collection efforts may involve negotiation and pursuit of legal remedies against a project sponsor or owner, in addition to the enforcement of a member's rights under a mortgage or other lien on the project.

Use of Recovered Interest for AHP-Eligible Projects (§ 960.12(c)(1)(i)):

Q2. If AHP subsidy and interest are recovered by a Bank from a member, does the interest, as well as the AHP subsidy, have to be made available for other AHP-eligible projects under § 960.12(e)?

A2. Yes.

Other Issues

Project Completion (§ § 960.1, 960.10 and 960.11):

Q1. When is ''project completion'' to be determined for monitoring purposes?

A1. The date on which a certificate of occupancy is issued is one way to determine project completion. In areas that do not require certificates of occupancy, a Bank should identify in its monitoring procedures alternative ways that it will use to determine that a project is completed.

Use of AHP Funds for Otherwise Eligible Costs (§ 960.5):

Q2. May a Bank prohibit the use of AHP funds for certain types of costs that are otherwise eligible under the statute and revised AHP regulation?

A2. No.

Retention and Monitoring Requirements Applicable to Projects Approved Prior to January 1, 1998 (§ § 960.1, 960.11, and 960.16):

Q3. What are the retention and monitoring periods for projects approved prior to January 1, 1998?

A3. The retention and monitoring periods for projects approved prior to January 1, 1998, are 5 years from project completion for owner-occupied housing and 15 years from project completion for rental housing.

Dated: December 12, 1997.

William W. Ginsberg,

Managing Director.

[FR Doc. 97–33254 Filed 12–22–97; 8:45 am]

BILLING CODE 6725–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–283–AD; Amendment 39–10262; AD 97–26–19]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR42–300 and ATR42–320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Aerospatiale Model ATR42–300 and ATR42–320 series airplanes, that currently requires repetitive ultrasonic inspections to detect fatigue cracks of the lower lugs of the barrel of the main landing gear (MLG); and replacement of cracked lower lugs with new or serviceable parts, and a follow-on inspection. This amendment expands the applicability of the existing AD. This action also provides for an optional terminating action, which, if accomplished, terminates the repetitive inspection requirement. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to detect and correct fatigue cracking of the lower lugs of the barrel of the MLG, which could lead to the collapse of the MLG.

DATES: Effective January 7, 1998.

The incorporation by reference of Messier-Dowty Service Bulletin 631–32–133, dated February 24, 1997, as revised by Messier-Dowty Service Bulletin Change Notice No. 1, dated March 18, 1997, as listed in the regulations, is approved by the Director of the Federal Register as of January 7, 1998.

The incorporation by reference of Messier-Dowty Service Bulletin 631–32–132, dated January 21, 1997, as listed in the regulations, was approved previously by the Director of the Federal Register as of March 7, 1997 (62 FR 7665, February 20, 1997).

Comments for inclusion in the Rules Docket must be received on or before January 22, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–283–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined 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.

FOR FURTHER INFORMATION CONTACT: International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: On February 10, 1997, the FAA issued AD 97–04–09, amendment 39–9933 (62 FR 7665, February 20, 1997), which is applicable to certain Aerospatiale Model ATR42–300 and ATR42–320 series airplanes. That AD requires repetitive ultrasonic inspections to detect fatigue cracks of the lower lugs of the barrel of the main landing gear (MLG), for airplanes on which the barrel assembly has been overhauled or repaired. If any lower lug is found to be cracked, the AD further requires replacement of the MLG barrel assembly with new or serviceable parts, and a follow-on inspection. That action was prompted by reports indicating that, due to fatigue cracking in the lower lugs of the barrel, the MLG collapsed. The actions required by that AD are intended to detect and correct such fatigue cracking, which could lead to the collapse of the MLG.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, advises that further investigation has revealed that the fatigue cracking is the result of a design flaw that may also affect new barrel assemblies that have never been overhauled or repaired. In addition, the DGAC advises that the interval for the repetitive inspections may be extended from 700 landings to 900 landings.

Relevant Service Information

Messier-Dowty has issued Service Bulletin 631–32–133, dated February 24, 1997, which describes procedures to modify the lower lugs of the barrel of the MLG. The modification entails reconditioning the lower lugs and installing new bushings on the swinging lever. Accomplishment of this modification will prevent failure of the lugs due to fatigue cracking. Accomplishment of the modification

eliminates the need for the repetitive visual inspections. The DGAC classified this service bulletin as mandatory, and issued French airworthiness directive 96–294(B)R1, dated September 10, 1997, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France 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, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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 Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD supersedes AD 97–04–09 to continue to require repetitive ultrasonic inspections to detect fatigue cracks of the lower lugs of the barrel of the main landing gear (MLG); and replacement of cracked lower lugs with new or serviceable parts, and a follow-on inspection. This AD expands the applicability of the existing AD to include all Model ATR42–300 and -320 series airplanes, regardless of whether the MLG barrel assemblies installed on those airplanes are new, overhauled, or repaired. Additionally, this AD extends the repetitive inspection interval from 700 to 900 landings.

This AD also provides for optional modification of the lower lugs of the barrel of the MLG, which, if accomplished, constitutes terminating action for the repetitive inspection requirements of this AD. The modification is required to be accomplished in accordance with the service bulletin described previously.

Interim Action

This is considered to be interim action. The FAA is currently considering requiring the modification of the lower lugs of the barrel of the MLG. However, the planned compliance time for the installation of the modification is sufficiently long so that prior notice and time for public comment will be practicable.

