

behalf the vote is cast, is an eligible voter;

(c) Give reasonable advance public notice of the referendum:

(1) By utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, places, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio; and

(2) By such other means as the agent may deem advisable.

(d) Mail to eligible qualified handlers, whose names and addresses are known to the referendum agent, the instructions on voting, a ballot, and a summary of the terms and conditions of the Order. No person who claims to be eligible to vote shall be refused a ballot.

(e) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in presence of an agent of the Office of Inspector General.

(f) Prepare a report on the referendum.

(g) Announce the results to the public.

§ 1208.204 Subagents.

The referendum agent may appoint any individual or individuals deemed necessary or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the agent.

§ 1208.205 Ballots.

The referendum agent and subagents shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be questioned for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was questioned, by whom questioned, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

§ 1208.206 Referendum report.

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 1208.207 Confidential information.

The ballots and other information or reports that reveal, or tend to reveal, the

vote of any person covered under the Act and the voting list shall be held confidential and shall not be disclosed.

Dated: March 14, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97-6985 Filed 3-17-97; 9:49 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-ANE-04]

RIN 2120-AA64

Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Pratt & Whitney JT9D series turbofan engines, that currently requires initial and repetitive eddy current inspection (ECI) or fluorescent penetrant inspection (FPI) for cracks in first stage high pressure turbine (HPT) disk cooling air holes. This action would require initial and repetitive FPI for cracks in cooling air holes of additional first stage HPT disks, and replacement with serviceable parts. In addition, this action would require initial and repetitive FPI for cracks in tie bolt holes of certain other affected second stage HPT disks installed in PW JT9D series turbofan engines. This proposal is prompted by reports of a cracked cooling air hole on one first stage HPT disk, and a cracked tie bolt hole on one second stage HPT disk. The actions specified by the proposed AD are intended to prevent turbine disk failure due to cooling air hole or tie bolt hole cracking, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Comments must be received by May 19, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97-ANE-04, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the

docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565-6600, fax (860) 565-4503. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT:

Daniel Kerman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7130, fax (617) 238-7199.

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 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 97-ANE-04." 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, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97-ANE-04, 12 New

England Executive Park, Burlington, MA 01803-5299.

Discussion

On January 3, 1991, the Federal Aviation Administration (FAA) issued airworthiness directive AD 91-04-10, Amendment 39-6859 (56 FR 5343, February 11, 1991), applicable to Pratt & Whitney (PW) JT9D series turbofan engines, to require initial and repetitive eddy current inspection (ECI) or fluorescent penetrant inspection (FPI) of first stage high pressure turbine (HPT) disk cooling air holes, and removal from service of disks that have developed cracks. That action was prompted by six reports of first stage HPT disks that developed cracks in service. That condition, if not corrected, could result in turbine disk failure due to cooling hole cracking, which could result in an uncontained engine failure and damage to the aircraft.

Since the issuance of that AD, PW produced improved first stage HPT disks, Part Number (P/N) 840301, installed on JT9D-59A, 70A, 7Q, and 7Q3 engines, that utilized enhanced manufacturing processes that were intended to preclude improper machining. In addition, PW introduced procedures for rework of four existing disks, P/Ns 768001, 792701, 812901, 819801, into disks with improved hole surface processing, P/Ns 840401, 840501, 840601, and 840701, believed to eliminate damaged material. Both the improved and reworked disks share the possibility of improper machining resulting in damaged material microstructure. The FAA has since received reports that one improved first stage HPT disk installed in a PW JT9D-7Q series turbofan engine, and one second stage HPT disk installed in a PW JT9D-7R4E1 (AI-500) series turbofan engine, have developed cracks in service. These cracks were discovered within the cooling holes of the first stage HPT disk and within the tie bolt holes of the second stage HPT disk. These cracks were found during routine FPI of the cooling holes and tie bolt holes carried out during engine shop visits. Engineering review of the structural load conditions within the cooling holes and tie bolt holes concluded that all cracking had initiated and propagated in low cycle fatigue (LCF). Metallurgical analysis of these two cracked disks revealed a severely worked outer surface layer of material within the holes. The material microstructure at this worked layer manifested itself as distorted, elongated grains. The FAA has determined that this condition is the result of improper machining of the cooling and tie bolt

holes during the disk manufacturing process.

