

by adding the reference “§ 71.7” in its place.

Done in Washington, DC, this 28th day of October 1996.

A. Strating,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96-27975 Filed 10-30-96; 8:45 am]

BILLING CODE 3410-34-P

## **Animal and Plant Health Inspection Service, USDA**

### **9 CFR Part 92**

[Docket No. 94-136-1]

#### **Zoological Park Quarantine of Ruminants and Swine Imported From Countries Where Foot-and-Mouth Disease or Rinderpest Exists**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the regulations concerning ruminants and swine that are imported from a country where foot-and-mouth disease or rinderpest exists into a zoological park in the United States. These animals are maintained in the zoological park under conditions to prevent the spread of animal diseases. We propose to establish conditions under which such animals may be moved from one zoological park in the United States to another. This change would benefit zoo programs that move animals for breeding and other purposes, and would facilitate the movement of animals for endangered species breeding programs, while continuing to protect against the introduction of dangerous animal diseases into the United States.

**DATES:** Consideration will be given only to comments received on or before December 30, 1996.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 94-136-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 94-136-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Joyce Bowling, Senior Staff

Veterinarian, Import-Export Animals Staff, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1228, (301) 734-8688.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Animal and Plant Health Inspection Service (APHIS) animal importation regulations (contained in 9 CFR part 92 and referred to below as the regulations) prohibit or restrict the importation of certain animals into the United States to prevent the introduction of communicable diseases of livestock. Among other requirements, the regulations restrict the importation of ruminants and swine to prevent the introduction and spread of foot-and-mouth disease (FMD) and rinderpest.

For many years some animals imported in accordance with these regulations have been admitted under the condition that they be placed in postentry quarantine in zoological parks (zoos) that have been approved by APHIS to receive such animals. We refer to such approved zoos as PEQ Zoos, because they are approved to hold imported animals in postentry quarantine (PEQ). At these zoos, the imported animals are maintained in facilities that prevent access to them by the public and by domestic animals, and that include requirements for waste disposal and other matters that prevent the dissemination of any diseases the animals might carry.

Section 92.404(c) concerns the importation, into a PEQ Zoo where they will be maintained under postentry quarantine, of wild ruminants from countries where foot-and-mouth disease or rinderpest exists.

Section 92.504(c) concerns the importation, into a PEQ Zoo where they will be maintained under postentry quarantine, of wild swine from countries where foot-and-mouth disease or rinderpest exists.

The regulations allow APHIS to approve a zoo as a PEQ Zoo if the following conditions, among others, are met. The operator of the zoo receiving the imported animals must enter into a written agreement with APHIS for the maintenance and handling of the animals in a manner specified in the agreement and the regulations to prevent the introduction and dissemination of communicable disease. Among other things, the regulations require that the zoo must include satisfactory pens, cages, or enclosures in which the animals can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or

established drainage from the zoological park which will void contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead animals within the zoo; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the zoo. The regulations also require the operator of the zoo to have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, to make periodic examinations of all animals maintained at the zoo for evidence of disease. This veterinarian must make a post-mortem examination of each animal that dies and report suspected cases of contagious or communicable diseases to appropriate state or federal livestock sanitary officials.

We do not propose to change any of the requirements for obtaining permits to import wild ruminants or wild swine, and we do not propose to change the requirements for the PEQ zoos to which these animals are consigned after their importation.

However, the agreement between zoo operators and APHIS which is currently required by 92.404(c)(3) and 92.504(c)(3) states that wild ruminants and wild swine imported and consigned to postentry quarantine in a PEQ Zoo will not be sold, exchanged or removed from the premises of the zoo without the prior consent of APHIS. In this document, we propose to specify the circumstances under which APHIS will consent to the movement of imported wild ruminants and swine from a PEQ Zoo to a non-PEQ zoo within the United States. Many zoos wish to be able to move such animals, especially to participate in breeding programs (including breeding programs for endangered species of ruminants and swine).