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 concerned 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–283–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, 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 39–9933 (62 FR 7665, February 20, 1997), and by adding a new airworthiness directive (AD), amendment 39-, to read as follows:

97–26–19 Aerospatiale: Amendment 39–10262. Docket 97–NM–283–AD. Supersedes AD 97–04–09, Amendment 39–9933.

Applicability: All Model ATR42–300 and ATR42–320 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 request approval for an alternative method of compliance in accordance with paragraph (e) 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 fatigue cracking in the lower lugs of the barrel of the main landing gear (MLG), and consequent collapse of the MLG, accomplish the following:

(a) Perform an ultrasonic inspection to detect fatigue cracks of the lower lugs of the barrel of the MLG, in accordance with Messier-Dowty Service Bulletin 631–32–132, dated January 21, 1997, at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable:

(1) Within 2 years after the last overhaul or repair of the lower lugs of the barrel of the MLG, or within 60 days after March 7, 1997 (the effective date of AD 97–04–09, amendment 39–9933), whichever occurs later; or

(2) Within 5 years after the installation of a new MLG barrel assembly, or within 60 days after the effective date of this AD, whichever occurs later.

(b) If, during any inspection required by this AD, no echo is detected, or if the echo is less than 20%, repeat the ultrasonic inspection thereafter at intervals not to exceed 900 landings.

(c) If, during any inspection required by this AD, the echo is greater than or equal to 20%, prior to further flight, replace the MLG barrel assembly with a new or serviceable MLG barrel assembly, in accordance with the service bulletin.

(1) If the damaged barrel assembly is replaced with an overhauled or repaired assembly, within 2 years after installation of that overhauled or repaired part, accomplish the actions specified in paragraph (a) of this AD.

(2) If the damaged barrel assembly is replaced with a new barrel assembly, within 5 years after installation of that new part, accomplish the actions specified in paragraph (a) of this AD.

(d) Modification of the lower lugs of the barrel of the MLG in accordance with Messier-Dowty Service Bulletin 631–32–133, dated February 24, 1997, as revised by Messier-Dowty Service Bulletin Change Notice No. 1, dated March 18, 1997, constitutes terminating action for the repetitive inspection requirements of this AD.

(e) 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, International Branch, ANM–116, 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, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(f) 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.

(g) The actions shall be done in accordance with Messier-Dowty Service Bulletin 631–32–133, dated February 24, 1997, as revised by Messier-Dowty Service Bulletin Change Notice No. 1, dated March 18, 1997; and Messier-Dowty Service Bulletin 631–32–132, dated January 21, 1997.

(1) The incorporation by reference of Messier-Dowty Service Bulletin 631–32–133, dated February 24, 1997, as revised by Messier-Dowty Service Bulletin Change Notice No. 1, dated March 18, 1997, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Messier-Dowty Service Bulletin 631–32–132, dated January 21, 1997, was approved previously by the Director of the Federal Register as of March 7, 1997 (62 FR 7665, February 20, 1997).

(3) Copies may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. 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.

Note 3: The subject of this AD is addressed in French airworthiness directive 96–294(B)R1, dated September 10, 1997.

(h) This amendment becomes effective on January 7, 1998.

Issued in Renton, Washington, on December 15, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–33509 Filed 12–22–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 500

[Docket No. 95N–0417]

Carcinogenicity Testing of Compounds Used in Food-Producing Animals

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations that set forth the requirements for the carcinogenicity testing of compounds used in food-producing animals. The amended regulations will eliminate the specific requirement that a sponsor must conduct oral, chronic, dose-response studies. This action is intended to allow FDA and sponsors greater flexibility in choosing the types of studies used for testing the carcinogenicity of compounds used in food-producing animals. The increased flexibility will make it easier and more economical for sponsors to complete required testing. These actions are part of FDA's continuing effort to achieve the objectives set forth in the President's ''National Performance Review'' initiative, which is intended to provide a comprehensive review of all rules in order to identify those that are obsolete and burdensome and to delete or revise them.

EFFECTIVE DATE: February 23, 1998.

FOR FURTHER INFORMATION CONTACT: Margaret A. Miller, Center for Veterinary Medicine (HFV–100), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0205.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 20, 1996 (61 FR 31468), FDA proposed to revise the requirements for the carcinogenicity testing of compounds used in food-producing animals as set forth in § 500.80(b) (21 CFR 500.80(b)) of the new animal drug approval regulations. The second sentence of § 500.80(b) of the existing regulation states, ''The bioassays that a sponsor conducts must be oral, chronic, dose-response studies and must be designed to assess carcinogenicity and to determine the quantitative aspects of any carcinogenic response.'' The proposed rule would revise the existing language to eliminate the words ''must be oral, chronic, dose-response studies and'' * * *.

When the existing regulation was issued, a chronic study was the standard test for carcinogenicity. However, advances in models used to assess carcinogenicity have been made in recent years. For example, scientists now agree that a chronic study, as required under current regulations, may not measure the appropriate time point necessary to assess carcinogenicity for some compounds. Study designs other than a chronic study may result in a better evaluation of the compound in a number of cases.

FDA recognized these scientific advances by proposing to remove the requirement for oral, chronic, dose-response studies so that sponsors would have the option of using other study designs when assessing the carcinogenicity of compounds used for food-producing animals. This proposed change would allow FDA and sponsors greater flexibility in choosing types of studies for testing the carcinogenicity of compounds used in food-producing animals, making it more economical and