

**Executive Order 12866 and Regulatory Flexibility Act**

This 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 action amends the regulations by removing the Dominican Republic from the list of countries that are considered to be free of hog cholera. We are taking this action based on reports we have received from the Dominican Republic's Ministry of Agriculture, which confirm that an outbreak of hog cholera has occurred in the Dominican Republic.

This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. If we determine that this rule would have a significant economic impact on a substantial number of small entities, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Flexibility Analysis.

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has retroactive effect to August 4, 1997; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 9 CFR Part 94**

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended as follows:

**PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

1. The authority citation for part 94 continues to read as follows:

**Authority:** 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

**§ 94.9 [Amended]**

2. In § 94.9, paragraph (a) is amended by removing the words "Dominican Republic,".

**§ 94.10 [Amended]**

3. In § 94.10, paragraph (a) is amended by removing the words "Dominican Republic,".

Done in Washington, DC, this 12th day of August 1997.

**Joan M. Arnoldi,**

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

[FR Doc. 97-21797 Filed 8-15-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 96-NM-178-AD; Amendment 39-10101; AD 97-16-09]

RIN 2120-AA64

**Airworthiness Directives; British Aerospace BAe Model ATP Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace BAe Model ATP airplanes, that requires modification of the hydraulic system, and a revision to the Airplane Flight Manual (AFM) to include revised procedures for lowering the landing gear. This amendment is prompted by a report of uncommanded application of the brakes when the direct current (DC) hydraulic pump was selected ON with the main hydraulic system operative; this situation was caused by build-up of back pressure in the brake supply and hydraulic return systems. The actions specified by this AD are intended to prevent uncommanded application of the brakes during landing, as a result of the build-up of back pressure.

**DATES:** Effective September 22, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 22, 1997.

**ADDRESSES:** The service information referenced in this AD 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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:** William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2148; fax (425) 227-1149.

**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 certain British Aerospace BAe Model ATP airplanes was published in the **Federal Register** on April 4, 1997 (62 FR 16113). That action proposed to require modification of the hydraulic system. The action also proposed to require revisions to the Emergency and Abnormal Procedures Sections of the FAA-approved AFM to include revised procedures for lowering the landing gear.

**Explanation of Changes Made to the Proposal**

The FAA has revised the final rule to reflect the corporate name change of Jetstream Aircraft Limited to British Aerospace Regional Aircraft.

**Consideration of Comments Received**

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

**Conclusion**

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

**Cost Impact**

The FAA estimates that 10 British Aerospace BAe Model ATP airplanes of U.S. registry will be affected by this AD.

It will take approximately 25 work hours per airplane to accomplish the required modification, at an average labor rate of \$60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be \$15,000, or \$1,500 per airplane.

It will take approximately 1 work hour per airplane to accomplish the required AFM revisions, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the

AFM revisions required by this AD on U.S. operators is estimated to be \$600, or \$60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the 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 adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

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

**97-16-09 British Aerospace Regional Aircraft** (Formerly, Jetstream Aircraft Limited; British Aerospace (Commercial

Aircraft) Limited]; Amendment 39-10101. Docket 96-NM-178-AD.

**Applicability:** BAe Model ATP airplanes, having constructor's numbers 2002 through 2063 inclusive; on which Jetstream Modification 10303A (Jetstream Service Bulletin ATP 32-41) has been installed; 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 (b) 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 uncommanded application of the brakes during landing, accomplish the following:

(a) Within 60 days of the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD in accordance with Jetstream Service Bulletin ATP-29-12, dated September 9, 1995.

(1) Modify the hydraulic system; and

(2) Revise the Emergency and Abnormal Procedures Sections of the FAA-approved Airplane Flight Manual (AFM) to include the information specified in Temporary Revision No. T/52, Issue 1, dated August 16, 1995, which introduces revised procedures for lowering the landing gear, as specified in the temporary revision; and operate the airplane in accordance with those limitations and procedures.

**Note 2:** Paragraph 1.K. of Jetstream Service Bulletin ATP-29-12, dated September 9, 1995, references Temporary Revision No. T/52 as an additional source of service information for revising the AFM.

**Note 3:** This may be accomplished by inserting a copy of Temporary Revision No. T/52 in the AFM. When this temporary revision has been incorporated into general revisions of the AFM, the general revisions may be inserted in the AFM, provided the information contained in the general revisions is identical to that specified in Temporary Revision No. T/52.

(b) 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, FAA, Transport Airplane Directorate. 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.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) 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.

(d) The actions shall be done in accordance with Jetstream Service Bulletin ATP-29-12, dated September 9, 1995; and Temporary Revision No. T/52, Issue 1, dated August 16, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. Copies may be inspected 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.

(e) This amendment becomes effective on September 22, 1997.

Issued in Renton, Washington, on July 29, 1997.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-65-AD; Amendment 39-10105; AD 97-17-03]

RIN 2120-AA64

### Airworthiness Directives; Ayres Corporation S2R Series Airplanes

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

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

**SUMMARY:** This amendment supersedes Airworthiness Directive (AD) 97-13-11, which currently requires inspecting the 1/4-inch and 5/16-inch bolt hole areas on the lower spar caps for fatigue cracking on Ayres S2R series airplanes, and replacing any lower spar cap if fatigue cracking is found. That AD resulted from an accident on an Ayres S2R series airplane where the wing separated from the airplane in flight. AD 97-13-11 incorrectly references the Ayres Model S2R-R1340 airplanes as Model S2R-1340R. This AD requires the same actions as AD 97-13-11, but corrects the designation of the Model S2R-R1340 airplanes. The actions specified by this AD are intended to detect fatigue cracking of the lower spar caps, which, if not corrected, could result in the wing separating from the airplane with