system that often fails to provide incentives to entrepreneurs to innovate new products, processes, and technologies which can result in safer meat and poultry products. Also, as noted earlier, the incremental costs of continuing the current system are likely to exceed the incremental benefits. The existing program is inequitable because it imposes the same amount of administrative burden on small and large chemical manufacturers and distributors; the relative burden is greater on small plants because, unlike large size plants, they cannot spread the costs over a larger quantity of output.

User Fees

FSIS considered the alternative of setting up a system of user fees charged to chemical manufacturers and distributors to cover the costs of approval or disapproval of the products. FSIS did not propose this alternative for several reasons. One is that the incremental costs of setting up such a system would probably exceed the incremental benefits. The incremental costs of this alternative would include the costs of setting up an administrative system of user charges for over 100,000 proprietary substances and nonfood compounds. The user fees should recover the total costs of administration of the program. These costs cannot be identified, let alone quantified, making it virtually impossible to set up a structure of user fees.

Alternatively, the user fees could be based on the value of benefits to the firms in the industry or to society at large. This approach would require quantification of the benefits. As noted above, only a small part of the benefits to chemical manufacturers and distributors could be quantified, so that this amount would fail to cover comprehensive costs of the program.

Finally, FSIS did not propose this alternative because the Agency does not have legislative authority to levy user charges to recover the costs of such a program. Although the Agricultural Marketing Service (AMS) has authority to levy user fees, it is not responsible for ensuring the safety of meat, poultry, and egg products. The Agricultural Reorganization Act of 1994 (Public Law 103–354) consolidated food safety responsibility with respect to these products under FSIS. Therefore, AMS is unlikely to be suitable to administer a user fee-funded program with a food safety objective.

Prior Approval by Third Parties

FSIS considered the feasibility of allowing industry recognized, non-government organizations or laboratories to test and certify nonfood compounds and proprietary substances for safety and efficacy. Chemical manufacturers could voluntarily submit samples of their products to third-party organizations, or qualified independent laboratories (e.g., Underwriters Laboratories) for testing and consequent approval or disapproval. The theoretical rationale for this option is that competing firms in compliance with the standards or exceeding them would have ample incentive to publicize the fact that their product(s) are approved by third party organizations and/or independent laboratories.

However, FSIS sees several disadvantages to this alternative. First, there is the potential for conflict of interest. For example, a laboratory testing and approving nonfood compounds and proprietary substances for a particular chemical manufacturer could be testing other products for that same manufacturer; hence there could be a perception that, to maintain its business, it would readily approve the proprietary substances and nonfood compounds.

Second, the complexity of the task of approving 16,000 to 20,000 products per year would probably require numerous laboratories specializing in different substances; the economies of scale associated with a standardized testing and rating system would not be realized.

Finally, the incremental costs of the approval/disapproval process to the laboratory or organization would likely exceed the incremental benefits of revenues from the fees earned by the laboratory organization, unless the fees were set so high that they covered the total costs plus a reasonable profit. If the fees were set too high, they could drive many small and marginal manufacturers and distributors of proprietary substances and nonfood compounds out of the market. Such an outcome would render this industry less competitive.

Nevertheless, FSIS specifically requests comments on whether an industry-recognized, non-government organization or laboratory could provide prior approval or a similar service to chemical manufacturers and distributors of nonfood compounds and proprietary substances. It is possible that a centralized, technically expert, third party could play an effective role in facilitating the marketing and appropriate use of nonfood compounds and proprietary substances. Economic theory suggests that, where the primary users and beneficiaries of a Federal service are a relatively circumscribed group, that group should bear the cost of the service. Therefore, FSIS requests comments on whether prior approval should be provided by a non-government agency, what type of prior approval system that would be appropriate and feasible within a user fee system, and whether interest in obtaining such a service is sufficient to support its costs.

Conclusion

In conclusion, FSIS is eliminating its prior approval program for nonfood compounds and proprietary substances. This prior approval program is somewhat redundant with the reviews performed by other Federal agencies and inconsistent with FSIS's HACCP regulations. FSIS is requesting comment on possible alternatives to its prior approval program for nonfood compounds and proprietary substances, including the feasibility of industry-recognized, non-government organizations or laboratories providing prior approval or similar services to chemical manufacturers .

Done in Washington, DC, February 4, 1998.

Thomas J. Billy,

Administrator, Food Safety Inspection Service.

