impact on a substantial number of small entities.

**Background**

AMS published the final Order (61 FR 19514) on May 2, 1996, to implement a national sheep and wool, promotion, research, education, and information program. The effective date of the Order was May 3, 1996, except that the collection and remittance sections of the Order—§ 1280.224–§ 1280.228—were scheduled to become effective on July 1, 1996. The final Rules and Regulations (61 FR 21053; effective May 10, 1996), which set forth the collection and remittance procedures to be used beginning July 1, 1996, and the Certification and Nomination procedures (61 FR 21049; effective May 10, 1996), which set forth the eligibility criteria and the nomination process to be used to obtain nominations for appointment to the Board, were both published in the **Federal Register** on May 9, 1996. However, after the February 6, 1996, referendum was held, the Department received voter complaints about alleged inconsistencies in the application of the referendum rules in conducting the referendum. The Department conducted a review of these allegations. Based on findings in the review, which revealed that the referendum rules were not applied consistently, on June 28, 1996, the Department suspended indefinitely provisions of the Order and the Certification and Nomination Regulations, and postponed indefinitely the announced effective date of July 1, 1996, for assessment collection in the Rules and Regulations, and the assessment provisions of the Order. Subsequently, a second referendum was held on October 1, 1996.

Before the Order can become effective, the Act requires that it be approved either by a majority of producers, feeders, and importers voting in the referendum, or by voters who account for at least two-thirds of the production represented by persons voting in the referendum. Of the 11,880 valid ballots cast in the October 1, 1996, referendum, 5,603 (47 percent) favored implementation of the Order and 6,277 (53 percent) opposed implementation of the Order. Of those persons voting in the referendum who cast a valid ballot, those favored the Order accounted for 33 percent of the total production voted and those who opposed it accounted for 67 percent of the production voted.

It is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure prior to putting this action into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register**, because: (1) In a second referendum conducted on October 1, 1996, eligible sheep producers, sheep feeders, and importers voting did not approve the Order; (2) previously suspended and postponed provisions of 7 CFR 1280 must now be terminated; and (3) no useful purpose would be served in delaying the effective date of the termination Order.

It is therefore ordered that 7 CFR 1280 is hereby terminated effective on July 22, 1997. This termination includes all previously published regulations authorized under the Act.

**List of Subjects in 7 CFR Part 1280**

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Sheep and sheep products, Reporting and recordkeeping requirements.

## PART 1280—[REMOVED]

For the reasons set forth in the preamble and under the authority of 7 U.S.C. 7101–7111, 7 CFR part 1280 is removed.

Dated: July 15, 1997.

**Barry L. Carpenter,**

*Director, Livestock and Seed Division, Agricultural Marketing Service.*

[FR Doc. 97–19024 Filed 7–18–97; 8:45 am]

BILLING CODE 3410–02–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 96–CE–34–AD; Amendment 39–10073; AD 97–14–15]**

**RIN 2120–AA64**

## Airworthiness Directives; Raytheon Aircraft Company (Formerly Known as Beech Aircraft Corporation) Models E33, F33, G33, E33A, F33A, E33C, F33C, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, V35TC, V35ATC, V35BTC, 36, A36, A36TC, B36TC, 50, B50, C50, 95–55, 95A55, 95B55, 95C55, D55, E55, 56TC, A56TC, 58, 58TC, 95, B95, B95A, D95A, and E95 Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to Raytheon Aircraft Company (formerly known as Beech Aircraft Corporation) Models E33, F33, G33, E33A, F33A, E33C, F33C, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, V35TC, V35ATC, V35BTC, 36, A36, A36TC, B36TC, 50, B50, C50, 95–55, 95A55, 95B55, 95C55, D55, E55, 56TC, A56TC, 58, 58TC, 95, B95, B95A, D95A, and E95 airplanes. This action requires checking the cabin side door handle and the utility door handle from the interior of the airplane for proper locking. If the door handles do not lock, the proposed AD would require reinstalling the door handles correctly for the lock to engage. Nine reports of the utility and cabin door handle opening from the interior of the airplane without depressing the lock release button prompted this action. The actions specified by this AD are intended to prevent unintentional opening of the cabin side door and the utility door from the interior of the airplane, which, if not detected and corrected, could result in loss of control of the airplane.

**DATES:** Effective September 2, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 2, 1997.

**ADDRESSES:** Service information that applies to this AD may be obtained from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96–CE–34–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Larry Engler, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Rd., Rm. 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4122; facsimile (316) 946–4407.

