

Like all Committee meetings, the September 5, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this proposed rule.

A 10-day comment period is provided to allow interested persons to respond to this proposal. Ten days is deemed appropriate because this rule, if adopted, needs to be in place as soon as possible since handlers will begin shipping tomatoes in October. In addition, because of the nature of this rule, handlers need time to adjust their equipment and purchase new equipment to accommodate the new size ranges and designations. Florida tomato handlers are aware of this issue, which has been widely discussed at various industry and association meetings and was unanimously recommended by the Committee. All comments received in a timely manner will be considered prior to finalization of this rule.

**List of Subjects in 7 CFR Part 966 and 7 CFR Part 980**

Marketing agreements, Reporting and record keeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR parts 966 and 980 are proposed to be amended as follows:

**PART 966—TOMATOES GROWN IN FLORIDA**

1. The authority citation for 7 CFR part 966 continues to read as follows:

**Authority:** 7 U.S.C. 601-674.

2. Section 966.323 is amended by revising paragraphs (a)(1), (a)(2)(i) and the table immediately following it, (a)(2)(iii), and (d)(3) to read as follows:

**§ 966.323 Handling regulation.**

(a) *Grade, size, container, and inspection requirements.*

(1) *Grade.* Tomatoes shall be graded and meet the requirements specified for U.S. No. 1, U.S. Combination, U.S. No. 2, or U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes, except that all shipments of 6 x 7 size tomatoes must grade U.S. No. 2 or better. When not more than 15 percent of the tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of

defects causing very serious damage including not more than 1 percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) All tomatoes packed by a registered handler shall be at least 2<sup>9</sup>/<sub>32</sub> inches in diameter and shall be sized with proper equipment in one or more of the following ranges of diameters. Tomatoes shipped outside the regulated area shall also be sized with proper equipment in one or more of the following ranges of diameters. Measurements of diameters shall be in accordance with the methods prescribed in § 51.1859 of the U.S. Standards for Grades of Fresh Tomatoes.

Size Designation	Inches Minimum diameter	Inches Maximum diameter
6 x 7 .....	2 <sup>9</sup> / <sub>32</sub>	2 <sup>19</sup> / <sub>32</sub>
6 x 6 .....	2 <sup>17</sup> / <sub>32</sub>	2 <sup>27</sup> / <sub>32</sub>
5 x 6 .....	2 <sup>29</sup> / <sub>32</sub>	.....

(iii) Only 6 x 7, 6 x 6, 5 x 6, may be used to indicate the above listed size designations or containers of tomatoes.

(3) *For special packed tomatoes.* Tomatoes which met the inspection requirements of paragraph (a)(4) of this section which are resorted, regraded, and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from:

- (i) The tomato grade classifications of paragraph (a)(1) of this section;
- (ii) The size classifications of paragraph (a)(2) of this section, except that the tomatoes shall be at least 2<sup>9</sup>/<sub>32</sub> inches in diameter; and
- (iii) The container weight requirements of paragraph (a)(3) of this section.

**§ 980.212 [Amended]**

3. Section 980.212 is amended by revising paragraph (b)(1) to read as follows:

(1) From October 10 through June 15 of each season, tomatoes offered for importation shall be at least 2<sup>9</sup>/<sub>32</sub> inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter. All lots with a minimum diameter of 2<sup>19</sup>/<sub>32</sub> inches and larger shall be at least U.S. No. 3 grade. All other tomatoes shall be at least U.S. No. 2 grade. Any lot with

more than 10 percent of its tomatoes less than 2<sup>19</sup>/<sub>32</sub> inches in diameter shall grade at least U.S. No. 2.

Dated: October 2, 1997.

**Robert C. Kenney,**  
*Deputy Administrator, Fruit and Vegetable Programs.*

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**DEPARTMENT OF TRANSPORTATION  
Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 97-NM-120-AD]

RIN 2120-AA64

**Airworthiness Directives; De Havilland Model DHC-8-100, -200, and -300 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 de Havilland Model DHC-8-100, -200, and -300 series airplanes. This proposal would require repetitive inspections of certain refuel/defuel tube assemblies in the engine nacelles for fuel leakage, and corrective action, if necessary. It would also require eventual modification of all tube assemblies, which would terminate the repetitive inspections. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent fuel leaks and consequent increased risk of engine fires.

**DATES:** Comments must be received by November 5, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-120-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York.

**FOR FURTHER INFORMATION CONTACT:** Richard Fiesel, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7504; fax (516) 256-2716.

**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 97-NM-120-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. 97-NM-120-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

Transport Canada Aviation (TCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe

condition may exist on certain de Havilland Model DHC-8-100, -200, and -300 series airplanes. TCA advises that it received reports of fuel leaks from the shroud drain line located adjacent to the refuel/defuel adapter in the engine nacelles. Investigation has revealed that some of the welds between the outer shroud and the inner tube of the refuel/defuel assemblies may be of poor quality. Relative motion between the shroud and the tube can result in cracking of both the tube and the shroud. This condition, if not corrected, could result in fuel leaks and consequent increased risk of engine fires.

