurus*) from countries where rinderpest or FMD exists only if embryos are produced, collected, and handled under certain conditions. However, research [1] has demonstrated that the same conditions effectively ensure that embryos from all species of cattle, and from swine, and from ruminants other than cattle, including camelids and cervids, can also be imported into the United States from countries where rinderpest or FMD exists without significant risk of introducing these diseases.

At this time, only *Bos indicus* and *Bos taurus* cattle embryos may be imported into the United States from countries where rinderpest or FMD exists. The available gene pool for swine and ruminants other than cattle cannot be enlarged by using embryos from animals in countries where rinderpest or FMD exists. Because of this, U.S. livestock interests, except cattle-related interests, cannot fully participate in the growing international market in germ plasm.

On June 6, 1995, we published in the Federal Register (60 FR 29781–29784, Docket No. 94–006–1) a proposal to amend the regulations in subpart B to allow embryos from all ruminants, including cervids and camelids, from countries where rinderpest or FMD exists, to be imported into the United States under the same conditions under which *Bos indicus* and *Bos taurus* cattle embryos may be imported from those countries into the United States. Also, we proposed to amend the regulations in subpart B to allow embryos from swine from countries where rinderpest or FMD exists to be imported into the United States under conditions that are the same as those for *Bos indicus* and *Bos taurus* cattle embryos, except with respect to the specific diseases for which we would screen.

We solicited comments concerning our proposal for 60 days ending August 7, 1995. We received 30 comments by that date. They were from individuals and groups involved with veterinary medicine, from a State Department of Agriculture, and from individuals, businesses, and associations interested in artificial insemination (AI).

Of the 30 comments received, 2 were supportive. Of the others, 23 were identical form letters. The issues raised in these comments are discussed below by topic.

[1] Information about pertinent research may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

Treatment-Based Import Conditions

Most of the comments stated that our regulations for importing embryos should be completely revised. The commenters advocated a treatment-based approach to preventing the importation of disease via embryos, rather than the disease prevention/disease avoidance system we now have, which is based on serologic testing.

We have carefully considered these comments. We are constantly reviewing our regulations to ensure that they reflect the latest proven technology and are as effective as possible. The proposed regulations published in June, 1995, included the regulatory changes we believe are technically sound and most needed and desirable at this time. However, we intend to review all the regulations in part 98. At that time, we will consider whether we should adopt a treatment-based approach for any diseases. If we determine that changes are warranted, we will publish proposed regulations for public comment in the Federal Register.

Applying Same Requirements to Other Species

Our regulations currently apply only to embryos from *Bos taurus* and *Bos indicus* cattle from countries where foot-and-mouth disease or rinderpest exists. Many of the commenters questioned the scientific basis for our proposal to allow importation of other species and expressed the belief that it would cause ''undue risk'' or that it was ''not without risk.''

Our regulations require embryos for importation to be washed. Washing removes some disease agents. It is correct that the washing procedures required under our regulations have not been tested for efficacy against all disease agents specific to swine, or against all disease agents of all species of ruminants. However, this is not necessary as our regulations are based on serologic testing of the donor animals. Under proposed § 98.15, we would require donor dams to be obtained from herds which have been free of all diseases of concern for at least 1 year before embryo collection and require donor dams to be tested and found free of all diseases of concern. In this way we would ensure that embryos from donor animals are free of diseases which would pose a disease threat to U.S. livestock.

Washing Embryos With Trypsin

Many of the commenters suggested we amend the regulations to require that

bovine embryos be washed with trypsin. Trypsin is an enzyme. It weakens the attachment between infectious bovine rhinotracheitis virus (IBRV) and embryos. Washing embryos with water alone removes other disease agents of concern to APHIS; adding trypsin allows IBRV to be removed.

Our regulations require embryos for importation into the United States to be washed at least 10 times (see § 98.17(f)(3)). The regulations do not require washing with trypsin—any importer may use trypsin if he or she wishes to. We do not believe it is desirable at this time to require all embryos to be washed with trypsin. Although trypsin offers protection against IBRV, we do not believe the cost of requiring it to be used for all bovine embryos is justified.

Under our current regulations, however, we may require specific embryos to be washed with trypsin. Section 98.17, paragraph (f)(6) states: ''The Administrator may require additional measures to be taken in processing embryos after collection (for example, adding trypsin to the washes) if he or she determines that such measures are necessary to ensure the embryos freedom from infectious agents that may cause communicable diseases.'' As stated in § 98.17(f)(6), circumstances that may result in such additional measures being required include, but are not limited to: (1) The existence of communicable diseases of livestock, other than the diseases specifically listed, in the country of origin, and (2) a high prevalence or an increase in the incidence of a communicable disease in the country of origin.