**SUPPLEMENTARY INFORMATION:**

**Events Leading to the Issuance of This AD**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Raytheon Aircraft Company (Raytheon) (formerly known as Beech Aircraft Corporation) Models E33, F33, G33, E33A, F33A, E33C, F33C, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, V35TC, V35ATC, V35BTC, 36, A36, A36TC, B36TC, 50, B50, C50, 95–55,

95A55, 95B55, 95C55, D55, E55, 56TC, A56TC, 58, 58TC, 95, B95, B95A, D95A, and E95 airplanes was published in the **Federal Register** on December 23, 1996 (61 FR 67505). The action proposed to require checking the cabin side door and the utility door handle from the interior of the airplane for proper locking. If the handles do not lock, this action proposed to require procedures for re-installing the door handles correctly for the lock to engage. Accomplishment of the proposed action would be in accordance with Raytheon Aircraft Mandatory Service Bulletin No. 2693, *Issued:* May, 1996.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to comments received from three different commenters.

*Comment 1: No Need for AD Action*

The first commenter states that the use of the words ''may result'' or ''could occur'' in the section titled ''Events Leading to the Proposed Action'' of the preamble indicates that there have been no actual incidents or accidents because of the improperly installed door handle and there is no need for the AD action.

The FAA does not concur that there is no need for AD action. The FAA uses the phrases ''may result'' and ''could occur'' to emphasize the possibility of another incident or accident occurring based on the history and reports of incidents and accidents that have already occurred. The AD preamble is used to describe what the FAA knows has already happened and to justify the possible consequences if the affected airplane operators do not comply with the AD action. The notice of proposed rulemaking (NPRM) did not specify the number of occurrences reported on these cabin door handles. There have been nine reports of these door handles not locking properly.

No changes have been made to the final rule as a result of this comment.

*Comment 2: No Incidents, Only Reports*

The same commenter also states that the phrase ''incidents described above'' in the section titled ''Explanation of the Provisions of the Proposed Action'' makes reference to incidents described in the preamble and there are no incidents described, but only reports of improperly installed door handles.

The FAA concurs and will change all incident references in the final rule to reports.

*Comment 3: Cost Impact*

A commenter states that the cost of repetitive inspections and the owners/operators time for the burdensome paperwork that is required to comply with an AD is not figured into the cost of the proposed AD.

The FAA concurs, but states that the cost of the repetitive inspections is not figured into the cost impact per airplane or for the entire U.S. fleet because there are no repetitive inspections proposed in the NPRM. Likewise, the FAA does not estimate the time for paperwork to comply with the proposed AD because the FAA has no reasonable means of obtaining this information.

No changes have been made to the final rule as a result of this comment.

*Comment 4: Include Subsequent Service Bulletin Revisions in AD*

A commenter states that the AD compliance should not only specify that the proposed action be accomplished in accordance with Raytheon Service Bulletin (SB) No. 2693, dated May, 1996, but also include any subsequent revisions to the referenced service bulletin.

The FAA does not concur. The FAA cannot approve data that does not exist. Approval of this nature could adversely affect aviation safety if modifications were included in the subsequent service bulletins that did not carry normal FAA review.

No changes have been made to the final rule as a result of this comment.

*Comment 5: Improper Installation Is Not Justification for an AD*

One commenter explains that AD's normally do not address a potential problem based on an improperly installed part. The commenter states that if AD's were issued on this basis alone, why doesn't the FAA issue AD's to cover the installation of all aircraft parts?

FAA does not concur with this commenter's statement. The NPRM is written because the information provided in the maintenance manual does not cover the re-installation of the door handle, once removed. The NPRM provides the information needed to assure that the door handles are re-installed correctly. The FAA will add a Note in the AD recommending that reference be made to the service bulletin in the maintenance manual.

*Comment 6: No Interior Cabin or Utility Doors*

A commenter states that a revision is needed in the ''Summary'' to correctly identify the area to be inspected. As written, the phrase ''* * *interior cabin side door handle and interior utility door handle* * *'' leads the reader to believe there are interior doors on the airplane. There are no interior cabin side doors or interior utility doors.

The FAA concurs and has re-written the ''Summary'' to correctly describe the doors as ''* * *cabin side door handle and utility door handle from the interior of the airplane * * *'' for better clarification.

*Comment 7: Unsafe Condition Not Defined Correctly*

One commenter states that the phrase ''* * * while in flight * * * could result in injury to passengers * * *'' is misleading. The commenter states that the airloads on the door after rotation of the airplane should prevent the door from opening, and the only potential for injury is during taxi operations.

