reconsideration or appeal of such determination in accordance with the appeal regulations set forth at part 780 of this title or as established by the National Appeals Division, USDA whichever is applicable.

31. Section 1478.12 is revised to read as follows:

§ 1478.12 Misrepresentation and scheme or device.

(a) A person who is determined by the State committee or the county committee to have:

(1) Adopted any scheme or device which tends to defeat the purpose of this program;

(2) Made any fraudulent representation; or

(3) Misrepresented any fact affecting a program determination shall be ineligible to receive assistance under this program.

(b) All moneys paid by CCC under this part to any such person or to any other person as a result of such person's actions shall be refunded to CCC with interest together with such other sums as may become due. The party engaged in acts prohibited by this section and the party receiving payment shall be jointly and severally liable for any refund due under this section and for related charges. The remedies provided to CCC in this part shall be in addition to other civil, criminal, or administrative remedies which may apply.

32. Section 1478.14 is revised to read as follows:

§ 1478.14 Death, incompetency, or disappearance.

In the case of death, incompetency or disappearance of any owner who is eligible to receive assistance in accordance with this part, such person or persons specified in part 707 of this title may receive such assistance.

33. Section 1478.16 is revised to read as follows:

§ 1478.16 Paperwork Reduction Act assigned numbers.

The information collection requirements of this part have been submitted to the Office of Management and Budget (OMB) for purposes of the Paperwork Reduction Act and the OMB Number 0560–0082 has been assigned.

Signed at Washington, DC, on October 3, 1995.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 95–24915 Filed 10–4–95; 2:53 pm]

BILLING CODE 3410–05–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–56–AD; Amendment 39–9380; AD 95–20–02]

Airworthiness Directives; Airbus Model A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300–600 series airplanes, that requires inspections to detect cracks in bolt holes where parts of the main landing gear (MLG) are attached to the rear spar, and repair, if necessary. This amendment is prompted by a report that cracks emanating from bolt holes in the rear spar were found during full-scale fatigue testing. The actions specified by this AD are intended to prevent unnecessary degradation of the structural integrity of the airframe due to cracks in the rear spar.

DATES: Effective November 9, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 9, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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: Phil Forde, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2146; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A300–600 series airplanes was published in the **Federal Register** on July 12, 1994 (59 FR 35488). That action proposed to require repetitive high frequency eddy current (HFEC) rototest inspections to detect cracks in certain bolt holes where the main landing gear (MLG) forward pick-up fitting and the MLG rib 5 aft are attached to the rear spar, and repair, if necessary.

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

One commenter supports the proposed rule.

Another commenter, the Air Transport Association (ATA) of America on behalf of one of its members, requests that the proposed repetitive inspection intervals be revised, since they are more stringent (shorter) for airplanes on which Modification 07716 has been accomplished. ATA advises that it has contacted the manufacturer to ask that the repetitive inspections specified in Airbus Service Bulletin A300–57–6017, dated November 22, 1993 (which is referenced in the proposal as the appropriate source of service information), be reviewed and changed if correction is necessary. ATA requests that the FAA revise the final rule to incorporate such changes that the manufacturer may be considering.

The FAA does not concur that the repetitive inspection requirements need to be changed. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has assured the FAA that the repetitive intervals, although unusual, are appropriate for identifying the subject cracking in a timely manner. Modification 07716 involves oversizing the bolt holes; therefore if a crack were to develop, it could reach critical length sooner than a crack would on an airplane on which that modification has not been accomplished. Additionally, the DGAC has advised the FAA that, although modification 07716 provides additional fatigue life, the inspection interval as cited in the final rule would allow detection of further cracking before a crack reaches a critical length.