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 supersede AD 91-04-10 to require initial and repetitive FPI for cracks in cooling air holes of affected first stage HPT disks, and, if necessary, replacement with serviceable parts. In addition, this proposed AD would require initial and repetitive FPI for cracks in tie bolt holes of all affected second stage HPT disks. Finally, this proposed AD would require reporting findings of cracked turbine disks.

There are approximately 881 engines of the affected design in the worldwide fleet. The FAA estimates that 236 engines installed on aircraft of U.S. registry would be affected by this proposed AD. The FAA estimates a total of 3 HPT disks would be found cracked, and the approximate cost for a new HPT disk is \$200,000. Operators average approximately 1,800 cycles in service per year. For the PW JT9D-59A, -70A, -7Q, and 7Q3 fleet, the FAA estimates 10.28 inspections over a 20 year period. For the PW JT9D-7R4D, -7R4D1, 7R4E, and -7R4E1 (AI-500) fleet, the FAA estimates 6.0 inspections over a 20 year period. The estimated time to accomplish an inspection would be 0.5 work hours, and the average labor rate is \$60 per work hour. The estimated cost to inspect the PW JT9D-59A, -70A, -7Q, and -7Q3 fleet of 136 engines over a 20 year period is \$41,942. The estimated cost to inspect the PW JT9D-7R4D, -7R4D1, 7R4E, and -7R4E1 (AI-500) fleet of 100 engines is \$18,000. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$659,942.

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 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6859 (56 FR 5343, February 11, 1991) and by adding a new airworthiness directive to read as follows:

Pratt & Whitney: Docket No. 97-ANE-04.

Supersedes AD 91-04-10, Amendment 39-6859.

Applicability: Pratt & Whitney (PW) JT9D-59A, -70A, -7Q, -7Q3, -7R4D, -7R4D1, 7R4E, and -7R4E1 (AI-500) series turbofan engines, installed on but not limited to Airbus Industrie A300 and A310, Boeing 747 and 767, and McDonnell Douglas DC-10 series aircraft.

Note 1. This airworthiness directive (AD) applies to each engine 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 engines 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 as indicated, unless accomplished previously.

To prevent turbine disk failure due to cooling hole or tie bolt hole cracking, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

(a) For first stage high pressure turbine (HPT) disks, Part Numbers (P/Ns) 768001, 792701, 812901, 819801, 840501, 840401, 840701, 840601, and 840301, installed in PW

JT9D-59A, -70A, -7Q, and -7Q3 engines, accomplish the following:

(1) Disks that have not been fluorescent penetrant inspected or eddy current inspected since introduction into service, perform an initial fluorescent penetrant inspection (FPI) for cracks in all 40 cooling air holes in accordance with PW Turbojet Engine Standard Practices Manual, P/N 585005, Chapter/Section 70-33, using Special Process Operation Procedure (SPOP) 84, as follows:

(i) Disks with 3,500 cycles since new (CSN) or more on the effective date of this AD, inspect prior to accumulating 5,000 CSN, or within 1,500 cycles in service (CIS) after the effective date of this AD, whichever occurs later.

(ii) Disks with less than 3,500 CSN on the effective date of this AD, inspect prior to accumulating 5,000 CSN.

(2) Disks that have been reoperated in accordance with PW SB No. 5815, Revision 2, dated July 31, 1992, or prior revisions, that have not been fluorescent penetrant inspected or eddy current inspected since reoperation, perform an initial FPI for cracks in all 40 cooling air holes in accordance with PW Turbojet Engine Standard Practices Manual, P/N 585005, Chapter/Section 70-33, using SPOP 84, as follows:

(i) Disks with 3,500 CIS or more since reoperation on the effective date of this AD, inspect prior to accumulating 5,000 CIS since reoperation, or within 1,500 CIS after the effective date of this AD, whichever occurs later.

(ii) Disks with less than 3,500 CIS since reoperation on the effective date of this AD, inspect prior to accumulating 5,000 CIS since reoperation.