Diseases of Concern

One commenter objected to our listing vesicular stomatitis as a ''disease of concern'' in § 98.15 of the proposed rule because vesicular stomatitis is present in the United States. We agree that vesicular stomatitis is present in the United States. Brucellosis and tuberculosis, also listed in our proposed rule as ''diseases of concern'' are also present in the United States. These are diseases for which we have Federal or Federal-State cooperative control and eradication programs. We want to prevent the importation of embryos which could transmit vesicular stomatitis, brucellosis, or tuberculosis to livestock in this country. Infected embryos imported into this country would be additional sources of infection. This would make it more difficult to control and eradicate these diseases in the United States. For this reason, we are making no changes in the proposed regulations based on this comment.

One commenter asked us to test imported embryos for diseases in addition to those listed in the proposed regulations as ''diseases of concern.'' Another commenter stated that scrapie should be included as a ''disease of concern.'' This same commenter also stated that the regulations should include safeguards to ensure that swine embryos cannot transmit pseudorabies or any other virus.

The diseases listed in the regulations are those we consider the most dangerous. We require serologic testing and other measures to ensure that embryos that could transmit these diseases are not imported (see §§ 98.14 through 98.17 of the current regulations, and proposed §§ 98.15). With regard to pseudorabies, § 98.15(a) of our proposal lists pseudorabies as a disease of concern for swine. With regard to scrapie, we have published proposed regulations designed to ensure that embryos which could transmit scrapie are imported into the United States under conditions where they do not pose a threat to the health of livestock in the United States (see Docket No. 94–085–2, published May 11, 1995, at 60 FR 25151–25162).

In addition to the diseases listed in the regulations, we test embryos for other diseases if other diseases exist in the country of origin that could pose a threat to U.S. livestock. For these reasons, we do not believe our proposed regulations need to be amended based on these comments.

On-Site Compliance

One commenter suggested we add specific on-site compliance validation procedures to ensure that imported embryos have been prepared and shipped properly. Other commenters stated that we need to amend our regulations to provide for enforcement of import protocols.

We have carefully considered these comments and determined that changes in the regulations are warranted. We are therefore amending §§ 98.16 and 98.17(b). Section 98.16 is amended to require that an APHIS veterinarian inspect and approve embryo collection units as meeting our requirements. Requirements for embryo collection units are listed in § 98.16. However, the regulations have not included any mechanism for ensuring that the requirements are met. We believe this deficiency in the regulations will be corrected by this amendment. We are also amending § 98.17(b) to require that an APHIS veterinarian supervise all stages of embryo collection and processing. Section 98.17(b) provides that an ''official veterinarian'' must supervise embryo collection. An ''official veterinarian'' is either an APHIS veterinarian or a full-time salaried veterinarian of the national government of the country of origin. We believe not only that an APHIS veterinarian can best perform this function, but that when an APHIS veterinarian supervises the work, we can better verify, on-site, that requirements and procedures are met. We are further amending § 98.17, paragraphs (b) and (g), to specify that an APHIS veterinarian must supervise, in person, certain procedures. Included are collecting, pooling, freezing, and sending test samples to the Foreign Animal Disease Diagnostic Laboratory, and collecting, processing, and storing embryos. These are the crucial stages of embryo collection and processing. We believe they require the closest possible supervision to ensure that requirements and procedures are met.

Publish Import Protocols

Commenters stated that import protocols for individual countries should be ''mentioned'' in the regulations and that APHIS should consider all diseases present in the country of origin. Import protocols for individual countries do take into account all diseases that are present in that country. Import protocols are constantly changed, sometimes daily, depending on the disease situation in that country, the requirements of foreign governments, and many other factors. Protocols exist for numerous countries. At the time an importer applies for an import permit, he or she is given up-to-date information on the particular import requirements that apply to the embryos they wish to import. Our offices also provide current information to anyone who calls or writes concerning the protocols for a particular country. Under these circumstances, we do not believe the regulations need to be changed based on these comments.

Emergency Preparedness and Post-Entry Surveillance

Several commenters stated that APHIS needs to be adequately prepared to handle a foreign animal disease outbreak in the United States.