However, the DGAC also has advised the FAA that the use of HFEC techniques to detect cracking, as specified in the proposed rule, may not accurately measure crack lengths as short as 1 mm (.039 inch). The FAA concurs with these DGAC findings. Since the issuance of that proposal, Airbus has issued Service Bulletin A300–57–6017, Revision 1, dated July 25, 1994, which describes procedures for oversizing the bolt holes before performing the HFEC in order to accurately detect any cracking. The DGAC classified this service bulletin as mandatory. The final rule has been changed to reference this revised service bulletin as the appropriate source of service information, in order to ensure

that the bolt holes are oversized prior to accomplishment of the HFEC inspection. The FAA has determined that this minor change in inspection procedures will not impose an additional burden on any operator, and is a logical outgrowth of the notice that does not necessitate providing an additional opportunity for public comment.

Paragraph (c) of the proposal required repair of cracks found in accordance with paragraph (a) of the proposal. Since repairs are also necessary for cracks found during repetitive inspections, that paragraph also should have required repair of cracks found in accordance with paragraph (b). Therefore, paragraph (c) of the final rule has been changed to correct this inadvertent omission by adding the reference to paragraph (b).

Additionally, a note has been added to the final rule to indicate that accomplishment of the inspections and repair of cracking in accordance with Airbus Industrie Service Bulletin A300–57–6017 (original issue), dated November 22, 1993, prior to the effective date of this AD, is acceptable for compliance with applicable actions specified in the final rule.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A new Note 1 has been added to this final rule to clarify this long-standing requirement. (All subsequent notes in the final rule have been renumbered accordingly.)

Subsequent to the issuance of the proposal, the FAA reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations from $55 per work hour to $60 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 25 airplanes of U.S. registry will be affected by this AD, that it will take approximately 240 work hours per airplane to accomplish the required actions (including time to gain access and close up), and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $360,000, or $14,400 per airplane, per airplane cycle.

The total cost impact figure discussed above is 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.

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

§ 39.13 [Amended]

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

95–20–02 Airbus Industrie: Amendment 39–9380. Docket 94–NM–56–AD.

Applicability: Model A300–600 series airplanes; having manufacturer's serial numbers (MSN) 252 through 553 inclusive; and on which Airbus Industrie Production Modification No. 07601 has not been accomplished prior to delivery; 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 use the authority provided in paragraph (d) 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 prevent degradation of the structural integrity of the airframe due to cracks in the rear spar, accomplish the following:

Note 2: Accomplishment of the inspections and repair of cracking in accordance with Airbus Industrie Service Bulletin A300–57–6017, dated November 22, 1993, prior to the effective date of this AD, is acceptable for compliance with the applicable action specified in this amendment.

(a) Perform a high frequency eddy current (HFEC) rototest inspection to detect cracks in certain bolt holes where the main landing gear (MLG) forward pick-up fitting and MLG rib 5 aft are attached to the rear spar, in accordance with Airbus Industrie Service Bulletin A300–57–6017, Revision 1, (includes Appendix 1), dated July 25, 1994.

Note 3: This service bulletin also references Airbus Industrie Service Bulletin A300–57–6020, dated November 22, 1993, as an additional source of service information.

(1) For airplanes that have accumulated 17,300 total landings or less as of the

effective date of this AD: Inspect prior to the accumulation of 17,300 total landings, or within 1,500 landings after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 17,301 or more total landings, but less than 19,300 total landings as of the effective date of this AD: Inspect within 1,500 landings after the effective date of this AD.

(3) For airplanes that have accumulated 19,300 or more total landings as of the effective date of this AD: Inspect within 750 landings after the effective date of this AD.

(b) If no crack is found during the inspection required by paragraph (a) of this AD, repeat that inspection thereafter at the time specified in either paragraph (b)(1) or (b)(2) of this AD, as applicable.

(1) For airplanes on which Airbus Industrie Modification 07716 (as described in Airbus Industrie Service Bulletin A300–57–6020) has not been accomplished, inspect at the time specified in paragraph (b)(1)(i) or (b)(1)(ii) of this AD, as applicable.

(i) For airplanes having MSN 465 through 553 inclusive: Repeat the inspection at intervals not to exceed 13,000 landings.

