

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:

Short Brothers, PLC: Docket 97-NM-106-AD.

Applicability: All Model SD3-60 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the main landing gear (MLG) to extend or retract due to corrosion and/or wear of the left and right stub wings in the area of the forward pintle pin of the MLG, accomplish the following:

(a) Within 90 days after the effective date of this AD, conduct an inspection for corrosion 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, and measure the retaining pin holes of the pintle pin for wear; in accordance with Part A. of the Accomplishment Instructions of Short Brothers Service Bulletin SD360-53-42, dated September 1996.

(1) If any corrosion, wear, or measurement of the holes for the retaining pin of the pintle pin is found that is within the limits specified in Part A. of the Accomplishment Instructions of the service bulletin, prior to further flight, repair the discrepancy in accordance with the service bulletin. Thereafter, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 6 months.

(2) If any corrosion, wear, or measurement of the holes for the retaining pin of the pintle pin is found that is beyond the limits specified in Part A. of the Accomplishment Instructions of the service bulletin, prior to further flight, perform the actions required by paragraph (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Remove the corrosion and install bushings on the upper and lower shear webs in the retaining pin holes for the pintle pin in accordance with Part B. (left MLG) and/or Part C. (right MLG), as applicable, of the Accomplishment Instructions of the service bulletin.

(ii) Perform a visual inspection of the pintle pin and the sleeve for any discrepancy,

in accordance with Part B. and/or Part C., as applicable, of the Accomplishment Instructions of the service bulletin.

(A) If no discrepancy is detected, the pintle pin and the sleeve of the pintle pin may be returned to service.

(B) If any discrepancy of the pintle pin and sleeve is detected, prior to further flight, repair the pintle pin and sleeve in accordance with a method approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(b) Removal of corrosion and installation of bushings in accordance with Part B. and/or Part C., as applicable, of the Accomplishment Instructions of Short Brothers Service Bulletin SD360-53-42, dated September 1996, constitutes terminating action for the repetitive inspection requirements of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, 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 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

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 British airworthiness directive 005-09-96.

Issued in Renton, Wash., on September 30, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-26377 Filed 10-3-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-45-AD]

RIN 2120-AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive

(AD) that would apply to certain Pilatus Aircraft Ltd. (Pilatus) Models PC-12 and PC-12/45 airplanes. The proposed action would require inspecting the aileron tie-rod jam nuts for looseness, tightening any loose jam nuts, and installing a locking sleeve on both ends of the aileron tie-rod in the chain-drive of the aileron system. The proposed AD results from an incident where the aileron tie-rod jam nuts on the chain-drive of the aileron system became loose. This caused a differential of aileron control between the pilot's control wheel and the co-pilot's control wheel. The actions specified by the proposed AD are intended to prevent such aileron control differential caused by the aileron tie-rod jam nuts becoming loose, which could result in loss of aileron control and consequent loss of control of the airplane.

DATES: Comments must be received on or before November 7, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-45-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Aircraft Ltd., CH-6370 Stans, Switzerland. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roman T. Gabrys, Aerospace Engineer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of

the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-CE-45-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97-CE-45-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified the FAA that an unsafe condition may exist on Pilatus Models PC-12 and PC-12/45 airplanes. The FOCA of Switzerland reports an incident where the aileron tie-rod jam nuts on the chain-drive of the aileron system became loose. This caused a differential of aileron control between the pilot's control wheel and the co-pilot's control wheel. This condition, if not corrected in a timely manner, could result in loss of aileron control and consequent loss of control of the airplane.

Applicable Service Information

Pilatus has issued Service Bulletin No. 27-001, dated March 25, 1997, which includes procedures for the following on Pilatus Models PC-12 and PC-12/45 airplanes:

- inspecting the aileron tie-rod jam nuts for looseness and tightening any loose jam nuts; and
- installing a locking sleeve on both ends of the aileron tie-rod in the chain-drive of the aileron system.

The FOCA of Switzerland classified this service bulletin as mandatory and issued Swiss FOCA AD HB 97-174, dated April 30, 1997, in order to assure the continued airworthiness of these airplanes in Switzerland.

Evaluation of All Applicable Information

This airplane model is manufactured in Switzerland 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, the FOCA of Switzerland has kept the FAA informed of the situation described above.

