

attributable to poultry products. The rule will help ensure that raw poultry entering chiller tanks is free of contamination that may harbor pathogens and, thus, that there will be less cross-contamination in the chiller tanks. FSIS expects that this reduced cross-contamination will mean that raw poultry shipped in commerce will have fewer pathogens and that the risk of illness due to improper handling of raw product after it leaves the inspected establishment will be reduced.

The Administrator, FSIS, has determined that this final rule will not have a significant impact on a substantial number of small entities. The small entities affected by this rule are the approximately 220 small poultry slaughtering establishments that meet the Small Business Administration size standard of 500 or fewer employees. This is a significant number of small entities but, for reasons given above, costs to establishments, whether they be small or large entities, should not be significantly affected by this rule. Thus, the rule will not have a significant impact on a substantial number of small entities.

#### Executive Order 12988

This final 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 no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Requirements

The July 13, 1994, proposed rule required paperwork and recordkeeping activities that would have provided FSIS with information to ensure that establishments were in compliance with the proposed regulations. As noted above, however, FSIS is withdrawing the provisions of the proposal that would have required such paperwork and recordkeeping.

#### List of Subjects in 9 CFR Part 381

Poultry inspection, Poultry and poultry products.

For the reasons discussed in the preamble, FSIS is amending part 381 of the poultry products inspection regulations as set forth below:

### PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451-470; 7 CFR 2.18, 2.53.

### Subpart I—Operating Procedures

2. Section 381.65 is amended by adding a new paragraph (e) to read as follows:

#### § 381.65 Operations and procedures, generally.

\* \* \* \* \*

(e) Poultry carcasses contaminated with visible fecal material shall be prevented from entering the chilling tank.

\* \* \* \* \*

### Subpart K—Post Mortem Inspection; Disposition of Carcasses and Parts

#### § 381.76 [Amended]

3. Section 381.76(b)(3)(vi), Table 1—Definitions of Nonconformances, is amended in paragraph A-1 by removing the word "feces," by removing the end note from paragraph A-2 regarding feces, by removing paragraph A-8, "Feces  $\geq 1/8$ ," and by renumbering paragraphs A-9 through A-20 as A-8 through A-19.

\* \* \* \* \*

Done at Washington, DC, on January 30, 1997.

Thomas J. Billy,

Administrator.

[FR Doc. 97-2736 Filed 1-30-97; 3:30 pm]

BILLING CODE 3410-DM-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-NM-258-AD; Amendment 39-9913; AD 97-03-07]

RIN 2120-AA64

#### Airworthiness Directives; Raytheon Model Hawker 800 and 1000 and Model DH/BH/HS/BAe 125 Series Airplanes (Including Major Variants C29A, U125, and U125A Series Airplanes)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain Raytheon Model BAe 125-1A through -1000A series airplanes and Model Hawker 800 and 1000 airplanes, that currently requires repetitive inspections to detect fatigue cracking of the sidestay jack pivots of the main landing gear (MLG), and replacement of the sidestay jack pivot assemblies with new assemblies. This amendment adds a requirement to replace the sidestay jack pivot

assemblies with new, improved assemblies; when accomplished, this replacement would terminate the inspection requirements of the AD. This amendment also expands the applicability of the existing AD to include additional airplanes. The actions specified by this AD are intended to prevent fatigue fracturing of the sidestay jack pivots of the MLG, which could result in the inability of the MLG to deploy and a consequent wheels-up landing.

**DATES:** Effective March 11, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 11, 1997.

The incorporation by reference of Raytheon Corporate Jets Service Bulletin SB 32-233, dated June 24, 1994, listed in the regulations, was approved previously by the Director of the Federal Register as of February 3, 1995 (60 FR 330, January 4, 1995).

**ADDRESSES:** The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201-0085. 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:** Tim Backman, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94-26-12, amendment 39-9107 (60 FR 330, January 4, 1995), which is applicable to certain Raytheon Model BAe 125-1A through -1000A series airplanes and Model Hawker 800 and 1000 airplanes, was published in the Federal Register on October 18, 1996 (61 FR 54359). The action proposed to expand the applicability of the existing AD to include additional airplanes. It also proposed to require installation of new, improved sidestay jack pivot assemblies, which would constitute terminating action for the inspection requirements of this AD.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No

comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 550 Raytheon Model BAe 125-1 through 1000A series airplanes and Model Hawker 1000 airplanes of U.S. registry that will be affected by this proposed AD.

The actions that are currently required by AD 94-26-12 take approximately 6 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. The manufacturer is currently supplying required parts at no cost to the operators. Based on these figures, the cost impact of the previously required actions on U.S. operators is estimated to be \$198,000, or \$360 per airplane, per inspection cycle.

