

Federal-State Inspection lot stamp number corresponding to the lot inspection conducted by an authorized inspector.

This rule finalizes changes to the container marking requirements under the orders. This rule relaxes the lot stamping requirements on containers of limes and avocados that have been palletized prior to block inspections. These changes were unanimously recommended by the committees on March 13, 1996.

The interim final rule was issued on June 13, 1996, and published in the Federal Register (61 FR 31004, June 19, 1996), with an effective date of June 20, 1996. That rule amended §§ 911.311(b) and 915.306(a)(4)(5) of the rules and regulations in effect under the orders. That rule provided a 30-day comment period which ended July 19, 1996. No comments were received.

Sections 911.48 and 915.51 of the lime and avocado marketing orders provide authority for the establishment of container marking requirements. Sections 911.311(b) and 915.306(a)(4)(5) of the rules and regulations outline the lot stamp number container marking requirements for fresh limes and avocados packed under the orders.

There are two basic types of inspection in the industry; in-line and block. In-line inspection is performed during the packing process, prior to palletization and storage. In block inspection, the inspection occurs after the pallets have been packed, strapped, and placed in storage. Large handling facilities tend to have inspectors on site when they are packing. These facilities use in-line inspection which allows the containers to be lot stamped prior to being palletized. Smaller handling facilities do not run enough fruit to justify the continuous presence of an inspector. Therefore, they call for a block inspection after a lot is run, palletized and ready to ship. Requiring the inspector to lot stamp each container necessitates tearing down all the pallets. This results in significant cost and loss of time.

The committees recommended relaxing the number of containers required to be marked with the lot stamp number to assist small handlers. This relaxation revises the lot stamping requirements for containers that have been palletized prior to inspection. Under this change, all exterior, exposed boxes, on all four sides of a pallet, are lot stamped, rather than each box. The committees anticipate that this recommended relaxation will avoid prohibitive costs to small handlers.

Less than 25 percent of all lime and avocado shipments are shipped by small

packing houses using block inspection. Under this revised procedure, most of the containers they pack will be lot stamp numbered. The center tiers of randomly selected pallets are inspected by the Federal-State Inspection Service for all marketing order requirements. The committees' recommendation to relax the container marking requirement would not lower the number of containers being inspected.

Several other alternatives were suggested during the public meetings. One alternative discussed by the committees was to require all containers to continue to be lot stamp numbered. Maintaining the requirement for lot stamp numbers to be placed on all containers would not address the burden placed on small handlers. That burden includes higher handler labor costs, slower handler operations, increased handler restraining costs, as well as increased inspection costs. It was the consensus of the committees that the requirement that all containers be marked is cost prohibitive as each block-inspected pallet needs to be manually pulled apart to enable the lot stamp number to be placed on the center tier containers.

Another alternative suggested was to eliminate the block-inspection method and require all handlers to use the in-line inspection method. During in-line inspection, containers would be stamped with the lot stamp number prior to being stacked on the pallet. This would have a serious financial impact on the industry, especially among small handlers, due to a large increase in inspection costs. This suggestion was unacceptable to the industry as it would be cost prohibitive and could force small handlers out of business.

Section 8(e) of the Act requires that whenever grade, size, quality or maturity requirements are in effect for certain commodities under a domestic marketing order, including limes and avocados, imports of that commodity must meet the same or comparable requirements. This rule changes the container marking requirements currently issued under the orders. Therefore, no change is necessary in the lime and avocado import regulations as a result of this action to relax the lot stamp number requirement.

After consideration of all relevant material presented, the information and recommendations submitted by the committees, and other information, it is found that finalizing the interim final rule, without change, as published in the Federal Register (61 FR 31004, June 19, 1996) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 911

Marketing agreements, Limes, Reporting and recordkeeping requirements.

7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 911 and 915 are amended as follows:

PART 911—LIMES GROWN IN FLORIDA

Accordingly, the interim final rule amending 7 CFR part 911 which was published at 61 FR 31004 on June 19, 1996, is adopted as a final rule without change.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Accordingly, the interim final rule amending 7 CFR part 915 which was published at 61 FR 31004 on June 19, 1996, is adopted as a final rule without change.

Dated: September 9, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-23824 Filed 9-17-96; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-252-AD; Amendment 39-9760; AD 96-19-14]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that requires replacement of certain flexible oxygen hoses, located in the flight compartment gangway and in the consoles, with insulated hose assemblies. This amendment is prompted by reports of either insufficient or no clearance between these hoses and adjacent structure or electrical wiring. The actions specified by this AD are intended to prevent chafing of the

flexible oxygen hoses, which could result in an uncontrollable loss of oxygen from the flightcrew oxygen system, and could allow the presence of oxygen in areas where ignition is possible.

DATES: Effective October 23, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 23, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. 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: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2141; 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 Fokker Model F28 Mark 0100 series airplanes was published in the Federal Register on March 28, 1996 (61 FR 13791). That action proposed to require replacement of flexible oxygen hoses with insulated hose assemblies.

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

Support for the Proposal

One commenter supports the proposed rule.

Request To Clarify Installation Requirement

One commenter requests that paragraph (b) of the proposed rule, which prohibits installation of a hose assembly with part number (P/N) A66152-417 or A66152-407 on the airplane, be revised to clarify that these flexible hoses may be installed at other locations on the airplane.