The FAA has examined the findings of the FOCA of Switzerland; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Pilatus Models PC-12 and PC-12/45 airplanes of the same type design that are registered in the United States, the FAA is proposing AD action. The proposed AD would require inspecting the aileron tie-rod jam nuts for looseness, tightening any loose jam nuts, and installing a locking sleeve on both ends of the aileron tie-rod in the chain-drive of the aileron system. Accomplishment of the proposed actions would be in accordance with Pilatus Service Bulletin No. 27-001, dated March 25, 1997.

Cost Impact

The FAA estimates that 40 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 5 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts will be provided by the manufacturer at no cost to the owner/operator of the affected airplanes. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$12,000 or \$300 per airplane.

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 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) 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 has been placed 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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Pilatus Aircraft Ltd.: Docket No. 97-CE-45-AD.

Applicability: Models PC-12 and PC-12/45 airplanes, serial numbers 101 through 169, certificated in any category.

Note 1: The modification required by this AD is incorporated at manufacture on Models PC-12 and PC-12/45 airplanes, beginning with serial number 170. Airplanes with this modification are not affected by this AD.

Note 2: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 (d) 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 within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent a differential of aileron control between the pilot's control wheel and the co-pilot's control wheel caused by the aileron tie-rod jam nuts becoming loose, which could result in loss of aileron control and consequent loss of control of the airplane, accomplish the following:

(a) Inspect the aileron tie-rod jam nuts for looseness in accordance with the Accomplishment Instructions section of Pilatus Service Bulletin No. 27-001, dated March 25, 1997. Prior to further flight, tighten any loose jam nuts in accordance with this service bulletin.

(b) Install a locking sleeve on both ends of the aileron tie-rod in the chain-drive of the aileron system in accordance with the Accomplishment Instructions section of Pilatus Service Bulletin No. 27-001, dated March 25, 1997.

(c) 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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Pilatus Aircraft Ltd., CH-6370 Stans, Switzerland; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 4: The subject of this AD addresses the actions specified in Swiss AD FOCA AD HB 97-174, dated April 30, 1997.

Issued in Kansas City, Missouri, on September 30, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-26411 Filed 10-3-97; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 101, 161, and 501

[Docket No. 92P-0441]

Food Labeling; Net Quantity of Contents; Compliance; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening until December 1, 1997, the comment period on a proposed rule that was published in the **Federal Register** of March 4, 1997 (62 FR 9826). The document proposed to revise the agency's human and animal food labeling regulations that pertain to declarations of net quantity of contents on food packages. This action is being taken to allow interested persons additional time to submit comments to FDA on a survey sponsored by the Federal Trade Commission on the accuracy of net content labeling of milk and other products.

DATES: Written comments by December 1, 1997.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Loretta A. Carey, Center for Food Safety and Applied Nutrition (HFS-158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5099.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 4, 1997 (62 FR 9826), FDA published a proposed rule to revise its human and animal food labeling regulations that pertain to declarations of net quantity of contents on food packages. That proposal set out procedures for determining whether net quantity of contents declarations accurately reflect the amount of product in food packages. Interested persons were given until June 2, 1997, to comment on the proposed rule. In the **Federal Register** of May 30, 1997 (62 FR 29313), the agency extended the comment period for an additional 90 days. The comment period closed on September 2, 1997.

FDA has received two requests for a second 90-day extension of the comment period on its proposed rule on net quantity of contents on food packages. The requests were from trade

associations that represent major segments of both the food and feed industries. Both requests stated that industry representatives would need this extension in light of the national 20-State survey regarding the accuracy of net content labeling of milk and, to a lesser extent, of other dairy products (such as yogurt and cottage cheese) and of juice. The survey was conducted because of State and local reports of short-filling in packages of milk served in schools or sold in retail stores. The survey was made available on July 17, 1997. The requests for extension of the comment period stated that the industry representatives needed additional time to review and analyze this study before they could complete their comments.

FDA informally granted an extension of 28 days until September 30, 1997, under the provisions in 21 CFR 10.40(b)(3)(ii). The agency has now decided, however, that extending the comment period until December 1, 1997, as requested, will allow interested persons to fully review and analyze the data from the national survey. This extension will ensure that there is full consideration of all data and issues relating to the agency's net quantity of contents proposal.

Interested persons may, on or before December 1, 1997, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 30, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97-26450 Filed 10-3-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

46 CFR Parts 25, 27, and 32

[CGD 97-064]

RIN 2115-AF-53

Towing Vessel Safety

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.