considered lower tier covered transactions.

(iii) With respect to paragraph (a)(2) of this section, the following USDA transactions also are not covered: transactions under programs which provide statutory entitlements and make available loans to individuals and entities in their capacity as producers of agricultural commodities; transactions under conservation programs; transactions under warehouse licensing programs; the receipt of licenses, permits, certificates, and indemnification under regulatory programs conducted in the interest of public health and safety and animal and plant health and safety; the receipt of official grading and inspection services, animal damage control services, public health and safety inspection services, and animal and plant health and safety inspection services; if the person is a State or local government, the provision of official grading and inspection services, animal damage control services, public health and safety inspection services, and animal and plant health and safety inspection services; and permits, licenses, exchanges and other acquisitions of real property, rights of way, and easements under natural resource management programs.

* * * * *

3. Section 3017.115 would be amended by adding a new paragraph (d) to read as follows:

§ 3017.115 Policy.

* * * * *

(d) In any case in which an administrative exclusion is considered under an authority other than this part, USDA will initiate, where appropriate, a debarment or suspension action under this part for the protection of the entire Federal Government.

4. Section 3017.200 would be amended by adding a new paragraph (d) to read as follows:

§ 3017.200 Debarment or suspension.

* * * * *

(d) *Department of Agriculture excepted transactions.* With respect to paragraph (c) of this section, the following USDA transactions also are excepted: transactions under programs which provide statutory entitlements and make available loans to individuals and entities in their capacity as producers of agricultural commodities; transactions under conservation programs; transactions under warehouse licensing programs; the receipt of licenses, permits, certificates, and indemnification under regulatory programs conducted in the interest of public health and safety and animal and plant health and safety; the receipt of official grading and inspection services, animal damage control services, public health and safety inspection services, and animal and plant health and safety inspection services; if the person is a State or local government, the provision of official grading and inspection services, animal damage control services, public health and safety inspection services, and animal and plant health and safety inspection services; and permits, licenses, exchanges, and other acquisitions of real property, rights of way, and easements under natural resource management programs.

Dated: September 15, 1995.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 95–23508 Filed 9–25–95; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–91–AD]

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 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 McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes. This proposal would require installation of hydraulic line restrictors in the main landing gear (MLG), and modification of the hydraulic damper assembly of the MLG. This proposal is prompted by reports of vibration occurring in the MLG during landing; in some cases, such vibration has led to the collapse of the MLG. The actions specified by the proposed AD are intended to prevent incidents of vibration in the MLG, which can adversely affect the integrity of the MLG.

DATES: Comments must be received by November 21, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–91–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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5336; fax (310) 627–5210.

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–91–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–91–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received several reports from operators of McDonnell Douglas Model DC–9–80 series airplanes who have experienced incidents of severe vibration of the main landing gear (MLG) when brakes are applied during landing. The vibration resulted in separation of the torque link and breakage at the apex joint. In three of these incidents, the MLG collapsed. Investigation revealed that the collapse resulted from torsional vibration in the MLG, which was induced by interaction between the landing gear and the brake antiskid system.

The FAA also has received a report indicating that a MLG failed due to fatigue failure of the MLG shock strut cylinder. Investigation revealed that a fore and aft vibration of the MLG can occur when brakes are applied. As in the other incidents, this vibration is caused by the interaction of the landing gear and the brake antiskid system. Such vibration causes higher than expected stress levels in the MLG shock strut cylinder, and can lead to the subsequent fatigue failure of the cylinder.

These conditions, if not corrected, can adversely affect the integrity of the MLG.

The FAA has reviewed and approved the following McDonnell Douglas Service Bulletins:

1. Service Bulletin MD80–32–276, dated March 31, 1995: This document describes procedures for the installation of brake line restrictors on airplanes not currently equipped with them. This installation will minimize the possibility of both the torsional and the fore and aft vibration that results from the interaction of the landing gear and the antiskid system.

2. Service Bulletin MD80–32–278, dated March 31, 1995: This document describes procedures to replace and modify the hydraulic damper assembly. The replacement or modification entails removing the shims located between the cap and damper assembly housing; increasing the torque on the damper housing assembly bolts; and replacing or modifying the damper assembly components to increase the volume of fluid passing between the two damper chambers. This modification significantly increases the damping capability of this unit and consequently reduces the possibility of torsional vibration in the MLG assembly.