The new (replacement) actions that are required by this new AD will take approximately 4 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$1,200 per airplane. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be \$792,000, or \$1,440 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 removing amendment 39-9107 (60 FR 330, January 4, 1995), and by adding a new airworthiness directive (AD), amendment 39-9913, to read as follows:

97-03-07 Raytheon Aircraft Company (Formerly Beech, Raytheon Corporate Jets, British Aerospace, Hawker Siddley, et al.): Amendment 39-9913. Docket 95-NM-258-AD. Supersedes AD 94-26-12, Amendment 39-9107.

**Applicability:** Model Hawker 800 and 1000 and Model DH/BH/HS/BAe 125 series airplanes (including major variants C29A, U125, and U125A series airplanes); equipped with main landing gear (MLG) sidestay assemblies on which Post-Mod 252091 steel jack pivots have 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 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.

**Note 2:** Raytheon Model BAe 125 series 800B and BAe 125-1000B airplanes are similar in design to the airplanes that are subject to the requirements of this AD and, therefore, also may be subject to the unsafe condition addressed by this AD. However, as

of the effective date of this AD, those models are not type certificated for operation in the United States. Airworthiness authorities of countries in which the Model BAe 125 series 800B and BAe 125-1000B airplanes are approved for operation should consider adopting corrective action, applicable to those models, that is similar to the corrective action required by this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent the inability of the MLG to deploy and a consequent wheels-up landing, accomplish the following:

**Note 3:** Paragraph (a) of this AD restates the requirements of AD 94-26-12. As allowed by the phrase, "unless accomplished previously," if the initial inspection required by that AD has been accomplished previously, paragraph (a) of this AD does not require that initial inspection to be repeated.

(a) For Raytheon Model Hawker 800 and 1000 and Model DH/BH/HS/BAe 125-1A through -1000A series airplanes equipped with MLG sidestay assemblies on which Post-Mod 252091 steel jack pivots have been installed, except for airplanes as specified in paragraph (d) of this AD: Perform a detailed visual inspection, using a 10X magnifier, to detect cracking of the sidestay assembly jack pivot of the left and right MLG, in accordance with Raytheon Corporate Jets Service Bulletin SB 32-233, dated June 24, 1994; Revision 1, dated July 8, 1994; or Revision 2, dated July 28, 1995; at the latest of the times specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD.

(1) Within 28 days after February 3, 1995 (the effective date of AD 94-26-12, Amendment 39-9107); or

(2) Prior to the accumulation of 3,000 total landings on the sidestay assembly since new; or

(3) Prior to the accumulation of 1,000 total landings since overhaul of the sidestay assembly.

(b) For Raytheon Model Hawker 800 and 1000 and Model DH/BH/HS/BAe 125-1A through -1000A series airplanes equipped with MLG sidestay assemblies on which Post-Mod 252091 steel jack pivots (part numbers 25UM1199A, 25UM1229A, and 25UM87-1A) have been installed prior to June 24, 1994, except for airplanes as specified in paragraph (d) of this AD:

(1) If no cracks are found during the inspection required by paragraph (a) of this AD, and the sidestay assembly has been overhauled prior to the accomplishment of the inspection, accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD at the times specified.

(i) Repeat the inspection specified in paragraph (a) of this AD within 1,000 landings after accomplishing the initial inspection, and thereafter at intervals not to exceed 1,000 landings, in accordance with Raytheon Corporate Jets Service Bulletin SB 32-233, dated June 24, 1994; Revision 1, dated July 8, 1994; or Revision 2, dated July 28, 1995.

(ii) Prior to the accumulation of 4,000 total landings on the jack pivot assembly since the sidestay assembly was new or last overhauled, or within 300 landings after the effective date of this AD, whichever occurs

later: Replace the jack pivot assembly with a new, improved assembly, in accordance with Raytheon Corporate Jets Service Bulletin SB.32-233-3597A, dated July 28, 1995. Accomplishment of this replacement constitutes terminating action for the inspection requirements of this AD.

(2) If no cracks are found during the inspection required by paragraph (a) of this AD, and the sidestay assembly has not been overhauled prior to accomplishment of that inspection: Prior to the accumulation of 4,000 total landings on the jack pivot assembly, or within 300 landings after the effective date of this AD, whichever occurs later, replace the jack pivot assembly with a new, improved assembly, in accordance with Raytheon Corporate Jets Service Bulletin SB.32-233, Revision 2, dated July 28, 1995. Accomplishment of this replacement constitutes terminating action for the inspection requirements of this AD.

