

The hazard identification analysis suggests that even if passenger baggage from Puerto Rico contained unauthorized fruits, vegetables, or other plant material and was carried into the northern United States, any plant pest in the baggage would present an insignificant risk. These conclusions are also applicable to passenger baggage from the U.S. Virgin Islands due to current practices that allow for the unrestricted movement of fruits, vegetables, or other plant material between Puerto Rico and the U.S. Virgin Islands. As a result, we are considering reducing baggage inspections on flights from Puerto Rico or the U.S. Virgin Islands that stop or end in the northern United States without a stop in the southern continental United States or Hawaii. However, because the climate on the west coast of the United States also could support populations of some pests of concern, we are considering ending mandatory inspection of baggage only for flights that will stop or end in parts of the continental United States east of 117° longitude and north of 38° latitude without a stop in either Hawaii or parts of the continental United States west of 117° longitude and south of 38° latitude. Roughly, the 38° latitude runs south of Washington and Baltimore on the east coast, south of Kansas City and Denver in the central United States, and south of Salt Lake City in the western United States. The 117° longitude corresponds to the State boundaries of Washington and Idaho in the northern United States and intersects the 38° latitude in south-central Nevada. This means that all carry-on and check-in baggage on flights from Puerto Rico and the U.S. Virgin Islands to California, Hawaii, Oregon, Washington, and the southern continental United States would continue to be inspected and tagged prior to departure. The inspection and tagging procedures for baggage on these flights are necessary to ensure that the baggage does not contain agricultural commodities that could carry plant pests from Puerto Rico or the U.S. Virgin Islands to other parts of the United States where the pests could become established.

For flights that do not stop in Hawaii or parts of the continental United States south of 38° latitude or west of 117° longitude, passengers would be required to offer baggage for inspection as directed by the local port director. The local port director could indicate whether passengers on a particular flight needed to offer baggage for inspection by posting signs in the airport departure terminal. The port director would use a random sampling

method or risk-based criteria to select specific flights for inspection. The risk-based criteria would include: Seasonal conditions in the area where the flight would stop (e.g. if a flight would stop in an area where summer weather and available host material could support a local, temporary infestation); detection of pests not considered in the hazard identification analysis (e.g. outbreaks of new pests or diseases of plants or animals in Puerto Rico, the U.S. Virgin Islands, or neighboring islands); and monitoring data that indicates that air passengers may board connecting flights for continental United States destinations south of 38° latitude, west of 117° longitude, or Hawaii. This change in procedures would provide local port directors with the discretion to redirect resources and focus inspection efforts on higher risk activities. However, passengers leaving Puerto Rico or the U.S. Virgin Islands for any domestic destination would continue to be informed about fruits and vegetables and other materials prohibited in baggage, and the periodic inspections of baggage on flights to locations east of 117° longitude and north of 38° latitude would deter passengers from carrying this material in their baggage.

If we adopted the changes just described, we would also need to change our current requirements for tagging check-in baggage. As noted earlier, the regulations prohibit airlines from accepting check-in baggage that has not been tagged as inspected. We would maintain this requirement only for check-in baggage on flights that would stop or end in Hawaii or a place in the continental United States south of 38° latitude or west of 117° longitude. Check-in baggage on other domestic flights would not always be inspected.

Comments are invited on these potential changes to our procedures for inspecting passenger baggage. In particular, we are soliciting comments on the following questions:

1. Does the hazard identification analysis of predeparture baggage from San Juan, PR, adequately address plant pest risk associated with passenger baggage from Puerto Rico?

2. Does the hazard identification analysis of predeparture baggage from San Juan, PR, adequately address plant pest risk associated with passenger baggage from the U.S. Virgin Islands?

3. Does passenger baggage from Puerto Rico or the U.S. Virgin Islands present a risk of carrying agricultural commodities that confer risks to agriculture other than plant pests risks (e.g. noxious weeds, animal pests or diseases)?

## Public Hearings

In addition to accepting written comments, we will hold two public hearings to discuss the regulatory changes under consideration in this advance notice of proposed rulemaking. One public hearing will be held on October 5, 1999, at the Biblioteca Carnegie/Carnegie Library, Departamento de Educación/ Department of Education, Avenue Ponce de Leon #7, San Juan, PR. The second hearing will be held on October 7, 1999, at the Red Lion Inn-Sacramento, Comstock II Room, 1401 Arden Way, Sacramento, CA.

A representative of APHIS will preside at the public hearings. Any interested person may appear and be heard in person, by attorney, or by other representative. Persons who wish to speak at the public hearings will be asked to sign in, listing their names and organizations.

The public hearings will begin at 9 a.m. local time and are scheduled to end at 5 p.m. local time. However, the hearings may be terminated at any time after they begin if all persons desiring to speak have been heard. We ask that anyone who reads a statement provide two copies to the presiding officer at the hearing. If the number of speakers at the hearing warrants, the presiding officer may limit the time for each presentation so that everyone wishing to speak has the opportunity.

