§ 959.322. The correct date is ''June 4'', and the first sentence of § 959.322 is changed accordingly.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 36 handlers of South Texas onions who are subject to regulation under the order and approximately 60 producers in the regulated area. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000. Small agricultural producers are defined as those having annual receipts of less than $500,000. The majority of handlers and producers of South Texas onions may be classified as small entities.

Committee meetings are widely publicized in advance and are held in a location central to the production area. The meetings are open to all industry members (including small business entities) and other interested persons—who are encouraged to participate in the deliberations and voice their opinions on topics under discussion. Thus, Committee recommendations can be considered to represent the interests of small business entities in the industry.

Many years of marketing experience led to the development of the current shipping and packing procedures. These procedures have helped the industry address marketing problems by keeping supplies and movement of packed onions in balance with market needs, and strengthening market conditions. However, the heavy rains in late March and most of April 1997, disrupted the normal pattern of harvesting, packing, and loading. All onions had to be dried in mechanical dryers prior to packing. Growers could not harvest more onions until the dryers had been emptied, and the dryers could not be emptied until the dried onions could be packed and shipped. Thus, the Sunday packing and loading prohibition placed an undue burden on South Texas onion growers and packers.

The Committee considered not relaxing the regulation for the remainder of the season, but felt that would result in significant crop losses. The Committee also felt that a cessation in harvesting activity would result in increased unemployment among onion field workers and employees at handlers' facilities. In addition, the Committee believed that reduced supplies would likely have resulted in consumers paying higher prices for these onions.

While the level of benefits of the interim final rule are difficult to quantify, the stabilizing effects of the relaxation in the packing and loading regulation impacted both small and large onion handlers positively by helping them maintain markets in the phase of adverse harvesting and packing conditions in 1997.

There are some reporting, recordkeeping, and other compliance requirements under the marketing order. The reporting and recordkeeping burdens are necessary for compliance purposes and for developing statistical data for maintenance of the program. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. As with other similar marketing order programs, reports and forms are periodically reviewed to reduce or eliminate duplicate information collection burdens by industry and public sector agencies. This final rule does not change those requirements.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this regulation.

An interim final rule regarding this action was issued by the Department on April 18, 1997, and published in the **Federal Register** (62 FR 19667, April 23, 1997), with an effective date of April 19, 1997. That rule provided a 30-day comment period which ended May 23, 1997. No comments were received. However, as stated earlier, the interim final rule, contained an erroneous regulatory period ending date and this document changes it.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, with change, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

Accordingly, the interim final rule amending 7 CFR part 959 which was published at 62 FR 19667 on April 23, 1997, is adopted as a final rule with the following change:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 959.322 [Amended]

2. Section 959.322, introductory text, is amended by removing the date ''June 15,'' in the first sentence and adding the date ''June 4,'' in its place.

* * * * *

Dated: July 11, 1997.

Sharon Bomer Lauritsen,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 97–18820 Filed 7–16–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–122–AD; Amendment 39–10083; AD 97–15–09]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757 and 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing Model 757 and 767 series airplanes. This action requires repetitive inspections to detect damage and to verify proper configuration of the battery ground terminations of the auxiliary power unit (APU) at the battery and connected structure; and removal, replacement, and repair of the battery ground termination, if necessary. This amendment is prompted by reports of smoke or fire coming from the APU due to battery grounds that were not installed/maintained properly. The actions specified in this AD are intended to detect and correct such APU battery grounds, which could result in heat damage and consequent smoke/fire on the airplane.

DATES: Effective August 1, 1997.

Comments for inclusion in the Rules Docket must be received on or before September 15, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–122–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Information concerning this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Forrest Keller, Senior Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227–2790; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received several reports of smoke or fire that originated in areas adjacent to the auxiliary power unit (APU) battery grounds on Boeing Model 757 and 767 series airplanes. Investigation revealed that APU battery grounds were not installed/maintained properly on these airplanes. In addition, the existing design of the battery ground (i.e., single lug) is prone to overheating when installed improperly. Such improper installation/maintenance, if not corrected, could result in heat damage to the battery ground of the APU and consequent smoke/fire on the airplane.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 757 and 767 series airplanes of the same type design, this AD is being issued to detect and correct improperly installed/maintained APU battery grounds, which could result in heat damage and consequent smoke/fire on the airplane. This AD requires repetitive detailed visual inspections to detect damage and to verify proper configuration of the battery ground terminations of the APU at the battery and connected structure; and removal, replacement, and repair of the battery ground termination, if necessary.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 concern with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–122–AD.'' The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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, 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:

97–15–09 Boeing: Amendment 39–10083. Docket 97–NM–122–AD.