We are proposing that wild ruminants or wild swine may be moved to a non-PEQ zoo after they have spent at least one year in postentry quarantine in the PEQ Zoo to which the animal(s) were consigned after importation. We propose this condition because the one year requirement allows time for the symptoms of many communicable animal diseases to manifest, and be detected by the zoo veterinarian required to make periodic examinations of the imported animals. Any imported wild ruminants or swine at a PEQ Zoo that are diagnosed with communicable diseases during this year would not be allowed to move to other zoos, thereby

reducing the risk of infecting other animals.<sup>1</sup>

We are also proposing that wild ruminants or wild swine may be moved from a PEQ Zoo only to a zoo accredited by the American Zoo and Aquarium Association (the AZA), or to a zoo that the Administrator of APHIS determines to have procedures in place that are equivalent to certain requirements for AZA accreditation that address preventing the spread of communicable diseases.

The American Zoo and Aquarium Association maintains an accreditation program to document that their member zoos meet high professional standards in their facilities and operations. The requirements for AZA accreditation include specific standards relevant to preventing the spread of communicable diseases between animals, such as standards for tracking identity and movement of animals, diagnosis of disease in zoo animals, and regular veterinary care. These AZA standards achieve some of the same purposes as the requirements APHIS currently imposes on PEQ Zoos receiving imported wild ruminants or wild swine. Importantly for APHIS program purposes, the AZA standards create records that would allow APHIS to analyze the medical history of imported animals, trace their movements in zoo locations, and identify other animals exposed to the imported animals.

Specifically, the standards for AZA accreditation require that a veterinarian be available to regularly inspect the animals and diagnose and document any signs of communicable disease. AZA standards also require that all animals must be inventoried, identified, and their acquisition and disposition dates and locations recorded. The AZA standards require that guardrails or barriers must keep the visiting public from contact with animals (except for handleable animals in facilities such as petting zoos). The AZA standards also require that there must be separate perimeter fencing in addition to exhibit fencing, and that deceased animals must be necropsied whenever possible to determine the cause of death.

These and other requirements for accreditation of a zoo by the AZA are

<sup>1</sup> This proposed rule only addresses movement of imported wild ruminants and wild swine. Other animals at zoos that are diagnosed with communicable diseases are subject to various movement restrictions by State animal health agencies. In addition, APHIS would investigate and take action if necessary if a zoo has an outbreak of a disease for which we have regulations in 9 CFR Chapter I.

recorded in official AZA publications,<sup>2</sup> and establish an effective program to prevent the spread of communicable disease in accredited zoos. The AZA requirements are quite similar to the standards APHIS established in §§ 92.404(c)(2) and 92.504(c)(2) for zoos receiving imported ruminants and swine directly from countries where FMD or rinderpest exist. Both APHIS and AZA standards address matters such as maintaining secure facilities for the animals, ensuring adequate veterinary care to diagnose communicable diseases, preventing public contact with the animals, and determining whether animal deaths were caused by communicable disease.

Therefore, we propose to allow movement of imported wild ruminants and wild swine to AZA accredited zoos after they have spent at least one year in the PEQ Zoo to which they were first consigned after importation, if such animals have not been diagnosed with communicable diseases during that 1-year period.

There are some zoos in the United States that are not accredited by the AZA, but that nonetheless have programs to prevent the spread of communicable animal disease that are as effective as the programs at AZA-accredited zoos. A zoo might not seek AZA accreditation because it has a small and relatively static animal collection; or because of the cost of the fees and dues associated with accreditation; or because it is a new zoo that has not yet had time to achieve accreditation. We propose that such zoos may be considered on a case-by-case basis if they wish to acquire imported wild ruminants or wild swine from other zoos. If the Administrator of APHIS determines that the zoo has facilities and procedures (e.g., for animal identification, record keeping, and veterinary care) in place related to preventing the spread of communicable animal diseases that are equivalent to those required for AZA accreditation, the Administrator would permit the zoo to acquire imported wild ruminants or wild swine from PEQ Zoos under the same requirements as AZA accredited zoos will be permitted to do.