Our regulations are designed to offer multiple levels of security. One level consists of requirements designed to prevent the introduction of foreign animal diseases into the United States. The regulations in this rulemaking are in this category. Another level consists of requirements designed to control and eradicate livestock and poultry diseases

within the United States, and to regulate the interstate transportation of animals, including poultry, and animal products to prevent the spread of diseases and pests. These regulations are contained in the Code of Federal Regulations, Title 9, chapter I, subchapters B and C. In addition, APHIS maintains a staff devoted to emergency planning and preparedness, to contain and eradicate any outbreak of animal disease in the United States that should occur.

For these reasons, we believe APHIS is adequately prepared to handle an outbreak of a foreign animal disease, should that occur.

Several commenters also suggested that we include a post-entry surveillance program as part of our regulations. As explained above, our multi-level system of regulation is designed to ensure that foreign animal diseases are not introduced into the United States. Our controls on importation include requirements that we be notified of the destination of embryos. Our domestic animal identification system, coupled with requirements concerning interstate transportation of animals, allow us to trace animals which may be infected with disease. These programs have worked effectively for many years. In the case of embryos from sheep and goats that may be affected with scrapie, we have published proposed regulations requiring that these embryos be imported only into flocks or herds participating in the Voluntary Scrapie Flock Certification Program (see Docket 94–085–2, published May 11, 1995, at 60 FR 25151–25162). All animals in flocks and herds participating in this program are under our surveillance.

Additional post-entry surveillance requirements would not appear to increase the effectiveness of most of our programs, but would add costs for both APHIS and for the regulated industries. We are therefore not making any changes in this document based on these comments.

Economic Analysis

One commenter questioned the value we placed on embryos imported into the United States. In our proposed rule of June 6, 1995 (see 60 FR 29782), we stated that cattle embryos imported into the United States ''during the past several years has averaged in the hundred of thousands of dollars.'' This data is from the *Foreign Agricultural Trade of the United States, Fiscal Year 1994 Supplement* (USDA, Economic Service).[2]

[2] Page 298 of the *Foreign Agricultural Trade of the United States, Fiscal Years 1994 Supplement* includes a table showing that cattle embryos imported into the United States were valued at $160,000 during FY 1992, $228,000 during FY 1993, and $219,000 during FY 1994.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule with the changes discussed in this document.

Miscellaneous

We are amending several sections of the regulations in part 98 to add Office of Management and Budget (OMB) control numbers for previously approved information collection and recordkeeping requirements. We did not propose to amend these sections in the proposed rule of June 6, 1995. However, adding OMB control numbers to the regulations is a minor administrative change and does not affect the regulations substantively.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the Federal Register. This rule will allow the importation of embryos from all ruminants, including cervids, camelids, and all species of cattle, and from swine from countries where rinderpest or foot-and-mouth disease exists. This action will make additional sources of genetic material available to domestic animal breeders. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective less than 30 days after publication in the Federal Register.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This rule allows the importation of certain embryos from swine and ruminants, including camelids, cervids, and all species of cattle, from countries where rinderpest or foot-and-mouth disease exists, under restrictions that appear adequate to prevent the introduction or dissemination of rinderpest, foot-and-mouth disease, and other communicable diseases of livestock.

As part of the proposed rule document published June 6, 1995, we invited comments concerning potential effects of the proposed rule. We stated that we were particularly interested in determining the number and kind of small entities that might incur benefits or costs from implementation of the rule. Other than the comment discussed above under the heading ''Economic Analysis,'' none of the comments we received addressed our Initial Regulatory Flexibility Analysis, and none provided any information of the type we requested. We have therefore based this Final Regulatory Flexibility Analysis on the data available to us.

The annual value of cattle embryos imported during the past several years has averaged in the hundreds of thousands of dollars. We do not expect this rule change to result in a significant increase in cattle embryo imports, since demand will continue to be predominantly for the *Bos indicus* and *Bos taurus* species. However, APHIS does foresee the importation of embryos of other species, such as water buffalo and certain breeds of sheep and goats from Africa.

At present, ruminants and swine from countries where rinderpest or foot-and-mouth disease exists may only enter the United States following quarantine at the Harry S Truman Animal Import Center (HSTAIC). Allowing embryos of additional ruminant species and swine to be imported will enable importers to forgo quarantine and other costs of importing live animals. For example, we estimate that the cost to importers of importing approximately 500 Boer goats from South Africa would average more than $2,000 per animal for quarantine in HSTAIC. This does not include testing, post-quarantine clean-up expenses, and other costs associated with importing animals through HSTAIC. In addition, importers must undergo the inconvenience and uncertainty of lottery selection (including submitting a cashier's check of $32,000 for each application for the lottery), must bear the costs of qualifying animals for importation through HSTAIC, and must assume the risk that animals may not qualify for importation after quarantine. Quarantine-related costs could easily exceed the cost of implanting an imported embryo. Savings in transporting embryos rather than live animals, both before and after entry into the United States, will also be realized.

