

(f) *Eligible processor* means any person who processes over 4 million pounds of popcorn during the representative period and who:

(1) Owns or shares in the ownership of processing facilities and equipment resulting in the ownership of the popcorn process;

(2) Rents processing facilities and equipment resulting in the ownership of all or a portion of the popcorn processing;

(3) Owns processing facilities and equipment but does not manage them and, as compensation, obtains the ownership of a portion of the popcorn processing; or

(4) Is a party in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to process popcorn who share the risk of loss and receive a share of the popcorn processing. No other acquisition of legal title to popcorn shall be deemed to result in persons becoming eligible processors.

§ 1215.502 Voting.

(a) Each person who is an eligible processor as defined in this subpart, at the time of the referendum and during the representative period, shall be entitled to cast only one ballot in the referendum. However, each processor in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to process popcorn, in which more than one of the parties is a processor, shall be entitled to cast one ballot in the referendum covering only such processor's share of the ownership.

(b) Proxy voting is not authorized, but an officer or employee of an eligible corporate processor or an administrator, executor, or trustee of an eligible processing entity may cast a ballot on behalf of such processing entity. Any individual so voting in a referendum shall certify that such individual is an officer or employee of the eligible processor, or an administrator, executor, or trustee of an eligible processing entity, and that such individual has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) All ballots are to be cast by mail.

§ 1215.503 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under the supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedures to be followed

by the referendum agent. Such agent shall:

(a) Prepare ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information including that needed for ascertaining:

(1) Whether the person voting, or on whose behalf the vote is cast, is an eligible voter, and

(2) The total volume of popcorn processed by the voting processor during the representative period.

(b) Give reasonable advance public notice of the referendum by utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio and such other means as the agent may deem advisable.

(c) Mail to each eligible processor whose name and address is known to the agent, the instructions on voting and a ballot. No person who claims to be eligible to vote shall be refused a ballot.

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

(e) Prepare a report on the referendum.

(f) Announce the results to the public.

§ 1215.504 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 and all functions which, in the absence of such appointment, shall be performed by the agent.

§ 1215.505 Ballots.

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

§ 1215.506 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.

§ 1215.507 Confidential information.

The ballots and other information or reports that reveal, or tend to reveal, the vote of any processor in the referendum shall be held strictly confidential and shall not be disclosed.

Dated: September 24, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-25002 Filed 9-27-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-160-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

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 McDonnell Douglas Model MD-11 series airplanes, that currently requires either the application of a vapor sealant on the back of the receptacle of the auxiliary power unit (APU) power feeder cable; or a one-time visual inspection for gold-plating and evidence of damage of the connector contacts of the power feeder cable of the APU generator, and various follow-on actions. This action would add a requirement for replacement of certain connector contacts (pins/sockets) with gold-plated contacts. This proposal is prompted by reports of burning and arcing of the connector contacts of the power feeder cable of the APU generator. The actions specified by the proposed AD are intended to reduce the potential for a fire hazard as a result of such burning or arcing.

DATES: Comments must be received by November 8, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-

160-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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5347; fax (310) 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 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 96-NM-160-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-103, Attention: Rules Docket No. 96-NM-160-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On May 30, 1996, the FAA issued AD 96-12-10, amendment 39-9652 (61 FR 28736, June 6, 1996), applicable to certain McDonnell Douglas Model MD-11 series airplanes, to require either the application of a vapor sealant on the back of the receptacle of the auxiliary power unit (APU) power feeder cable; or a visual inspection for gold-plating and evidence of damage of the connector contacts (pins/sockets) of the power feeder cable of the APU generator, and various follow-on actions. That action was prompted by reports of burning and arcing of these connector contacts. The requirements of that AD are intended to reduce the potential for a fire hazard as a result of such burning or arcing.

Actions Since Issuance of Previous Rule

In the preamble to AD 96-12-10, the FAA indicated that it intended to require operators that install the vapor sealant to eventually accomplish the one-time visual inspection (and follow-on actions) and the replacement of nickel-plated or copper (brass) pins and sockets with gold-plated parts. This action proposes such requirements.

Explanation of Relevant Service Information

The FAA previously reviewed and approved McDonnell Douglas Alert Service Bulletin MD11-24A104, dated May 7, 1996, which describes procedures for application of a vapor sealant on the back of the receptacle of the APU power feeder cable. Applying the vapor sealant will reduce the possibility of fire or burning until the remainder of the actions specified in the alert service bulletin can be accomplished.