#### Miscellaneous

We also propose to shorten and simplify some of the language in § 92.404 and § 92.504, and to add the

<sup>2</sup> BYLAWS OF THE AMERICAN ZOO AND AQUARIUM ASSOCIATION and ACCREDITATION OF ZOOS AND AQUARIUMS: A PROGRAM OF THE AZA are both available upon request to the person identified in the "For Further Information Contact:" section of this document.

term "PEQ Zoo" to distinguish zoos approved to receive animals directly after import (PEQ Zoos) from other zoos that may receive animals only after they have spent at least one year in a PEQ zoo.

#### Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule would allow increased movement of certain imported ruminants and swine from one zoo to another in the United States. It would not increase the number of such animals that are imported. It would not have any appreciable impact on commerce, and would primarily benefit a small number of zoos that wish to acquire animals from other zoos or trade their own animals to other zoos.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The existing information collection and recordkeeping requirements in §§ 92.404 and 92.504 were previously approved by the Office of Management and Budget (OMB) under OMB control number 0579-0040, and we propose to add that control number at the end of these sections.

#### List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 92 would be amended as follows:

**PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON**

1. The authority citation for part 92 would continue to read as follows:

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).

2. § 92.404, paragraph(c) would be revised to read as follows:

**§ 92.404 Import permits for ruminants and for ruminant specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.**

\* \* \* \* \*

(c) *Wild ruminants from countries where foot-and-mouth disease or rinderpest exists.* This paragraph applies to the importation of wild ruminants, such as, but not limited to, giraffes, deer and antelopes, from countries designated in part 94 of this subchapter as countries in which foot-and-mouth disease or rinderpest exist.

(1) Permits for the importation of wild ruminants will be issued only for importations through the Port of New York, and only if the animals are imported for exhibition in a PEQ Zoo. A PEQ Zoo is a zoological park or other place maintained for the exhibition of live animals for recreational or educational purposes that:

(i) Has been approved by the Administrator in accordance with paragraph (c)(2) of this section to receive and maintain imported wild ruminants; and

(ii) Has entered into the agreement with APHIS set forth in paragraph (c)(4) of this section for the maintenance and handling of imported wild ruminants.

(2) Approval of a PEQ Zoo shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages, or enclosures in which the imported ruminants can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the PEQ Zoo which will void contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead ruminants within the PEQ Zoo; and other

reasonable facilities considered necessary to prevent the dissemination of diseases from the PEQ Zoo. The operator of the PEQ Zoo shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the PEQ Zoo for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to an APHIS representative or the State agency responsible for livestock disease control programs.

(3) Manure and other animal wastes must be disposed of within the PEQ Zoo park for a minimum of one year following the date an imported wild ruminant enters the zoo. If an APHIS veterinarian determines that an imported ruminant shows no signs of any communicable disease or exposure to any such disease during this 1-year period, its manure and other wastes need not be disposed of within the zoo after the 1-year period. If, however, an APHIS veterinarian determines that an imported ruminant does show signs of any communicable disease during this 1-year period, an APHIS veterinarian will investigate the disease and determine whether the ruminant's manure and other wastes may safely be disposed of outside the zoo after the 1-year period has ended.

(4) Prior to the issuance of an import permit under this section, the operator of the approved PEQ Zoo to which the imported ruminants are to be consigned, and the importer of the ruminants, if such operator and importer are different parties, shall execute an agreement covering each ruminant or group of ruminants for which the import permit is requested. The agreement shall be in the following form:

*Agreement for the Importation, Quarantine and Exhibition of Certain Wild Ruminants and Wild Swine*

\_\_\_\_\_, operator(s) of the zoological park known as \_\_\_\_\_ (Name) located at \_\_\_\_\_ (City and state), and \_\_\_\_\_ (Importer) hereby request a permit for the importation of \_\_\_\_\_ (Number and kinds of animals) for exhibition purposes at the said zoological park, said animals originating in a country where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in part 92, title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the country of origin,

approved by the Administrator as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the country of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that country to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that country.

