guard stations surrounding the production area. The Committee also unanimously recommended $164,450 in market development activities and $88,028 in production research. Budget items for 1994–95 which increased compared to those budgeted for 1993–94 (in parentheses) were: Office salaries, $22,000 ($15,600), insurance, $6,250 ($5,250), accounting and audit, $2,600 ($2,300), rent and utilities, $5,000 ($4,000), field travel, $6,000 ($5,000), onion breeding research, $88,028 ($88,000), and $4,450 for Canadian onion promotion for which no funding was budgeted last year. Items which decreased compared to the amount budgeted for 1993–94 (in parentheses) were: Market development program, $150,000 ($200,000) and ($7,000) for screening for resistance and tolerance to purple blotch, ($2,000) for leaf wetness, ($2,600) for variety evaluation, ($4,000) for thrips monitoring and control, and ($2,000) for the Integrated Pest Management program, for which no funding was budgeted this year. All other items were budgeted at last year's amounts.

The initial 1994–95 budget, published on August 12, 1994, did not establish an assessment rate. Therefore, the Committee also unanimously recommended an assessment rate of $0.04 per 50-pound container or equivalent of onions, $0.06 less than last year's assessment rate. This rate, when applied to anticipated shipments of approximately 5 million 50-pound containers or equivalents, will yield $200,000 in assessment income, which, along with $269,678 from the reserve, will be adequate to cover budgeted expenses. Funds in the reserve as of December 31, 1994, were $607,767, which is within the maximum permitted by the order of two fiscal periods' expenses.

An amended interim final rule was published in the Federal Register on December 15, 1994 (59 FR 64557). That interim final rule amended § 959.235 to increase the level of authorized expenses to $469,678 and establish an assessment rate of $0.04 per 50-pound container or equivalent of onions for the Committee. That rule provided that interested persons could file comments through January 17, 1995. No comments were received.

The Committee, in a telephone vote completed January 16, 1995, unanimously recommended an increase of $50,000 in the funding for the market development program, increasing expenditures from $150,000 to $200,000. This increase is necessary to cover additional expenses that will be incurred in conducting the program, and will result in total promotion expenses of $214,250 and a total budget of $519,678. There are adequate funds in the Committee's reserve to cover this additional expenditure, so no increase in the assessment rate was recommended.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1994–95 fiscal period began on August 1, 1994, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable onions handled during the fiscal period. In addition, handlers are aware of this rule which was unanimously recommended by the Committee at a public meeting and published in the Federal Register as an amended interim final rule. No comments were received concerning that amended interim final rule, which is being adopted as a final rule, with appropriate changes.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 959 is amended as follows:

Accordingly, the interim final rule amending 7 CFR part 959 which was published at (59 FR 64557) on December 15, 1994, is adopted as a final rule with the following change:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 959.235 is revised to read as follows:

§ 959.235 Expenses and assessment rate.

Expenses of $519,678 by the South Texas Onion Committee are authorized and an assessment rate of $0.04 per 50-pound container or equivalent of onions is established for the fiscal period ending July 31, 1995. Unexpended funds may be carried over as a reserve.

Dated: February 21, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–4739 Filed 2–24–95; 8:45 am]

BILLING CODE 3410–02–W

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

Replacement and Modification Parts; Enhanced Enforcement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of policy on enforcement.

SUMMARY: This is a notice of the FAA's policy to enforce full compliance with certain regulations on producing modification or replacement parts for sale for installation on type certificated products.

DATES: Preliminary applications for parts manufacturer approvals must be submitted by May 30, 1995.

FOR FURTHER INFORMATION CONTACT: Production and Airworthiness Certification Division, AIR–200, FAA, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–8361.

Background

In the past few years, there has been increased awareness of, and concern about, the use of unapproved parts on aircraft. It is not acceptable for persons to produce parts without complying with Federal Aviation Regulations (14 CFR 21.3030(a)). It is the FAA's intention to ensure that all persons who produce parts for sale for installation on type certificated products comply with the regulations. The FAA recognizes that some producers may have relied on previous FAA statements and practices regarding enforcement of the rule.

Therefore, the FAA is publishing this notice to ensure industry-wide awareness of the agency's intent to enforce the regulations governing all persons who produce modification or replacement parts for sale for installation on type certificated products.

Section 21.303(a) of the Federal Aviation Regulations provides that no person may produce a modification or replacement part for sale for installation on a type certificated product unless it is produced pursuant to a parts manufacturer approval (PMA). Section 21.303(b) provides exceptions to this requirement, including parts produced under a type or production certificate (TC or PC), parts produced by an owner or operator for maintaining his own product, parts produced under an FAA technical standard order (TSO), and standard parts (such as bolts and nuts) conforming to established industry or U.S. specifications. A person who holds a PMA, TSO authorization, or PC, or who holds a TC and produces under that TC, often is referred to as a production approval holder (PAH).

Under the regulations, a PAH may engage another company (commonly called a supplier) to manufacture all or a portion of the part. In the case of fabrication of complete parts, the PAH must implement procedures to ensure that the parts are fabricated and inspected using the PAH's FAA-approved quality control system. The completed parts fabricated for the PAH by the supplier are produced ''under'' the PAH's approval. The PAH may authorize the supplier to ship parts directly from the supplier to the customer. This commonly is referred to as ''direct ship'' or ''drop ship'' authority.

In some cases, such suppliers have been producing additional parts without the direction of the PAH, and selling them directly to others in the aviation industry. In such cases, because the PAH has not exercised the required control over the fabrication of the parts, the parts are not produced ''under'' the production approval.

There appears to be a widespread misconception that *any* production of a party by a supplier (of that part) to a PAH is not a violation of § 21.303(a). Historically, the FAA did not vigorously enforce compliance with § 21.303(a) in these circumstances. Thus, the FAA has been attempting to promote full industry compliance with the rules, but has so far met with only limited success.

By Notice 8110.44, dated September 25, 1992, the FAA chartered the Parts Approval Action Team (PAAT) to develop policies and procedures to facilitate approval of PMA applications by suppliers to PAHs. Under PAAT Phase I, the FAA issued Notice 8110.45, dated September 25, 1992. That notice provided simplified procedures for the issuance of PMAs to suppliers who showed evidence of a licensing agreement with a PAH. Under Phase II, the FAA issued Notice 8110.51, dated May 13, 1994. That notice provided procedures for the issuance of PMAs to suppliers who could show that their product design was identical to that of a part produced under a TC.

The intent of Phases I and II was to ensure compliance with § 21.303 by suppliers who were shipping directly to customers outside of the PAH's approval, but who could demonstrate that they were producing a part whose design and quality control already had been approved by the FAA. Unfortunately, there has been insufficient response from the suppliers, and there continues to be suppliers producing placement and modification parts for sale for installation on type certificated products without a PMA and without direct or drop ship authority from a PAH.

Inaction by the FAA as well as statements made by agency officials may have contributed to this fact. Shortly after Phase I was issued in October 1992, the then—Director of the Aircraft Certification Service, anticipating a significant transition period in approving many parts produced by suppliers, advised FAA field offices to refrain from directing such suppliers to cease shipment of such parts, and to encourage them to apply for PMAs. This direction was widely circulated within the industry.

Further, there are other persons (not suppliers to a PAH) who may be producing parts for sale for installation on type certificated products and who also do not hold a PMA.

The overall purpose of this new policy is to make clear that the FAA will undertake enhanced enforcement of § 21.303(a). This policy makes provisions for a 90-day period during which persons may begin application for a PMA without the information in the application being used to initiate enforcement. During this period and immediately thereafter, the agency will, of necessity, devote the bulk of available FAA resources to securing compliance through processing the anticipated new applications. Accordingly, enforcement for this brief period may be constrained by the availability of resources, and will be focused on immediate safety concerns. Thereafter, agency resources will be freed to effect a balanced enforcement posture across the board.

Note that the policy in this notice applies only to persons who produce parts. It does not affect the responsibility of persons who maintain aircraft. Under § 43.13(b), each person maintaining or altering, or performing preventive maintenance shall do that work in such a manner and use materials of such a quality that the condition of the aircraft, airframe, aircraft engine, propeller, or appliance worked on will be at least equal to its original or properly altered condition with regard to qualities affecting airworthiness. Persons installing parts on aircraft continue to be responsible for ensuring that the product will meet the appropriate airworthiness standards.

Compliance Policy

1. Each person who produces modification or replacement parts for sale for installation on type certificated products, must comply with § 21.303(a), and is subject to enforcement action by the FAA for failure to do so.