The FAA concurs with this statement. After further review of the reports made, the FAA has determined that no injuries have occurred from the door coming ajar. As a result, the FAA has changed the statements referring to passenger injury during flight or during taxi operations. Instead, the statement has been changed to ''* * * could result in loss of control of the airplane.'' The reason for this change is that loss of control of the airplane could result from either a startled passenger grabbing an airplane control should the door come ajar because the door handle lock didn't lock, or the pilot having to lean over and shut the door because a passenger inadvertently leaned on the door handle causing it to come ajar.

*Comment 8: Doors Were Installed Correctly at Factory*

A commenter states that this problem was discovered in the field as a result of removing the door handle and re-installing the handle incorrectly, and the door handles were not installed at the factory incorrectly.

The FAA concurs and has made an effort to clarify the cause of the problem, so as not to imply that the manufacturer is at fault.

No changes were made as a result of this comment.

*Comment 9: Change in Compliance Time*

Another commenter states that a change should be made to the compliance time of the AD. The commenter wants to eliminate the phrase ''* * * whichever occurs first,* * *'' because this implies that the door handle only needs to be checked and corrected one time. The commenter states that repetitive checks are needed to the door handle when removed in the future, and incorrectly re-installed.

The FAA does not concur that the phrase ''* * * whichever occurs first,* * *'' is unnecessary. The purpose for this phrase is to make sure the door handles are checked at the first possible opportunity. This means the operator has 50 hours time-in-service (TIS) to check the door handles, but if the door handles are removed prior to the expiration of that time, the operators must check the door handles and verify that they are locking correctly and does not have to check the door handles at the expiration of 50 hours TIS after the effective date of the AD.

The FAA is not requiring a repetitive check because the purpose of this AD is to have the entire fleet check the door handles to make sure they are locking correctly. If the door handles are not locking, then the operator should have the door handles re-installed to lock correctly. After the initial check to assure every affected airplane has locking door handles, the FAA is relying on regular maintenance to catch this problem. The FAA will add a Note recommending that reference be made to the service bulletin in the maintenance manual.

*Comment 10: Certified/Licensed Versus Certificated*

All three commenters state that airframe mechanics and pilots are not ''licensed'' or ''certified'', but are ''certificated.'' The FAA concurs and has changed all references to ''licensed airframe mechanics'' or ''certified pilots'' in the preamble and the AD to read ''certificated airframe mechanics'' or ''certificated pilots.''

## The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except editorial corrections mentioned above. The FAA has determined that these corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

## Cost Impact

The FAA estimates that 19,000 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the required initial check and there is no labor cost because the check may be performed by the owner/operator holding at least a private pilot certificate as authorized by § 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with § 43.11 of the Federal Aviation Regulations (14 CFR 43.11). Based on these figures, there is no initial cost impact of this AD on U.S. operators. This figure is based upon the assumption that no affected airplane owner/operator has accomplished this check. The FAA has no way of determining the number of owners/operators who may have already accomplished this action.

## 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 copy of the final 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, 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 USC 106(g), 40113, 44701.

**§39.13 [Amended]**

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

**97–14–15 Raytheon Aircraft Company:** Amendment 39–10073; Docket No. 96–CE–34–AD.

*Applicability:* Models E33, F33, G33, E33A, F33A, E33C, F33C, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, V35TC, V35ATC, V35BTC, 36, A36, A36TC, B36TC, 50, B50, C50, 95–55, 95A55, 95B55, 95C55, D55, E55, 56TC, A56TC, 58, 58TC, 95, B95, B95A, D95A, and E95 airplanes (all serial numbers), 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 (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 50 hours time-in-service (TIS) after the effective date of this AD or at the next door handle removal after the effective date of this AD, whichever occurs first, unless already accomplished.

To prevent unintentional opening of the cabin side door and the utility door from the interior of the airplane, which if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Check the cabin side door handle and the utility door handle from the interior of the airplane for proper locking (rotating the door handle clockwise without depressing the lock release button) in accordance with the **ACCOMPLISHMENT INSTRUCTIONS** section of Raytheon Service Bulletin (SB) No. 2693, Issued May, 1996.

(1) If the door handle opens the door when rotated, without depressing the handle's lock release button, prior to further flight, correct the door handle lock by removing the door handle, and re-installing the door handle so that the lock release button locks the door in accordance with the **ACCOMPLISHMENT INSTRUCTIONS** section in Raytheon SB No. 2693, Issued May, 1996.

(2) If the door handle is locked and will only unlock by depressing the handle door lock release button, then no further action is necessary.

**Note 2:** The FAA strongly recommends entering a reference to Raytheon SB No. 2693, Issued May, 1996 into the applicable airplane maintenance manual.

(b) The check required in paragraph (a) of this AD may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR

43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.11 of the Federal Aviation Regulations (14 CFR 43.11).

(c) 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.