The FAA concurs. The intent of the AD was to prohibit the installation of the flexible hoses only in those locations specified in paragraph (a) of the AD, i.e., the flight compartment gangway and the left-hand and right-

hand side consoles. Paragraph (b) of the AD has been revised to clarify this intent.

Conclusion

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 change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 21 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$1,376 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$33,936, or \$1,616 per airplane.

The 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.

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.

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 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

96-19-14 Fokker: Amendment 39-9760. Docket 95-NM-252-AD.

Applicability: Model F28 Mark 0100 series airplanes, having serial numbers 11244 through 11321 inclusive, and 11323 through 11332 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 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 (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 an uncontrollable loss of oxygen from the flightcrew oxygen system due to chafing of the flexible oxygen hoses, which could result in the presence of oxygen in areas where ignition is possible; accomplish the following:

(a) Within 12 months or 3,000 flight cycles after the effective date of this AD, whichever occurs first, replace the flexible oxygen hoses having part number (P/N) A66152-407, located in the left-hand (LH) and right-hand (RH) side consoles with insulated tube assemblies having P/N D66127-401; and replace the flexible oxygen assemblies having P/N A66152-417, located in the flight compartment gangway with insulated tube assemblies having P/N D66127-403; in accordance with Fokker Service Bulletin SBF100-35-004, dated May 17, 1995.

(b) As of the effective date of this AD, no person shall install a hose assembly with P/N A66152-417 or A66152-407, in the flight compartment gangway or in the LH or RH side consoles of any airplane.

(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, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

(e) The replacements shall be done in accordance with Fokker Service Bulletin SBF100-35-004, dated May 17, 1995. 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 Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. 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.

(f) This amendment becomes effective on October 23, 1996.

Issued in Renton, Washington, on September 10, 1996.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-23711 Filed 9-17-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-CE-42-AD; Amendment 39-9763; AD 96-16-06]

RIN 2120-AA64

Airworthiness Directives; Weatherly Aviation Company, Inc., Models 620A and 620B Airplanes

AGENCY: Federal Aviation Administration, DOT

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) 96-16-06, which was sent previously to all known U.S. owners and operators of certain Weatherly Aviation Company, Inc., (Weatherly) Models 620A and 620B airplanes. This AD requires inspecting all wing hinge pins, part number (P/N) 40852-001, at the main wing-to-center section attachment (four per airplane)

for depth of the threaded ends, length of the pin, and position of the pin; and replacing or repositioning any pin, as necessary. A report received by the Federal Aviation Administration of manufacturing deficiencies at the area of the main wing center section attachment prompted the AD. The actions specified by this AD are intended to prevent failure of the wing hinge pin, which could result in the wing separating from the fuselage.

DATES: Effective October 6, 1996, to all persons except those to whom it was made immediately effective by priority letter AD 96-16-06, issued July 26, 1996, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 6, 1996.

Comments for inclusion in the Rules Docket must be received on or before November 18, 1996.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-42-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from the Weatherly Aviation Company, Inc., 2100 Flightline Drive, suite 1, P.O. Box 68, Lincoln, California 95648. This information may also be examined at the Rules Docket at the address above, or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Roberts, Aerospace Engineer, Los Angeles ACO, FAA, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (310) 627-5228.

SUPPLEMENTARY INFORMATION:

Events Leading to the AD

The FAA received a report of manufacturing deficiencies on certain Weatherly Models 620A and 620B airplanes. In particular:

- the wing hinge pins, part number (P/N) 40852-001, at the main wing spar wing-to-center section attachment could be too short and/or misaligned, which could result in the pins not properly securing the wing to the fuselage for ultimate airplane loads; and
- the threaded ends of the wing hinge pin retaining bolt holes could be drilled too deep, which could result in excessive stress load on the wing

hinge pins with subsequent wing hinge pin failure.

Applicable Service Information

Weatherly Aviation Company, Inc., has issued Service Note No. 15, dated July 17, 1996, which specifies procedures for inspecting the P/N 40852-001 wing hinge pins for depth of the threaded ends, overall length, and pin position.

Explanation of the Provisions of This Action

Since an unsafe condition has been identified that is likely to exist or develop in other Weatherly Models 620A and 620B airplanes of the same type design that are equipped with at least one P/N 40852-001 hinge pin from a manufacturing lot that could have the above-referenced quality control problems, the FAA issued priority letter AD 96-16-06 on July 26, 1996, to prevent failure of the wing hinge pin. The AD requires inspecting all wing hinge pins, P/N 40852-001, at the main wing-to-center section attachment (four per airplane) for depth of the threaded ends, length of the pin, and position of the pin; and replacing or repositioning any pin, as necessary. Accomplishment of the inspections is in accordance with the instructions in Weatherly Aviation Company, Inc., Service Note No. 15, dated July 17, 1996. The replacement or repositioning is accomplished in accordance with the applicable maintenance manual.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on July 26, 1996 to all known U.S. operators of the following Weatherly model and serial number airplanes:

Model	Serial Nos.
620A	1520 through 1614.
620B	1616 through 1628.

These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are