2. Shipment will be made direct from such port of embarkation to the port of New York as the sole port of entry in this country. If shipment is made by ocean vessel the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing, except at a port approved by the Administrator as a port not located in a country where rinderpest or foot-and-mouth disease exists or as a port in such a country having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft, except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Import Center in Newburgh, New York.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises without the prior consent of APHIS. If moved to another zoological park in the United States, the receiving zoological park must be approved by the Administrator in accordance with paragraph 6 of this agreement.

6. The Administrator will approve the movement of an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-foot mouth disease, rinderpest, or other communicable disease, and determines that the receiving zoological park is accredited by the American Zoo and Aquarium Association (AZA), or the receiving zoological park has facilities and procedures in place related to preventing the spread of communicable animal diseases (including but not limited to procedures for animal identification, record keeping, and veterinary care) that are equivalent to those required for AZA accreditation.

\_\_\_\_\_  
(Signature of importer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Title or designation)

\_\_\_\_\_  
(Name of zoological park)

By \_\_\_\_\_  
(Signature of officer of zoological park)

(Title of officer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_.

(Title or designation)

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

3. § 92.504, paragraph (c) would be revised to read as follows:

**§ 92.504 Import permits for swine and for swine specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.**

\* \* \* \* \*

(c) *Wild swine from countries where foot-and-mouth disease or rinderpest exists.* This paragraph applies to the importation of wild swine from countries designated in part 94 of this subchapter as countries in which foot-and-mouth disease or rinderpest exist.

(1) Permits for the importation of wild swine will be issued only for importations through the Port of New York, and only if the animals are imported for exhibition in a PEQ Zoo. A PEQ Zoo is a zoological park or other place maintained for the exhibition of live animals for recreational or educational purposes that:

(i) Has been approved by the Administrator in accordance with paragraph (c)(2) of this section to receive and maintain imported wild swine; and

(ii) Has entered into the agreement with APHIS set forth in paragraph (c)(4) of this section for the maintenance and handling of imported wild swine.

(2) Approval of a PEQ Zoo shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages, or enclosures in which the imported swine can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the PEQ Zoo which will void contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead swine within the PEQ Zoo; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the PEQ Zoo. The operator of the PEQ Zoo shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the PEQ Zoo for

evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to appropriate state or federal livestock sanitary officials.

(3) Manure and other animal wastes must be disposed of within the PEQ Zoo park for a minimum of one year following the date an imported wild swine enters the zoo. If an APHIS veterinarian determines that an imported swine shows no signs of any communicable disease during this 1-year period, its manure and other wastes need not be disposed of within the zoo after the 1-year period. If, however, an APHIS veterinarian determines that the swine does show signs of any communicable disease during this 1-year period, an APHIS veterinarian will investigate the disease and determine whether the swine's manure and other wastes may safely be disposed of outside the zoo after the 1-year period has ended.

(4) Prior to the issuance of an import permit under this section, the operator of the approved PEQ Zoo to which the imported swine are to be consigned, and the importer of the swine, if such operator and importer are different parties, shall execute an agreement covering each swine or group of swine for which the import permit is requested. The agreement shall be in the following form:

*Agreement for the Importation, Quarantine and Exhibition of Certain Wild Ruminants and Wild Swine*

\_\_\_\_\_, operator(s) of the zoological park known as \_\_\_\_\_ (Name) located at \_\_\_\_\_ (City and state), and \_\_\_\_\_ (Importer) hereby request a permit for the importation of \_\_\_\_\_ (Number and kinds of animals) for exhibition purposes at the said zoological park, said animals originating in a country where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in part 92, title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the country of origin, approved by the Administrator as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the country of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that country to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease and to assure that the

animals will not have been exposed to such a disease within the 60 days next before their exportation from that country.