The alert service bulletin also describes procedures for a one-time visual inspection for color (gold plating) and evidence of damage of the connector contacts of the power feeder cable of the APU generator located in the upper left corner of the APU compartment in the forward bulkhead. It also describes procedures for replacement of damaged pins and sockets with gold-plated pins and sockets, or deactivation of the electrical operation of the APU until such replacement is accomplished. The alert service bulletin specifies that the visual inspection and replacement or deactivation (if necessary) actions eliminate the need for applying a vapor sealant.

Additionally, the alert service bulletin describes procedures for eventual replacement of undamaged pins and sockets that are nickel-plated or made of copper (brass) with gold-plated pins and sockets.

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 supersede AD 96-12-10 to continue to require a one-time visual inspection for gold-plating and evidence of damage of the connector contacts of the power feeder cable of the APU generator, and various follow-on actions. The proposed AD would add a requirement for replacement of certain connector contacts with gold-plated contacts. The actions would be required to be accomplished in accordance with the alert service bulletin described previously.

Cost Impact

There are approximately 149 McDonnell Douglas Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 45 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 96-12-10 take approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be \$5,400, or \$120 per airplane.

The new action (replacement) that is proposed in this AD action would take approximately 9 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$909 per airplane. Based on these figures, the cost impact on U.S. operators of the proposed requirements of this AD is estimated to be \$65,205, or \$1,449 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed 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 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 removing amendment 39-9652 (61 FR 28736, June 6, 1996), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 96-NM-160-AD. Supersedes AD 96-12-10, Amendment 39-9652.

Applicability: Model MD-11 series airplanes; as listed in McDonnell Douglas Alert Service Bulletin MD11-24A104, dated May 7, 1996, 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 (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.

Note 2: Paragraph (a) of this AD merely restates the requirements of paragraph (a) of AD 96-12-10. As allowed by the phrase, "unless accomplished previously," if those requirements of AD 96-12-10 have been accomplished previously, this AD does not require that they be repeated.

To reduce the potential for a fire hazard as a result of burning and arcing of the connector contacts of the power feeder cable of the auxiliary power unit (APU) generator, accomplish the following:

Restatement of Requirements of AD 96-12-10

(a) Within 60 days after June 21, 1996 (the effective date of AD 96-12-10, amendment 39-9652), accomplish the actions specified in either paragraph (a)(1) or (a)(2) of this AD in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A104, dated May 7, 1996.

(1) Apply a vapor sealant on the back of the APU power feeder cable receptacle.

Or

(2) Accomplish the actions specified in both paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Perform a one-time visual inspection for color (gold-plating) and evidence of damage of the connector contacts (pins/sockets) of the power feeder cable of the APU generator located in the upper left corner of the APU compartment in the forward bulkhead. And

(ii) Replace any damaged pin or socket with a gold-plated pin or socket, or deactivate the electrical operation of the APU until the replacement required by paragraph (c) of this AD is accomplished.

New Requirements of This AD

(b) For airplanes on which the requirements of paragraph (a)(2) of this AD have not been accomplished previously: Within 60 days after the effective date of this AD, accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A104, dated May 7, 1996.

(1) Perform a one-time visual inspection for color (gold-plating) and evidence of damage of the connector contacts (pins/sockets) of the power feeder cable of the APU generator located in the upper left corner of the APU compartment in the forward bulkhead. And

(2) Replace any damaged pin or socket with a gold-plated pin or socket, or deactivate the electrical operation of the APU until the replacement required by paragraph (c) of this AD is accomplished.

(c) Within 24 months after the effective date of this AD, replace any pin or socket that is nickel-plated or copper (brass) with a pin or socket that is a gold-plated. Accomplish the replacement in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A104, dated May 7, 1996.

(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, Los Angeles ACO, 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, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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.

Issued in Renton, Washington, on September 23, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 96-24891 Filed 9-27-96; 8:45 am]

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14 CFR Part 39

[Docket No. 96-CE-43-AD]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Corporation (Formerly Beech Aircraft Corporation) Model 1900D 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 Raytheon Aircraft Corporation (Raytheon) Model 1900D airplanes. The proposed action would require replacing the right-hand exhaust stack for both the left and right engines. The proposed action results from reports of wing skin damage (with associated fuel seepage) and cabin window damage caused by the heat of the right-hand exhaust stacks on the affected airplanes. The actions specified by the proposed AD are intended to prevent wing skin de-bonding or warping of the cabin windows because of the heat generated by the engines' right-hand exhaust stacks.

DATES: Comments must be received on or before November 20, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-43-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments