

## **PART 1485—AGREEMENTS FOR THE DEVELOPMENT OF FOREIGN MARKETS FOR AGRICULTURAL COMMODITIES**

1. The authority citation for Part 1485 continues to read as follows:

Authority: 7 U.S.C. 5623, 5662–5664 and sec. 1302, Pub. L. 103–66, 107 Stat. 330.

### **Subpart B—Market Promotion Program**

2. In § 1485.16, paragraph (h) is revised to read as follows:

#### **§ 1485.16 Reimbursement rules.**

\* \* \* \* \*

(h) CCC will reimburse for expenditures made after the conclusion of participant's activity plan year provided:

- (1) The activity was approved prior to the end of the activity plan year;
- (2) The activity was completed within 30 calendar days following the end of the activity plan year; and
- (3) all funds were transferred to pay for the activity within 4 months following the end of the activity plan year.

Signed at Washington, D.C. on May 8, 1996.

Timothy J. Galvin,

*Acting Administrator, Foreign Agricultural Service and Vice President, Commodity Credit Corporation.*

[FR Doc. 96–12055 Filed 5–13–96; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 95–NM–117–AD; Amendment 39–9613; AD 96–10–08]

RIN 2120–AA64

#### **Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–300, –400, and –500 series airplanes, that requires inspection to detect damage of a wire bundle and clamp that are located in the electronic/electrical (E/E) equipment bay, and repair of the damaged wire bundle. That action also requires replacement of the existing steel clamp with a nylon clamp, and rearrangement of the clamp installation.

This amendment is prompted by a report of fire in the E/E equipment bay due to electrical arcing caused by chafing of a wire bundle. The actions specified by this AD are intended to prevent chafing of a wire bundle that could cause short circuiting of the wire bundle, and could result in smoke and fire in the E/E equipment bay.

**DATES:** Effective June 13, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 13, 1996.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket 95–NM–117–AD, 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:**

Stephen Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2793; fax (206) 227–1181.

#### **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 Boeing Model 737–300, –400, and –500 series airplanes was published in the Federal Register on October 13, 1995 (60 FR 53307). That action proposed to require a visual inspection to detect damage of the wire bundle and clamp in the electronic/electrical (E/E) equipment bay, and repair, if necessary. Additionally, that action proposed to require replacement of the rubber cushioned steel clamp with a nylon clamp, and the installation of additional clamps to prevent contact between wire bundle W2132 (or W0132) and power feeder wire bundle W0142.

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 Withdraw the Rule:** Basis May be an Isolated Incident

One commenter requests that the FAA first review the findings on airplanes

inspected thus far and, if no incorrect routing exists on other airplanes, the proposed rule should be withdrawn. This commenter states that the Supplementary Information section of the preamble to the proposal only states that an unsafe condition is “likely to exist” on other airplanes, and asks that further explanation be given as to why the FAA believes other airplanes may be affected. This commenter has received no reports of similar conditions on other airplanes.

The FAA agrees that fleetwide corrective actions should not be mandated in response to incidents determined to be truly “isolated.” In this case, however, AD action is warranted since the FAA has confirmed that the incident described in the notice was the result of a manufacturing error, and that this error was repeated on numerous airplanes. As part of its investigation, the FAA conducted inspections of 10 airplanes in the manufacturer's production facility. These inspections revealed that incorrect wire bundle clamps were installed in each of these airplanes. Furthermore, a review of manufacturing records indicates that this condition exists in approximately 620 previously delivered airplanes. In light of this evidence, the FAA has determined that the condition addressed by this AD is not the result of a single isolated incident, as the commenter suggests.

**Request to Withdraw the Rule:** No Essential Flight Circuits are Involved

One commenter requests that the AD be withdrawn because of the fact that no essential flight circuits were affected as a result of the damage to the wiring. The wire bundle involved in the damage is not associated with flight-critical systems.