(3) Disks that have been fluorescent penetrant inspected, or eddy current inspected, since introduction into service or since re-operation, in accordance with PW SB No. 5744, Revision 3, dated March 31, 1993, or prior revisions, or PW JT9D-7Q, -7Q3 Engine Manual, P/N 777210, 72-51-00, Inspection -03, or PW JT9D-59A, -70A Engine Manual, P/N 754459, 72-51-00, Heavy Maintenance Check -03, perform an FPI for cracks in all 40 cooling air holes, prior to accumulating 3,500 CIS since last FPI or ECI, or within 250 CIS after the effective date of this AD, whichever occurs later, in accordance with PW Turbojet Engine Standard Practices Manual, P/N 585005, Chapter/Section 70-33, using SPOP 84.

(4) Thereafter, perform FPI for cracks in all 40 cooling air holes at intervals not to exceed 3,500 CIS since last FPI, in accordance with PW Turbojet Engine Standard Practices Manual, P/N 585005, Chapter/Section 70-33, using SPOP 84.

(5) Prior to further flight, remove from service cracked disks, and replace with serviceable parts.

(b) For second stage HPT disks, P/N 5001802-01, installed in PW JT9D-7R4D, -7R4D1, 7R4E, and -7R4E1 (AI-500) engines, accomplish the following:

(1) Disks that have not been fluorescent penetrant inspected since introduction into service, perform an initial FPI for cracks in all 30 tie bolt holes in accordance with PW Turbojet Engine Standard Practices Manual, P/N 585005, Chapter/Section 70-33, using SPOP 84, as follows:

(i) Disks with 6,000 CSN or more on the effective date of this AD, inspect prior to accumulating 8,000 CSN, or within 2,000 CIS after the effective date of this AD, whichever occurs later.

(ii) Disks with less than 6,000 CSN on the effective date of this AD, inspect prior to accumulating 8,000 CSN.

(2) Disks that have been fluorescent penetrant inspected since introduction into service, perform an FPI for cracks in all 30 tie bolt holes, prior to accumulating 6,000 CIS since last FPI, or within 250 CIS after the effective date of this AD, whichever occurs later, in accordance with PW Turbojet Engine Standard Practices Manual, P/N 585005, Chapter/Section 70-33, using SPOP 84.

(3) Thereafter, perform FPI for cracks in all 30 tie bolt holes at intervals not to exceed 6,000 CIS since last FPI, in accordance with PW Turbojet Engine Standard Practices Manual, P/N 585005, Chapter/Section 70-33, using SPOP 84.

(4) Prior to further flight, remove from service cracked disks, and replace with serviceable parts.

(c) Report findings of cracked turbine disks within 48 hours after inspection to Daniel Kerman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7130, fax (617) 238-7199, Internet: "Daniel.Kerman@faa.dot.gov". Reporting requirements have been approved by the Office of Management and Budget and assigned OMB control number 2120-0056.

(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, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(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 aircraft to a location where the inspection requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on March 13, 1997.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 97-6889 Filed 3-18-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-249819-96, REG-209762-95]

RIN 1545-AU67, 1545-AT32

Reorganizations; Receipt of Securities and Allocations of Depreciation Recapture Among Partners in a Partnership; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notices of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of public hearings on proposed regulations relating to the receipt, as part of a reorganization, of rights to acquire stock of a corporation that is a party to the reorganization and the allocation of depreciation recapture among partners in a partnership.

DATES: The public hearings originally scheduled for March 25, 1997, and March 27, 1997, respectively, beginning at 10 a.m., are cancelled.

FOR FURTHER INFORMATION CONTACT: Evangelista C. Lee of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622-7190 (not a toll free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearings is proposed amendments to the Income Tax Regulations under sections 354, 355, 356, 704 and 1245 of the Internal Revenue Code. A notice of public hearing appearing in the Federal Register on Monday, December 23, 1996 (61 FR 67508) and Thursday, December 12, 1996 (61 FR 65371), announced that a public hearing would be held on Tuesday, March 25, 1997, and Thursday, March 27, 1997, beginning at 10 a.m., in room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC 20224.

The public hearings scheduled for Tuesday, March 25, 1997, and Thursday, March 27, 1997, respectively, are cancelled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 97-6891 Filed 3-18-97; 8:45 am]

BILLING CODE 4830-01-U