Accomplishing the actions described in these two service bulletins will have a combined effect to:

1. substantially reduce the amount of vibration in the MLG,

2. improve the effectiveness of the high energy damper, and

3. minimize the possibility of incidents of extreme vibration on these airplanes, which can lead to damage to the MLG and the airframe.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require installation of MLG brake system hydraulic line restrictors, and modification or replacement of the MLG hydraulic damper assembly. The actions would be required to be accomplished in accordance with the two service bulletins described previously.

There are approximately 1,100 Model DC–9–80 series airplanes and Model MD–88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 600 airplanes of U.S. registry would be affected by this proposed AD.

Accomplishment of the installation of the brake line restrictor, as described in McDonnell Douglas Service Bulletin MD80–32–276, would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $928 per airplane. Based on these figures, the total cost impact of this proposed installation action on U.S. operators is estimated to be $700,800, or $1,168 per airplane.

Accomplishment of the modification of the hydraulic damper assembly, as described in McDonnell Douglas Service Bulletin A32–278, would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $4,000 per airplane. Based on these figures, the total cost impact of this modification action on U.S. operators is estimated to be $2,616,000, or $4,360 per airplane.

Based on the figures discussed above, the FAA estimates that the total cost impact of this proposed AD on U.S. operators would be $3,316,800, or $5,528 per airplane. This total cost impact figure is 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.

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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 95–NM–91–AD.

Applicability: Model DC–9–81 (MD–81), –82 (MD–82), –83 (MD–83), and –87 (MD–87) series airplanes, and Model MD–88 airplanes; certificated in any category; and listed in the following McDonnell Douglas Service Bulletins:

McDonnell Douglas MD–80 Service Bulletin MD80–32–276, dated March 31, 1995; and

McDonnell Douglas MD–80 Service Bulletin MD80–32–278, dated March 31, 1995.

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 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 reduce the possibility of vibration in the main landing gear (MLG) that can adversely affect its integrity, accomplish the following:

(a) For airplanes listed in McDonnell Douglas MD–80 Service Bulletin MD80–32–276, dated March 31, 1995, that have not been previously modified (installation of brake line restrictors) in accordance with McDonnell Douglas MD–80 Service Bulletin 32–246: Within 9 months after the effective date of this AD, install filtered restrictors in the MLG hydraulic brake system in accordance with McDonnell Douglas MD–80 Service Bulletin MD80–32–276, dated March 31, 1995.

(b) For airplanes listed in McDonnell Douglas MD–80 Service Bulletin MD80–32–278, dated March 31, 1995: Within 36 months after the effective date of this AD, modify the hydraulic damper assembly (by removing shims, increasing bolt torque, and incorporating changes to increase the volume of fluid passing between the two damper chambers) in accordance with McDonnell Douglas MD–80 Service Bulletin MD80–32–278, dated March 31, 1995 .

(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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

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

(e) 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.

Issued in Renton, Washington, on September 20, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–23808 Filed 9–25–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–118–AD]

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9–80 series airplanes, that currently requires inspection and replacement of certain suspect horizontal stabilizer primary trim motors. That AD was prompted by an analysis which revealed that certain incorrectly manufactured motor shafts could fail prematurely and, in turn, cause the primary trim motor to fail. The actions specified in that AD are intended to prevent such failures of the primary trim motor, which could ultimately result in reduced controllability of the airplane. This action would expand the applicability of the existing AD to include additional airplanes.

DATES: Comments must be received by November 6, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–118–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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60); or Sundstrand Aerospace, 4747 Harrison Avenue, P.O. Box 7002, Rockford, Illinois 61125–7002. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5336; fax (310) 627–5210.

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–118–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–118–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On March 8, 1995, the FAA issued AD 95–06–04, amendment 39–9174 (60 FR 15034, March 22, 1995), applicable to certain McDonnell Douglas Model DC–9–80 series airplanes, to require inspection and replacement of certain suspect horizontal stabilizer primary trim motors. That action was prompted by an analysis which revealed that certain incorrectly manufactured motor shafts could fail prematurely and, in turn, cause the primary trim motor to fail. The requirements of that AD are intended to prevent such failures of the primary trim motor, which could ultimately result in reduced controllability of the airplane.

Since the issuance of that AD, the FAA received a report indicating that an additional lot of motor output shafts was not subjected to a hardening