The FAA agrees that loss of the systems associated with the damaged wire bundle would not significantly affect safe flight and landing of the airplane. The FAA's primary concern, however, is not the loss of system function, but the possibility of chafing of a wire bundle that could cause short circuiting of the wire bundles. Such short circuiting of the wire bundles could result in an undetected in-flight fire, since Electrical Equipment (E/E) bays of Model 737 airplanes are not equipped with fire detection systems.

**Request to Withdraw the Proposal:** No “Formal” Service Document Exists

One commenter contends that the FAA should not issue an AD that cites an “informal” service letter (Boeing Service Letter 737–SL–24–106, dated March 10, 1995) as the appropriate

source of instructions for accomplishing the proposed actions. The commenter maintains that a "formal" service bulletin should be issued if the manufacturer finds the chafing problem to be more than an isolated incident.

The FAA does not concur with the commenter. The fact that the manufacturer chose to publish the service information in a form other than a "formal" service bulletin, is not a justifiable reason to withdraw the proposed AD. It is appropriate for the FAA to reference in AD's any document that is available to affected operators and contains procedural instructions necessary for conducting required actions. Further, the decision to mandate corrective actions via the AD process is based on the FAA's assessment of the potential hazardous condition, not the assessment by the manufacturer.

#### Request to Withdraw the Rule: Service Information Incomplete

Two commenters state that the service letter, cited in the proposed rule as the appropriate service information, contains an incomplete list of parts. The commenters assert that the service letter only indicates a "family" of hardware, and leaves the determination of the appropriate clamp diameters and screw lengths up to the operators. The commenters request that an AD not be issued unless the manufacturer finds it advisable to publish a formal service bulletin containing a complete and accurate list of parts.

The FAA acknowledges the commenters' observation that the service letter contains an incomplete list of parts; however, that list is not incomplete to the extent that the AD should be withdrawn. The FAA finds that clarification of these parts is necessary so that operators will have no difficulty performing the requirements of this AD. In those situations where part numbers are incomplete, the undefined parameters are limited to non-critical part dimensions or, in the case of the NAS42DD-6 spacer, a dimension and finish. The function of the subject parts is to establish a reasonable amount of separation from surrounding structure by providing positive mechanical support for the wire bundles. In these applications, a high degree of precision in the unspecified dimensions is not essential. It also is reasonable to assume that the modification will be accomplished by trained personnel, whose discretion in the selection of part sizes is appropriate. Such discretion will give operators the flexibility needed to deal with slight manufacturing variations in the wire

bundle installation of the affected area. The FAA agrees that some guidance may prove useful to operators unfamiliar with the parts identified in the service letter; therefore, the FAA has revised paragraph (a) of the final rule to include descriptions for the installation of the screw size, spacer clearance, and specific finish requirements for the spacers.

#### Request to Extend Compliance Time

Two commenters request that the compliance time of the proposed rule be increased from the proposed 12 months to 18 months. The commenters state that extending the compliance period will allow operators to accomplish the inspection during a scheduled "C" check, when airplanes are brought to the main maintenance base for an extended hold. Adoption of a 12-month compliance time would require affected operators to special schedule airplanes so that the requirements of the rule can be accomplished; this would entail additional expenses over what the FAA estimated in its cost impact information.

The FAA concurs that the compliance time can be extended somewhat. The FAA's intent was that the inspections be conducted during a regularly scheduled maintenance visit for the majority of the affected fleet. The FAA now recognizes that 15 months corresponds more closely to the interval representative of the majority of affected operators' normal maintenance schedules. Extending the compliance time by three additional months will not adversely affect safety, and will allow the modification to be performed at a base during regularly scheduled maintenance. Paragraph (a) of the final rule has been revised to reflect a compliance time of 15 months.

#### Request to Revise Cost Impact Information

One commenter requests that the FAA's cost impact estimation be revised to specify that two work hours are required to accomplish the proposed modification, instead of one work hour. The commenter explains that the access to the work area is from under the cabin floor, and the personnel performing the modification are in an awkward position and are unable to fully view the work area. Because of these factors, the modification would take a longer time than the FAA's estimated one work hour.