This final rule contains paperwork and recordkeeping requirements. Under this rule, import permits and health certificates will be required for all ruminant and swine embryos, as they are now required for *Bos indicus* and *Bos taurus* cattle embryos. These requirements have been approved by the Office of Management and Budget.

The alternatives to this final rule are to take no action, or to allow the importation of embryos under different conditions than those adopted in this rule. We did not consider taking no action a reasonable alternative, because it would, in our opinion, prohibit the importation of embryos which pose no significant risk of disease. We also did not consider importation under conditions other than those adopted a viable option. The only available research concerns embryos handled and treated using the methods required by this final rule. Embryos handled and treated using other methods have not been tested. We therefore have no data demonstrating that other methods would be adequate to prevent the importation of rinderpest, foot-and-mouth disease, and other communicable diseases of livestock.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget under OMB control number 0579–0040 and 0579–0120.

List of Subjects in 9 CFR Part 98

Animal diseases, Imports, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 98 is amended as follows:

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

1. The authority citation for part 98 is revised to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 103–105, 111, 134a, 134b, 134c, 134d, 134f, 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

Subpart B—Ruminant and Swine Embryos From Countries Where Rinderpest or Foot-and-Mouth Disease Exists

§ 98.5 [Amended]

2. Section 98.5 is amended by adding at the end of the section the following:

(Approved by the Office of Management and Budget under control number 0579–0040.)

3. The heading for subpart B is revised to read as set forth above.

4. Section 98.11 is amended by removing the definition of *Cattle,* and by adding, in alphabetical order, the following definitions, to read as follows:

§ 98.11 Definitions.

* * * * *

Ruminant. All animals which chew the cud, including cattle, buffaloes, camelids, cervids (deer, elk, moose, and antelope), sheep, goats, and giraffes.

Swine. The domestic hog and all varieties of wild hogs.

* * * * *

§§ 98.12, 98.13, 98.14 [Amended]

5. In the following sections, the word ''Cattle'' is removed and the words ''Ruminant and swine'' are added in its place:

a. § 98.12(a);

b. § 98.12(b);

c. § 98.13(a); and

d. § 98.14(a), the introductory text.

§ 98.13 [Amended]

6. Section 98.13 is amended by adding at the end of the section the following:

(Approved by the Office of Management and Budget under control number 0579–0040).

§ 98.14 [Amended]

7. Section 98.14 is amended by adding at the end of the section the following:

(Approved by the Office of Management and Budget under control number 0579–0040).

8. Section 98.15 is amended as follows:

a. In the introductory paragraph, by removing the word ''Cattle'' and adding the words ''Ruminant and swine'' in its place.

b. By revising paragraphs (a)(1) and (a)(2) to read as set forth below.

c. In paragraph (a)(4), by removing the word ''cattle'' and adding the words ''ruminants or swine'' in its place.

d. In paragraph (a)(5), by designating the first sentence as paragraph (a)(5)(i), by designating the second sentence as paragraph (a)(5)(ii) and revising it to read as set forth below; and by designating the third and fourth sentences as paragraphs (a)(5)(iii) and (a)(5)(iv), respectively.

e. In paragraph (a)(7), by designating the first sentence as paragraph (a)(7)(i) and revising it to read as set forth below; and by designating the second sentence as paragraph (a)(7)(ii).

f. In paragraph (a)(8), by designating the first sentence as paragraph (a)(8)(i) and revising it to read as set forth below; and by designating the second sentence as paragraph (a)(8)(ii).

§ 98.15 Health requirements.

* * * * *

(a) * * *

(1) During the year before embryo collection, no case of the following diseases occurred in the embryo collection unit or in any herd in which the donor dam was present:

(i) Ruminant: Bovine spongiform encephalopathy, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(ii) Swine: African swine fever, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

(2) During the year before embryo collection, no case of the following diseases occurred within 5 kilometers of the embryo collection unit or in any herd in which the donor dam was present:

(i) Ruminant: Bovine spongiform encephalopathy, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(ii) Swine: African swine fever, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

* * * * *

(5) (i) * * *

(ii) The donor dam was determined to be free of foot-and-mouth disease based upon tests of the pair of serum samples. In addition, if any of the following diseases exist in the country of origin, the donor dam was determined to be free of these diseases based upon additional tests of the serum samples:

(A) Ruminant: Contagious bovine pleuropneumonia, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(B) Swine: African swine fever, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

* * * * *

(7) (i) Not less than 30 days nor more than 120 days after embryo collection, the donor dam was examined by an official veterinarian and found free of clinical evidence of the following diseases:

(A) Ruminant: Bovine spongiform encephalopathy, brucellosis, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, tuberculosis, and vesicular stomatitis; or

(B) Swine: African swine fever, brucellosis, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, tuberculosis, and vesicular stomatitis.