Applicability: All Model 757 and 767 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 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 detect and correct improperly installed/maintained auxiliary power unit (APU) battery grounds, which could result in heat damage and consequent smoke/fire on the airplane, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform a detailed visual inspection to detect damage and to verify proper configuration of the battery ground terminations of the APU at the battery and connected structure.

(1) If no damage is detected and all battery ground terminations are configured properly (i.e., all required washer and other parts installed, and termination bolts are torqued properly) in accordance with Boeing Standard Wiring Practices Manual D6–54446,

repeat the visual inspection thereafter at intervals not to exceed 1,000 flight hours.

(2) If any damage is detected or any battery ground termination is found to be configured improperly, prior to further flight, remove, replace, and repair the battery ground termination, as applicable, in accordance with Boeing Standard Wiring Practices Manual D6–54446 and applicable Boeing drawings. Repeat the detailed visual inspection thereafter at intervals not to exceed 1,000 flight hours.

(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, Seattle 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, Seattle ACO.

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

(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) This amendment becomes effective on August 1, 1997.

Issued in Renton, Washington, on July 11, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–18933 Filed 7–16–97; 8:45 am]

BILLING CODE 4910–13–P–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–136–AD; Amendment 39–10082; AD 97–14–11]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 200) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 97–14–11 that was sent previously to all known U.S. owners and operators of certain Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 200) series airplanes by individual notices. This AD requires repetitive inspections to detect cracks of a certain bulkhead web of the fuselage at certain locations, and repair, if necessary. This action is prompted by a report of a pressurization problem during flight, which was caused by fatigue cracking in the underfloor pressure bulkhead of the fuselage. The actions specified by this AD are intended to detect and correct such fatigue cracking, which could result in uncontrolled depressurization of the airplane and/or reduced structural integrity of the fuselage.

DATED: Effective July 22, 1997. To all persons except those persons to whom it was made immediately effective by emergency AD 97–14–11, issued on June 27, 1997, which contained the requirements of this amendment.

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

Comments for inclusion in the Rules Document must be received on or before September 15, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–136–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The applicable service information may be obtained from Bombardier, Inc., Canadair Aerospace Group, P.O. Box 6087, Station Centre-ville, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office (ACO), 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capital Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: George Duckett, Aerospace Engineer, or Franco Peiri, Aerospace Engineer, Airframe and Propulsion Branch ANE–171, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; telephone (516) 256–7525 or –7526; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: On June 27, 1997, the FAA issued emergency AD 97–14–11, which is applicable to certain Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 200) series airplanes. That action was prompted by a report of a pressurization problem during flight on a Model CL–600–2B19 series airplane. Investigation revealed a crack approximately 14 inches long in the center pressure bulkhead. In addition, such cracking was found on seven other Model CL–600–2B19 series airplanes. The cause of this cracking has been attributed to structural fatigue. Fatigue cracking in the underfloor pressure bulkhead of the fuselage, if not detected and corrected in a timely manner, could result in uncontrolled depressurization of the airplane and/or reduced structural integrity of the fuselage.

Explanation of Relevant Service Information

The manufacturer has issued Canadair Regional Jet Alert Service Bulletin A601R–53–045, dated June 25, 1997, which describes procedures for repetitive detailed visual inspections to detect cracks at FS 409+128 of a certain bulkhead web of the fuselage at certain locations, and repair, if necessary. Transport Canada Aviation classified this alert service bulletin as mandatory and issued Canadian airworthiness directive CF–97–11, dated June 25, 1997, 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 section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, 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 the Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA issued emergency AD 97–14–11 to require repetitive detailed visual inspections to detect cracks at FS 409+128 of a certain bulkhead web of the fuselage at certain locations, and repair, if necessary. This AD also requires that operators report the results of the detailed visual inspection to the FAA. The inspections are required to be accomplished in accordance with the alert service bulletin previously described. The repair is required to be accomplished in accordance with a method approved by the FAA.