2. Shipment will be made direct from such port of embarkation to the port of New York as the sole port of entry in this country. If shipment is made by ocean vessel, the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing, except at a port approved by the Administrator as a port not located in a country where rinderpest or foot-and-mouth disease exists or as a port in such a country having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft, except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Import Center in Newburgh, New York.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises without the prior consent of APHIS. If moved to another zoological park in the United States, the receiving zoological park must be approved by the Administrator in accordance with paragraph 6 of this agreement.

6. The Administrator will approve the movement of an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease, and determines that the receiving zoological park is accredited by the American Zoo and Aquarium Association (AZA), or the receiving zoological park has facilities and procedures in place related to preventing the spread of communicable animal diseases (including but not limited to procedures for animal identification, record keeping, and veterinary care) that are equivalent to those required for AZA accreditation.

\_\_\_\_\_  
(Signature of importer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
(Title or designation)

\_\_\_\_\_  
(Name of zoological park)

By \_\_\_\_\_  
(Signature of officer of zoological park)

\_\_\_\_\_  
(Title of officer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
(Title or designation)

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

Done in Washington, DC, this 28th day of October 1996.

A. Strating,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96-27976 Filed 10-30-96; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-NM-271-AD]

RIN 2120-AA64

#### Airworthiness Directives; Jetstream Model 4101 Airplanes

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

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), applicable to certain Jetstream Model 4101 series airplanes, that would have required a high frequency eddy current (HFEC) inspection to detect cracks of the boundary angle and joint angle of the rear pressure bulkhead, and repair, if necessary. That action also proposed to require modification of the rear pressure bulkhead of the fuselage. That proposal was prompted by a report of fatigue cracking in the rear pressure bulkhead of the fuselage. This action revises the proposed rule by referencing a new service bulletin that includes new technical procedures for accomplishing the HFEC inspection, and removing airplanes having certain constructor numbers. The actions specified by this proposed AD are intended to prevent such fatigue cracking, which could result in reduced structural integrity of the fuselage and, consequently, lead to the rapid decompression of the pressurized area of the airplane.

**DATES:** Comments must be received by November 19, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-271-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 Jetstream Aircraft, Inc., P.O. Box 16029,

Dulles International Airport, Washington, DC 20041-6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:**

William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; 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 95-NM-271-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. 95-NM-271-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Jetstream Model 4101 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal

Register on July 10, 1996 (61 FR 36308). That NPRM would have required a high frequency eddy current inspection to detect cracks of the boundary angle and joint angle of the rear pressure bulkhead, and repair, if necessary. That NPRM also would have required modification of the rear pressure bulkhead of the fuselage. That NPRM was prompted by a report of fatigue cracking in the rear pressure bulkhead of the fuselage. That condition, if not detected and corrected in a timely manner, could result in reduced structural integrity of the fuselage and, consequently, lead to the rapid decompression of the pressurized area of the airplane.

**Actions Since Issuance of Previous Proposal**

Since the issuance of that NPRM, Jetstream has issued Revision 1 of Service Bulletin J41-53-020 (the original version of this service bulletin was referenced as Service Bulletin J41-53-020-41382A in the NPRM), dated June 4, 1995. This revision revises certain technical procedures specified in the Accomplishment Instructions. In addition, airplanes having constructors numbers 41048 through 41060, inclusive, are removed from the effectivity listing of the service bulletin, since those planes have been identified as not being subject to the addressed unsafe condition. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified this service bulletin as mandatory, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

**FAA's Conclusions**

The FAA has examined the findings of the CAA and reviewed the new service information. The FAA has determined that, in order to effectively address the unsafe condition presented by the problems associated with fatigue cracking in the subject area, the proposed rule must be revised to reference Revision 1 of Jetstream Service Bulletin J41-53-020 as the appropriate source of service information. In addition, the applicability of the proposed rule must be revised by removing Model 4101 airplanes having constructors numbers 41048 through 41060, inclusive.

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.