**Explanation of Relevant Service Information**

Bombardier has issued Alert Service Bulletin S.B. A8-28-20, Revision 'A,' dated September 10, 1996, which describes procedures for repetitive inspections of the refuel/defuel tube assemblies in the engine nacelles for fuel leakage, and replacement of tube assemblies that leak with improved tube assemblies.

The alert service bulletin also describes procedures for eventual modification of all tube assemblies to prevent potential future leakage, which would eliminate the need for the repetitive inspections. Part 2 of the Accomplishment Instructions of the alert service bulletin describes replacement of the tube assembly located in the most critical area of the engine nacelle. Part 3 of the Accomplishment Instructions of the alert service bulletin describes replacement of the remaining tube assemblies. Accomplishment of the actions specified in the alert service bulletin are intended to adequately address the identified unsafe condition.

TCA classified this alert service bulletin as mandatory and issued Canadian airworthiness directive CF-96-14, dated August 20, 1996, in order to assure the continued airworthiness of these airplanes in Canada.

**FAA's Conclusions**

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCA, 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 accomplishment of the actions specified in the alert service bulletin described previously.

**Cost Impact**

The FAA estimates that 95 de Havilland Model DHC-8-100, -200, and -300 series airplanes of U.S. registry would be affected by this proposed AD.

The proposed inspection would take approximately 6 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$34,200, or \$360 per airplane, per inspection cycle.

The proposed modification (specified in Part 2 of the Accomplishment Instructions in the referenced alert service bulletin), would take approximately 15 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$500. Based on these figures, the cost impact of this modification as proposed by this AD on U.S. operators is estimated to be \$133,000, or \$1,400 per airplane.

The proposed modification (specified in Part 3 of the Accomplishment Instructions in the referenced service bulletin), would take approximately 36 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$1,600 per airplane. Based on these figures, the cost impact of this modification proposed by this AD on U.S. operators is estimated to be \$357,200, or \$3,760 per airplane.

The cost impact figures discussed above are 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:

De Havilland, Inc.: Docket 97-NM-120-AD.

**Applicability:** Model DHC-8-100, -200, and -300 series airplanes; as listed in Bombardier Alert Service Bulletin S.B. A8-28-20, Revision 'A,' dated September 10, 1996; 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 (f) 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 fuel leaks and consequent increased risk of engine fires, accomplish the following:

(a) Within 30 days after the effective date of this AD, inspect the five refuel/defuel tube assemblies in the engine nacelles to detect fuel leaks, in accordance with Part 1 of the Accomplishment Instructions of Bombardier Alert Service Bulletin S.B. A8-28-20, Revision 'A,' dated September 10, 1996. If any fuel leak is found, prior to further flight, replace the refuel/defuel tube assembly with an improved assembly, in accordance with the alert service bulletin. Thereafter, repeat the inspection at intervals not to exceed 6 months.

(b) Within 12 months after the effective date of this AD, modify the refuel/defuel tube assembly located under the exhaust fingernail on the engine nacelle, as specified in Part 2 of the Accomplishment Instructions of Bombardier Alert Service Bulletin S.B. A8-28-20, Revision 'A,' dated September 10, 1996, in accordance with the procedures specified in the alert service bulletin.

(c) Within 24 months after the effective date of this AD, modify the remaining refuel/defuel tube assemblies, as specified in Part 3 of the Accomplishment Instructions of Bombardier Alert Service Bulletin S.B. A8-28-20, Revision 'A,' dated September 10, 1996, in accordance with the procedures specified in the alert service bulletin.

(d) Accomplishment of the modifications required by paragraphs (b) and (c) of this AD constitutes terminating action for the repetitive inspections required by paragraph (a) of this AD.

(e) As of the effective date of this AD, no person shall install a refuel/defuel tube assembly having part number 82820107-007, 82821015-003, 82820108-005, 82820245-001, 82820246-001, 82820247-001, or 82821014-001, on any airplane.

(f) 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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(g) Special flight permits may be issued in accordance with § 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.

**Note 3:** The subject of this AD is addressed in Canadian airworthiness directive CF-96-14, dated August 20, 1996.

Issued in Renton, Washington, on September 30, 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-NM-106-AD]

#### Airworthiness Directives; Short Brothers Model SD3-60 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 all Short Brothers Model SD3-60 series airplanes. This proposal would require repetitive inspections to detect corrosion and/or wear of the top and bottom shear decks of the left and right stub wings in the area of the forward pintle pin of the main landing gear (MLG), and repair, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct corrosion and/or wear of the top and bottom shear decks of the left and right stub wings in the area of the forward pintle pin of the MLG, which could result in failure of the MLG to extend or retract.

**DATES:** Comments must be received by November 5, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-106-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Short Brothers, Airworthiness & Engineering Quality, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1112; fax (425) 227-1149.