* * * * *

(8) (i) Between the time the embryos were collected and all examinations and tests required by this subpart were completed, no animals in the embryo collection unit with the donor dam, or in the donor dam's herd of origin, exhibited any clinical evidence of:

(A) Ruminant: Bovine spongiform encephalopathy, brucellosis, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, tuberculosis, and vesicular stomatitis; or

(B) Swine: African swine fever, brucellosis, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, tuberculosis, and vesicular stomatitis.

* * * * *

9. Section 98.16 is amended as follows:

a. In the introductory paragraph, the first sentence, by removing the word ''Cattle'' and adding the words ''Ruminant and swine'' in its place.

b. In the introductory paragraph, by revising the second sentence to read as set forth below.

c. In paragraph (b), the first sentence, by removing the word ''cattle'' and adding the words ''embryo donors'' in its place.

§ 98.16 The embryo collection unit.

* * * The embryo collection unit may be located on the premises where the donor dam's herd of origin is kept, or at any other location, provided that the embryo collection unit has been inspected and approved by an APHIS veterinarian and that the following requirements are met:

* * * * *

10. Section 98.17 is amended as follows:

a. By revising paragraph (b)(1) to read as set forth below.

b. In paragraph (g), by adding, at the end of the first and second sentences: ''under the personal supervision of an APHIS veterinarian''.

c. By adding at the end of the section the following: ''(Approved by the Office of Management and Budget under control number 0579–0040)''.

§ 98.17 Procedures.

(a) * * *

(b) *Oversight and supervision.* (1) All procedures associated with the production of embryos for importation into the United States, including artificial insemination, natural breeding, and cleaning and disinfection, must be performed under the oversight of an APHIS veterinarian. Collecting test samples, and collecting, processing, and storing embryos, must be supervised in person by an APHIS veterinarian.

* * * * *

§ 98.35 [Amended]

11. Section 98.35 is amended by adding at the end of the section the following:

(Approved by the Office of Management and Budget under control number 0579–0040)

Done in Washington, DC, this 2nd day of April 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–8471 Filed 4–4–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–SW–26–AD; Amendment 39–9561; AD 96–07–12]

Airworthiness Directives; Bell Helicopter Textron, Inc., Model 214ST Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. (BHTI) Model 214ST helicopters with certain tailboom assemblies and a certain emergency float kit installed, that requires initial and repetitive inspections of the tailboom for cracks until modifications of the tailboom are accomplished. This amendment is prompted by several reports of cracks in the lower aft skin of the tailboom assembly. The actions specified by this AD are intended to prevent cracks in the tailboom assembly, which could result in structural failure of the tailboom and subsequent loss of control of the helicopter.

DATES: Effective May 10, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., Attention: Customer Support, P.O. Box 482, Fort Worth, Texas 76101. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Harrison, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5447, fax (817) 222–5959.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to BHTI Model 214ST helicopters, serial numbers (S/N) 28101 through 28132, with a tailboom assembly, part number (P/N) 214–031–003–111 or 214–031–003–277, and with an emergency float kit, P/N 214–706–120, installed, was published in the Federal Register on November 1, 1995 (60 FR 55495). That action proposed to require inspections of the tailboom assembly for cracks within 250 hours time-in-service (TIS) or at the next 180-day float inspection, and thereafter, at each 180-day float inspection until certain modifications of the tailboom are accomplished. The modifications, which are to be accomplished if any crack is found in the tailboom or on or before accumulating an additional 500 hours TIS after the effective date of this AD, whichever occurs first, include installing stiffeners and doublers in the tailboom, and replacing the access door frame with a thicker access door frame.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that six helicopters of U.S. registry will be affected by this AD, that it will take approximately 20 work hours per helicopter to accomplish the modifications, approximately 3 work hours per helicopter to accomplish the 250 hours TIS inspection, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,100 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $14,880.

The regulations adopted herein will not have substantial direct effects on the