2. If a person who produces parts not in compliance with § 21.303(a) applies for a PMA as described below, neither the fact that the application for a PMA is filed under paragraph 3 nor the information contained in such application will be used by the FAA to initiate, or be used as evidence in, any FAA enforcement investigation for a violation of § 21.303(a), except as provided in this policy.

3. The person must submit at least a preliminary application for PMA no later than May 30, 1995. All such applications should be submitted as soon as possible to enable the FAA to evaluate them, and where they qualify, issue the PMAs as soon as possible. If the applicant fails to pursue the PMA in a timely manner, the FAA may determine that the application should be denied. If the FAA determines that no approval can be issued for the production of the part, the applicant may not produce the part for sale for installation in type certificated products, and the applicant would be subject to enforcement action if the part is thereafter produced.

4. The preliminary application under paragraph 2 must include at least the part number and nomenclature, the name and address of the manufacturing facilities at which the parts are manufactured, and the holder of the production approval to whom the applicant currently supplies the parts or has supplied the parts in the past (if applicable). The preliminary applications should be submitted to the appropriate geographic certification directorate. Complete applications in accordance with § 21.303(c) must be

submitted by July 27, 1995. The geographic certification directorates are:

Federal Aviation Administration, New England Region, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803, (617) 238–7100

Federal Aviation Administration, Central Region, Small Airplane Directorate, 601 East 12th Street, Kansas City, MO 64106, (816) 426–6937

Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, WA 98055–4056, (206) 227–2159

Federal Aviation Administration, Southwest Region, Rotorcraft Directorate, 2601 Meacham Boulevard, Ft. Worth, TX 76137–4298, (817) 222–5100

5. If the FAA is informed through a source other than an application, as discussed in paragraph 2, that an applicant may be producing parts in violation of § 21.303(a), the FAA will investigate and take action as necessary and appropriate to enforce and ensure future compliance with the rule.

6. Nothing in this policy precludes the FAA from taking action for violations of regulations or laws other than § 21.303(a), or referral to another government agency for appropriate action.

Issued in Washington, DC, on February 17, 1995.

Thomas E. McSweeny,

Director, Aircraft Certification Service.

[FR Doc. 95–4760 Filed 2–23–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 25

[Docket No. NM–107; Special Conditions No. 25–ANM–95]

Special Conditions; Modified Cessna 550 Series Airplanes; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions with request for comments.

SUMMARY: These special conditions are issued for Cessna 550 series airplanes modified by Elliott Aviation Technical Products Development, Inc. of Moline Illinois. These airplanes are equipped with digital head-up display (HUD) systems that perform critical functions. The applicable type certification regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions provide the additional safety standards that the Administrator considers necessary to ensure that the critical functions that these systems perform are maintained when the airplane is exposed to HIRF.

DATES: The effective date of these special conditions is February 13, 1995. Comments must be received on or before April 13, 1995.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate (ANM–100), Attn: Docket No. NM–107, 1601 Lind Avenue SW., Renton, WA 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. Comments must be marked: Docket No. NM–107. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Michael Zielinski, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (206) 227–2279.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the Docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to docket No. NM–107.'' The postcard will be date stamped and returned to the commenter.

Background

On October 25, 1994, Elliott Aviation Technical Products Development, Inc. of Moline, Illinois, applied for a supplemental type certificate to modify Cessna 550 series airplanes. The Cessna 550 is a business jet with two aft-mounted turbofan engines. The airplane can carry two pilots and up to 11 passengers, depending on the exit and interior configuration, and is capable of operating to an altitude of 43,000 feet. The proposed modification incorporates the installation of digital avionics consisting of a head-up display (HUD) system that is potentially vulnerable to HIRF external to the airplane.

Supplemental Type Certification Basis

Under the provisions of § 21.101 of the FAR, Elliott Aviation Technical Products Development, Inc. must show that the modified Cessna 550 series airplanes continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A22CE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.''

The regulations incorporated by reference in Type Certificate No. A22CE include the following: Part 25 of the Federal Aviation Regulations (FAR), dated February 1, 1965, including Amendments 25–1 through 25–17. In addition the following sections of the FAR apply to the HUD installation: §§ 25.1303(b) and 25.1322, as amended through Amendment 25–38; §§ 25.1309, 25.1321 (a), (b), (d), and (e), 25.1333, and 25.1335, as amended by Amendment 25–41. These special conditions will form an additional part of the supplemental type certification basis.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Cessna 550 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they