(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, Wichita Aircraft Certification Office, 1801 Airport Rd., Rm. 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(e) The check and re-installation required by this AD shall be done in accordance with Raytheon Aircraft Mandatory Service Bulletin No. 2693, Issued: May, 1996. This incorporation by reference was 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, P. O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

(f) This amendment (39–10073) becomes effective on September 2, 1997.

Issued in Kansas City, Missouri, on July 2, 1997.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 97–18138 Filed 7–18–97; 8:45 am]

BILLING CODE 4910–13–U

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 15 CFR Part 946

**[Docket No. 960418114–7140–05]**

**RIN 0648–AF72**

## Weather Service Modernization Criteria

**AGENCY:** National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** In accordance with the Weather Service Modernization Act, 15 U.S.C. 313n. (the Act), the National Weather Service (NWS) is publishing an amendment to its criteria for modernization actions requiring certification. This amendment adds criteria unique to automating a field office at service level D airports to ensure that automation actions will not result in any degradation of service. Automating a field office occurs after automated surface observing system (ASOS) equipment is installed and commissioned at a field office and the NWS employees that were performing surface observations at that office are removed or reassigned.

**EFFECTIVE DATES:** October 1, 1997.

**ADDRESSES:** Requests for copies of documents described in this notice as being available upon request should be sent to Julie Scanlon, NOAA/NWS, SSMC2, Room 18366, 1325 East-West Highway, Silver Spring, Maryland 20910.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Scheller, 301–713–0454.

**SUPPLEMENTARY INFORMATION:** On May 2, 1996, the NWS published, for comment, proposed modernization criteria unique to automating a field office (*see* 61 FR 19594). In significant part, the proposed criteria embodied the levels of service set forth in the Federal Aviation Administration's (FAA) Weather Observation Service Standards for level A, B, C and D airports (*see* 61 FR 32887). After consideration of the public comments that were received and, after consultations with the National Research Council's (NRC) NWS Modernization Committee and the Modernization Transition Committee (MTC) in June 1996, the NWS established final modernization criteria for automating a field office at service levels A, B and C airports (*see* 61 FR 39862). However, in light of the concerns expressed in the public comments specifically on the automation criteria proposed for service level D airports, establishment of final modernization criteria for automating a field office at a service level D airport was deferred pending further study and reconsultation with the MTC. Many of these public comments expressed concern about either the representativeness of an unaugmented ASOS observation and/or the adequacy of a stand-alone ASOS. A list of persons submitting comments, the specific comments, and the NWS's response were provided in the July 31, 1996 notice that established final automation criteria for service levels A, B and C airports (*see* 61 FR 39862).

Between June and September 1996, NWS, in cooperation with the FAA and the Airline Owners and Pilots Association's Air Safety Foundation (ASF), reassessed the automation criteria proposed for service level D airports. A description of this reassessment, the proposal that emerged as a result thereof and the rationale behind it is described below.

With regard to concerns raised by commentors on the representativeness of the unaugmented ASOS observation, NWS, FAA and ASF reviewed the results of the recently completed ASOS Aviation Demonstration. This demonstration was carried out jointly by the NWS, the FAA, and the aviation industry, from February 15, 1995 through August 15, 1995. During this demonstration, NWS observers were asked to record those cases when ASOS observations did not represent the true meteorological situation. Based on reports supplied by NWS observers, ASOS was found to report the correct individual weather parameters up to 98% of the time under all conditions combined. NWS also reexamined each of the service level D ASOS sites to determine if there were any remaining representativeness issues resulting from poor sensor siting or the need for meteorological discontinuity sensors. The need for sensor resiting and second ceiling and/or visibility sensors at several of these sites had already been identified and corrective actions were already in progress.

With regard to concerns raised by commentors on the adequacy of a stand-alone ASOS, the NWS, FAA and ASF focused their attention on the 6 parameters of the observations that distinguish service level C from service level D as described in the Summary Chart of the FAA's Weather Observation Service Standards. These are: Thunderstorm occurrence, tornadic activity, hail, virga, volcanic ash, and tower visibility. Since all service level D airports for which NWS must complete an automation certification do not have an FAA tower, tower visibility cannot be provided and, consequently, is not applicable. Of the remaining 5 parameters, 4 of them (tornadic activity, hail, virga and volcanic ash) occur very infrequently. Furthermore, the reporting of the occurrence of these 4 parameters is available to users through other means such as supplementary observations and complementary data sources. On December 13, 1995, NWS published a notice setting forth its Supplementary Data Program (*see* 60 FR 64020). Although information about thunderstorm occurrence is available through other sources, NWS, FAA and ASF concluded that providing thunderstorm occurrence as part of the