**Authority:** 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, 164a, and 167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 23rd day of August, 1999.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 99-22447 Filed 8-27-99; 8:45 am]

BILLING CODE 3410-34-P

---

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-157-AD]

RIN 2120-AA64

#### Airworthiness Directives; Raytheon (Beech) Model 400A Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to

certain Raytheon (Beech) Model 400A airplanes. This proposal would require replacement of certain bus bars connecting the battery and external power receptacle to the airframe ground with a new, improved bus bar. This proposal is prompted by reports of electrical arcing at the battery and external power receptacle of the airframe ground in the aft fuselage due to a deficiency in the bus bar and washer design. The actions specified by the proposed AD are intended to prevent overheating or arcing of the ground connection in the aft fuselage area, which could result in a fire hazard due to ignition of fuel fumes during an engine start sequence.

**DATES:** Comments must be received by October 14, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-157-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P. O. Box 85, Wichita, Kansas 67201-0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

**FOR FURTHER INFORMATION CONTACT:** Philip E. Petty, Aerospace Engineer, Systems and Propulsion Branch, ACE-116W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4139; fax (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 shall 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 summarizing 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 Number 99-NM-157-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, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-157-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### **Discussion**

The FAA has received several reports indicating that electrical arcing occurred at the battery and external power receptacle of the airframe ground in the aft fuselage on Raytheon (Beech) Model 400A airplanes. Further investigation revealed that the battery ground was installed with a bus bar and washer that, later analysis showed, were too small of a capacity with regard to the battery ground current. Additionally, the torque specification that is called out for the bolt holding the bus bar and washer is not adequate for electrical applications. Such conditions, if not corrected, could result in electrical arcing or overheating of the ground connection in the aft fuselage area, which could result in a fire hazard due to ignition of fuel fumes during an engine start sequence.

##### **Explanation of Relevant Service Information**

The FAA has reviewed and approved Raytheon Aircraft Service Bulletin SB 24-3253, dated January, 1999, which describes procedures for replacing certain bus bars connecting the battery and external power receptacle to the airframe ground with a new, improved bus bar. Accomplishment of the action specified in the service bulletin is intended to adequately address the identified unsafe condition.

##### **Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the action specified in the service bulletin described previously.

##### **Cost Impact**

There are approximately 122 airplanes of the affected design in the worldwide fleet. The FAA estimates that 110 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 11 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is \$60 per work hour. The manufacturer has committed previously to its customers that it will bear the cost of replacement parts. As a result, the cost of those parts is not attributable to this proposed AD. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$72, 600, or \$660 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. However, the FAA has been advised that manufacturer warranty remedies are available for labor costs associated with accomplishing the actions required by this proposed AD. Therefore, the future economic cost impact of this rule on U.S. operators may be less than the cost impact figure indicated above.

##### **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 proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the 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 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, 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 the following new airworthiness directive:

**Raytheon Aircraft Company (Formerly Beech):** Docket No. 99-NM-157-AD.

**Applicability:** Model 400A airplanes, serial numbers RK-78, RK-87 through RK-207 inclusive, 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 as indicated, unless accomplished previously.

To prevent electrical arcing or overheating of the ground connection in the aft fuselage area, which could result in a fire hazard due to ignition of fuel fumes during an engine start sequence, accomplish the following:

#### Replacement

(a) Within 50 flight hours after the effective date of this AD, replace the two bus bars, part number (P/N) 128-364239-17 and P/N 101-361146-1, with a new, improved bus bar, P/N 101-364046-231, in accordance with Raytheon Aircraft Service Bulletin SB 24-3253, dated January 1999.

#### Spares

(b) As of the effective date of this AD, no person shall install on any airplane, a bus bar, P/N 128-364239-17 or P/N 101-361146-1.

#### Alternative Methods of Compliance

(c) 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, Wichita Aircraft Certification Office, FAA, Small 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, Wichita ACO.

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

#### Special Flight Permits

(d) 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.

Issued in Renton, Washington, on August 23, 1999.

**Vi L. Lipski,**

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

[FR Doc. 99-22394 Filed 8-27-99; 8:45 am]

BILLING CODE 4910-13-P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-186-AD]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes, and C-9 (Military) Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes. This proposal would require a one-time general visual inspection to detect certain discrepancies in the wiring of the fuel quantity indicating system (FQIS) in the forward cargo compartment; and corrective actions, if necessary. This proposal is prompted by a report indicating that several discrepancies were found in the wiring

of the FQIS due to maintenance or alteration practices. The actions specified by the proposed AD are intended to prevent excessive electrical energy from entering the fuel tanks through the FQIS wiring, which could result in a potential ignition source in the fuel tanks.

**DATES:** Comments must be received by October 14, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-186-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

**FOR FURTHER INFORMATION CONTACT:** Robert Baitoo, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5245; fax (562) 627-5210.

#### 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 shall 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