(ii) For airplanes having MSN 252 through 464 inclusive: Repeat the inspection at intervals not to exceed 8,400 landings.

(2) For airplanes on which Airbus Industrie Modification 07716 has been accomplished, inspect at the time specified in either paragraph (b)(2)(i) or (b)(2)(ii) of this AD, as applicable.

(i) For airplanes having MSN 465 through 553 inclusive: Repeat the inspection at intervals not to exceed 11,800 landings.

(ii) For airplanes having MSN 252 through 464 inclusive: Repeat the inspection within 10,700 landings following the initial inspection required by paragraph (a) of this AD, and thereafter at intervals not to exceed 7,500 landings.

(c) If any crack is found during the inspection required by either paragraph (a) or (b) of this AD, prior to further flight, accomplish the requirements of either paragraph (c)(1) or (c)(2) of this AD, as applicable.

(1) For airplanes on which Airbus Industrie Modification 07716 has not been accomplished: Oversize the bolt hole by 1/32 inch and repeat the HFEC inspection required by paragraph (a) of this AD, in accordance with Airbus Service Bulletin 300–57–6017, Revision 1, dated July 25, 1994. After accomplishing the oversizing and HFEC inspection, repeat the inspection as required by paragraph (b) of this AD at the applicable schedule specified in that paragraph.

(i) If no cracking is detected, install the second oversize bolt in accordance with the service bulletin.

(ii) If any cracking is detected, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) For airplanes on which Airbus Industrie Modification 07716 has been accomplished: Repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113. After repair, repeat the inspections as required by paragraph (b) of this AD at the applicable schedule specified in that paragraph.

(d) 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, Standardization Branch, ANM–113. 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.

(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.

(f) The inspections and installation shall be done in accordance with Airbus Industrie Service Bulletin A300–57–6017, Revision 1 (includes Appendix 1), dated July 25, 1994. 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, 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.

(g) This amendment becomes effective on November 9, 1995.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–23812 Filed 10–6–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–CE–60–AD; Amendment 39–9384; AD 95–20–06]

Airworthiness Directives; Air Tractor Incorporated Models AT–301, AT–302, AT–400, AT–400A, AT–401, AT–402, AT–501, and AT–502 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Air Tractor Incorporated (Air Tractor) Models AT–301, AT–302, AT–400, AT–400A, AT–401, AT–402, AT–501, and AT–502 airplanes. This action requires inspecting the front spar attachment lugs and the rear spar for fatigue cracks and modifying the vertical fin if cracks are found. If no cracks are found, continue repetitively inspecting the area until cracks are found, then incorporate the modification as a terminating action. This action is prompted by two incident reports involving the failure of the front and rear spar attachment lugs of the vertical fin. The actions specified by this AD are intended to prevent in-flight vertical fin structural failure of the front spar attachments and eventually the rear spar attachment, which, if not detected and corrected, could result in loss of directional control and loss of control of the airplane.

DATES: Effective October 25, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 25, 1995.

Comments for inclusion in the Rules Docket must be received on or before November 27, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–60–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Air Tractor Incorporated, P.O. Box 485, Olney, Texas 76374. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–60–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: Bob May, Aerospace Engineer, FAA, Aircraft Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone (817) 222–5155; facsimile (817) 222–5960.

SUPPLEMENTARY INFORMATION: The FAA received reports of two incidents in which the front spar and rear spar failed on an Air Tractor AT–802A while in flight causing the vertical tail to lay over against the elevator creating difficulty in controlling the airplane. Both front spar failures occurred across the 3/16-inch thick fin front spar fitting, which is made of aluminum and bolts to the fuselage frame. Investigations reveal that Air Tractor models designed with 3/16-inch front spar attach plates are subject to fatigue failure. When front spar failure occurs the rear spar will only support the rudder loads for a short time before it also fails, which could result in loss of control of the airplane.