The FAA does not concur. The cost impact information, below, describes only the "direct" costs of the specific actions required by this AD. The FAA's estimate of 1 work hours necessary to accomplish the required actions is based on the best data available to date, and

represents the time necessary to perform only the actions actually required by this AD. The FAA recognizes, that in accomplishing the requirements of any AD, operators may incur "incidental" costs in addition to the "direct" costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate.

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

#### Cost Impact

There are approximately 620 Model 737-300, -400, and -500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 195 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$25 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$16,575, or \$85 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:

96-10-08 Boeing: Amendment 39-9613. Docket 95-NM-117-AD.

*Applicability:* Model 737-300, -400, and -500 series airplanes, as listed in Boeing Service Letter 737-SL-24-106, dated March 10, 1995; 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 short circuiting of a wire bundle located in the electrical/electronics (E/E) equipment bay, which could result in smoke and fire, accomplish the following:

(a) Within 15 months after the effective date of this AD, accomplish the requirements of paragraphs (a)(1), (a)(2), and (a)(3), of this AD in accordance with Boeing Service Letter 737-SL-24-106, dated March 10, 1995.

Note 2: Screws having part number (P/N) NAS1801-3-() and spacers having P/N NAS42DD-6-(), used to install the clamps as specified by this service letter, should be selected to provide a minimum of 0.25 inch clearance between wire bundles and surrounding structure and objects.

Additionally, the spacers should have a part number having a chemical film finish code of "FC" or a gray anodize finish code of "N."

(1) Perform a visual inspection to detect damage of the wire bundle and clamps in the E/E compartment. If any damage is detected, prior to further flight, repair in accordance with the service letter.

(2) Reclamp wire bundle W2132 (or W0132) by removing the steel cushioned clamp and installing a nylon clamp on the aft side of the existing nut and bolt hole at body station (BS) 360, water line (WL) 203, left buttock line (LBL) 57, in accordance with the service letter.

(3) Install additional clamps to wire bundles W2132 (or W0132) and power feeder wire bundle W0142, in accordance with the service letter.

(b) Within 10 days after detecting any damage to the wire bundle or clamp as a result of the inspection required by paragraph (a) of this AD, submit a report of the damage findings to the FAA, Transport Airplane Directorate, Seattle Manufacturing Inspection District Office (MIDO), Attention: George Carter, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 237-6229; fax (206) 965-0264. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(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, Seattle Aircraft Certification Office (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, Seattle ACO.

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

(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 actions shall be done in accordance with Boeing Service Letter 737-SL-24-106, dated March 10, 1995, including Attachments I and II. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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 June 13, 1996.

Issued in Renton, Washington, on May 6, 1996.

Darrell M. Pederson,

*Acting Manager, Transport Airplane*

*Directorate, Aircraft Certification Service.*

[FR Doc. 96-11824 Filed 5-13-96; 8:45 am]

BILLING CODE 4910-13-U

### 14 CFR Part 25

[Docket No. NM-121, Special Conditions No. 25-ANM-113]

### Special Conditions: Cessna Aircraft Model 750 Airplanes; Operation With Fly-by-Wire Rudder

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Cessna Aircraft Model 750 airplane. This airplane will have novel and unusual design features, relating to its electronic rudder flight control system, when compared to the state of technology envisioned in the airworthiness standards of part 25 of the Federal Aviation Regulations (FAR). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the airworthiness standards of part 25.

**EFFECTIVE DATE:** May 1, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Mark I. Quam, FAA, Standardization Branch, ANM-113, Transport Standards Staff, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2145, facsimile (206) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 15, 1991, Cessna Aircraft Company (Cessna), 6030 Cessna Blvd., P.O. Box 7704, Wichita, KS 67277-7704, applied for a new type certificate in the transport airplane category for the Model 750 (Citation X) airplane. The Cessna 750 is a twin-engine, swept-wing business jet aircraft that is configured for approximately 8-12 passengers. The airplane has two Allison Engine Company AE 3007C turbofan engines rated at 6400 pounds of sea level, static takeoff thrust. The airplane has a maximum operating altitude of 51,000 feet and a range of approximately 3300 nautical miles.