[FR Doc. 98–3725 Filed 2–12–98; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–96–AD]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Cessna Aircraft Company Model 172R airplanes. The proposed action would require modifying lower forward doorpost bulkhead by installing rivets. The proposed AD is the result of a report from the manufacturer that these rivets were erroneously omitted during manufacture of some of the new production airplanes. The actions specified by the proposed AD are intended to prevent reduced structural rigidity at the forward doorpost bulkhead, which, if not corrected, could result in structural cracking and possible loss of control of the airplane.

DATES: Comments must be received on or before April 24, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–96–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from The Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277, telephone (316) 941–7550, facsimile (316) 942–9008. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Eual Conditt, Senior Aerospace Engineer, Wichita Aircraft Certification Office, 1801 Airport Road, Rm. 100, Mid-Continent Airport, Wichita, Kansas, 67209, telephone (316) 946–4128; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–96–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–96–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Cessna Aircraft Company (Cessna) notified the FAA of an airplane manufacturing error where some rivets were mistakenly omitted from the lower forward doorpost on both sides of several new production Cessna Model 172R airplanes. The rivets omitted are in an area of the airframe (bulkhead and attaching doublers), which is considered critical structure. The bulkhead and attaching doubler receive landing loads from the wing and flight loads through the lift strut attachment and wing.

Relevant Service Information

Cessna has issued Service Bulletin (SB) SB97–53–02, dated September 15, 1997, which specifies procedures for modifying the lower forward doorpost bulkhead on both sides of the airplane by installing doorpost rivets.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent reduced structural rigidity at the forward doorpost bulkhead, which, if not corrected, could result in structural cracking and possible loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Cessna Model 172R airplanes of the same type design, the proposed AD would require modifying the lower forward doorpost bulkhead on both sides of the affected model airplanes by installing rivets. Accomplishment of the proposed AD would be in accordance with Cessna Service Bulletin No. SB97–53–02, dated September 15, 1997.

Cost Impact

The FAA estimates that 87 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 14 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $150 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $86,130 or $990 per airplane. These figures would not apply if the owners/operators were to accomplish the proposed action prior to May 15, 1998, which is the deadline for warranty credit stated in the service bulletin. The FAA would assume that none of the owners/operators of the affected airplanes have already accomplished this action.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this 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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Cessna Aircraft Company: Docket No. 97–CE–96–AD.

Applicability: Model 172R airplanes (serial numbers 17280004 through 17280016, 17280018 through 17280050, 17280052 through 17280058, 17280060 through 17280062, 17280064, 17280066 through 17280082, 17280085 through 17280099, 17280101 through 17280113, 17280115, 17280116, 17280118 through 17280125, 17280128 through 17280131, and 17280138), 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 (c) 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 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent reduced structural rigidity at the lower forward doorpost bulkhead, which if not corrected could result in structural cracking and possible loss of control of the airplane, accomplish the following:

(a) Modify the lower forward doorpost of the affected airplanes by installing the specified rivets in accordance with Cessna Aircraft Company Service Bulletin (SB) No. SB97–53–02, dated September 15, 1997.

(b) 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.

(c) 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 Road, 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 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to The Cessna Aircraft Company, P. O. Box 7706, Wichita, Kansas 67277; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 6, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–3639 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–134–AD]

RIN 2120–AA64

Airworthiness Directives; Diamond Aircraft Industries GmbH Models H–36 ''Dimona'' and HK 36 R ''Super Dimona'' Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Diamond Aircraft Industries GmbH (Diamond) Models H–36 ''Dimona'' and HK 36 R ''Super Dimona'' sailplanes. The proposed AD would require: inspecting the elevator rib area for damage on certain Models H–36 ''Dimona'' and HK 36 R ''Super Dimona'' sailplanes, and either immediately or eventually replacing the elevator ribs depending on the results of the inspection; replacing the M6 screws that attach the wheel axle to steel support with M8 screws on all of the affected airplanes; and inspecting the shoulder harness fittings for improper bonding on certain Diamond Model H–36 ''Dimona'' sailplanes, and repairing any harness with an improper bond. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Austria. The actions specified by the proposed AD are intended to prevent failure of either the shoulder harness fittings, elevator rib, or the wheel axle to steel support attachment, which could result in passenger injury caused by an inadequate restraint system; reduced sailplane controllability caused by structural damage to the elevator; and/or reduced sailplane controllability during takeoff, landing, and ground operations caused by the installation of incorrect wheel axle screws.

DATES: Comments must be received on or before March 17, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–134–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Diamond Aircraft Industries, G.m.b.H., N.A. Otto-Strabe 5, A–2700, Wiener Neustadt, Austria. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–134–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the