(c) For Raytheon Model Hawker 800 and 1000 and Model DH/BH/HS/BAe 125-1A through -1000A series airplanes equipped with MLG sidestay assemblies on which Post-Mod 252091 steel jack pivots (part numbers 25UM1199A, 25UM1229A, and 258UM87-1A) have been installed on June 24, 1994, or later, except for airplanes as specified in paragraph (d) of this AD: Replace the jack pivot assembly with a new, improved assembly in accordance with Raytheon Corporate Jets Service Bulletin SB.32-233-3597A, dated July 28, 1995, at the later of the times specified in paragraph (c)(1) or (c)(2) of this AD. Accomplishment of this replacement constitutes terminating action for the inspection requirements of this AD.

(1) Prior to the accumulation of 2,000 total landings since installation of Post Mod 252091 steel jack pivots. Or

(2) Within 1,000 landings after the effective date of this AD.

(d) For all Raytheon Model BAe 125 Series 800A C29A, U125, and Hawker 800 U125A

airplanes on which Post Mod 252091 steel jack pivots (part numbers 25UM1199A, 25UM1229A, and 258UM87-1A) have been installed: Accomplish paragraphs (d)(1) and (d)(2) of this AD at the times specified in those paragraphs.

(1) Perform a detailed visual inspection, using a 10X magnifier, to detect cracking of the sidestay assembly jack pivot of the left- and right-hand MLG, in accordance with Raytheon Corporate Jets Service Bulletin SB.32-233, Revision 2, dated July 28, 1995, at the later of the times specified in paragraph (d)(1)(i) or (d)(1)(ii) of this AD. Thereafter, repeat this inspection at intervals not to exceed 200 landings, until the requirements of paragraph (d)(2) of this AD are accomplished.

(i) Prior to the accumulation of 1,200 total landings since the installation of a steel jack pivot (Post Mod 252091). Or

(ii) Within 56 days or within 200 landings after the effective date of this AD, whichever occurs first.

(2) Prior to the accumulation of 2,000 total landings on the jack pivot, or within 300 landings after the effective date of this AD, whichever occurs later: Replace the sidestay jack pivot assembly with a new, improved assembly (part numbers 25UM1335-1A and 25-8UM173-1A) in accordance with Raytheon Corporate Jets Service Bulletin SB.32-233-3597A, dated July 28, 1995. Accomplishment of this replacement constitutes terminating action for the inspection requirements of this AD.

(e) If any crack is detected during any inspection required by this AD, replace the sidestay jack pivot assembly with a new, improved assembly (part numbers 25UM1335-1A and 25-8UM173-1A) in accordance with Raytheon Corporate Jets Service Bulletin SB.32-233-3597A, dated July 28, 1995, at the time specified in paragraph (e)(1) or (e)(2) of this AD, as applicable. Accomplishment of this

replacement constitutes terminating action for the inspection requirements of this AD.

(1) For airplanes on which a crack is detected that does not exceed the limits specified in the service bulletin, replace the assembly at the later of the times specified in paragraph (e)(1)(i) or (e)(1)(ii) of this AD.

(i) Within 100 landings after the effective date of this AD. Or;

(ii) Within 100 landings after the initial detection of the cracking.

(2) For airplanes on which a crack is detected that exceeds the limits specified in the service bulletin, prior to further flight, replace the assembly in accordance with the service bulletin.

(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, 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.

(g) 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.

(h) The actions shall be done in accordance with the following Raytheon Corporate Jets service bulletins, which contain the specified list of effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
SB 32-233, June 24, 1994 .....	1-10 .....	Original .....	June 24, 1994.
SB 32-233 Revision 1, July 8, 1994 .....	1, 2, 5 .....	1 .....	July 8, 1994.
	3, 4, 6-10 .....	Original .....	June 24, 1994.
SB 32-233 Revision 2, July 28, 1995 .....	1-4, 6, 7, 9 .....	2 .....	July 28, 1995.
	5 .....	1 .....	July 8, 1994.
	8, 10 .....	Original .....	June 24, 1994.
SB.32-233-3597A, July 28, 1995 .....	1-8 .....	Original .....	July 28, 1995.

The incorporation by reference of Raytheon Corporate Jets Service Bulletin SB 32-233, dated June 24, 1994, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of February 3, 1995 (60 FR 330, January 4, 1995). The incorporation by reference of the remainder of the service documents listed above is 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 Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201-0085. 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.

(i) This amendment becomes effective on March 11, 1997.

Issued in Renton, Washington, on January 27, 1997.

Darrell M. Pederson,  
*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 97-2518 Filed 2-3-97; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 96-NM-86-AD; Amendment 39-9914; AD 97-03-08]

RIN 2120-AA64

## Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Jetstream Model