

removing in paragraph (c)(1) the letter “(e)” and adding in its place “(b) and (e)” and removing the word “handler” and adding in its place “handler and importer”; removing in paragraph (c)(2)(viii) the word “five” and adding in its place “10”; and removing in paragraph (d)(1) the word “handler” wherever it appears and adding in its place “handler and importer” to read as follows:

§ 1210.518 Payment of assessments.

(a) Time of payment. The assessment on domestically produced watermelons shall become due at the time the first handler handles the watermelons for non-exempt purposes. The assessment on imported watermelons shall become due at the time of entry, or withdrawal, into the United States.

(b) Responsibility for payment.

(1) The first handler is responsible for payment of both the producer’s and the handler’s assessment. The handler may collect the producer’s assessment from the producer or deduct such producer’s assessment from the proceeds paid to the producer on whose watermelons the producer assessment is made. Any such collection or deduction of producer assessment shall be made not later than the time when the first handler handles the watermelons.

(2) The U.S. Customs Service shall collect assessments on imported watermelons from importers and forward such assessments under an agreement between the U.S. Customs Service and the U.S. Department of Agriculture. Importers shall be responsible for payment of assessments directly to the Board of any assessments due but not collected by the U.S. Customs Service at the time of entry, or withdrawal, on watermelons imported into the United States for human consumption.

* * * * *

§ 1210.519 [Amended]

32. Section 1210.519 is amended by removing in the introductory paragraph the word “handler” and adding in its place “handler and importer”; by removing in paragraph (a) the word “handler’s” and adding in its place “handler’s and importer’s”; and removing the word “Watermelon” from the introductory paragraph and paragraphs (a) and (b).

33. Section 1210.520 is revised to read as follows:

§ 1210.520 Refunds.

Each importer of less than 150,000 pounds of watermelons during any calendar year shall be entitled to apply for a refund of the assessments paid in

an amount equal to the amount paid by domestic producers.

(a) Application form. The Board shall make available to all importers a refund application form.

(b) Submission of refund application to the Board. The refund application form shall be submitted to the Board within 90 days of the last day of the year the watermelons were actually imported. The refund application form shall contain the following information:

- (1) Importer’s name and address;
 - (2) Number of hundredweight of watermelon on which refund is requested;
 - (3) Total amount to be refunded;
 - (4) Proof of payment as described below; and
 - (5) Importer’s signature.
- (c) Proof of payment of assessment.

Evidence of payment of assessments satisfactory to the Board shall accompany the importer’s refund application. An importer must submit a copy of the importer’s report or a cancelled check. Evidence submitted with a refund application shall not be returned to the applicant.

(d) Payment of refund. Immediately after receiving the properly executed application for refund, the Board shall make remittance to the applicant.

34. Section 1210.521 is revised to read as follows:

§ 1210.521 Reports of disposition of exempted watermelons.

The Board may require reports by handlers or importers on the handling/importing and disposition of exempted watermelons and/or on the handling of watermelons for persons engaged in growing less than 10 acres of watermelons or in the case of importers, the importing of less than 150,000 pounds per year. Authorized employees of the Board or the Secretary may inspect such books and records as are appropriate and necessary to verify the reports on such disposition.

§ 1210.530 [Amended]

35. Section 1210.530 is amended by removing the word “handler” from the introductory text and adding in its place “handler and importer”.

§ 1210.531 [Amended]

36. Section 1210.531 is amended by removing the word “handler” and adding in its place “handler and importer”.

37. Section 1210.532 is revised to read as follows:

§ 1210.532 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handlers

and importers and all information with respect to refunds of assessments made to importers shall be kept confidential in the manner and to the extent provided for in § 1210.352.

Dated: February 21, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95-4736 Filed 2-27-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-128-AD; Amendment 39-9146; AD 95-03-09]

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 all Fokker F28 Mark 0100 series airplanes, that requires inspecting the teleflex cable of the landing gear to detect corrosion, moisture, or improper greasing, and replacing discrepant teleflex cables with serviceable parts. This amendment is prompted by reports of difficulties with the operation of the selector handle of the landing gear when “gear down” is selected, due to improper greasing of the teleflex cable of the landing gear during production. The actions specified by this AD are intended to prevent moisture from accumulating on the teleflex cable, which could result in corrosion of the teleflex cable that could inhibit operation of the selector handle of the landing gear.

DATES: Effective March 30, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 30, 1995.

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) 227-1320.

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 all Fokker Model F28 Mark 0100 series airplanes was published in the **Federal Register** on October 18, 1994 (59 FR 52479). That action proposed to require removing the teleflex cable of the landing gear, part number D76351-001, and inspecting it to detect corrosion, moisture, or improper greasing. If no discrepancies are detected, the cable would be cleaned, greased, and reassembled. If any discrepancy is detected, the cable would be replaced with a serviceable part.

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

The commenter supports the proposed rule.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been added to this final rule to clarify this requirement.

Additionally, the applicability of the final rule has been revised to clarify that only airplanes equipped with a teleflex cable of the landing gear, having part number D76351-001, are applicable to the requirements of the AD.

The FAA has recently reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations from \$55 per work hour to

\$60 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

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.

The FAA estimates that 119 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10.9 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$77,826, or \$654 per airplane.

The total 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.

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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

95-03-09 Fokker: Amendment 39-9146. Docket 94-NM-128-AD.

Applicability: Model F28 Mark 0100 series airplanes; equipped with a teleflex cable of the landing gear, having part number D76351-001; 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 use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent moisture from accumulating on the teleflex cable, which could result in corrosion of the teleflex cable that could inhibit operation of the selector handle of the landing gear, accomplish the following:

(a) Within 4 months after the effective date of this AD, remove the teleflex cable of the landing gear, part number D76351-001, and perform an inspection of it to detect corrosion, moisture, or improper greasing, in accordance with Fokker Service Bulletin SBF100-32-071, dated June 22, 1993.

(1) If no discrepancies are found, prior to further flight, clean, grease, and reinstall the teleflex cable, in accordance with the service bulletin.

(2) If any discrepancy is found, prior to further flight, replace the teleflex cable with a serviceable part in accordance with the service bulletin.

(b) 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.

(c) Special flight permits may be issued in accordance with §§ 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.

(d) The actions shall be done in accordance with Fokker Service Bulletin SBF100-32-071, dated June 22, 1993. 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.

(e) This amendment becomes effective on March 30, 1995.

Issued in Renton, Washington, on February 6, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 95-3357 Filed 2-27-95; 8:45 am]

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14 CFR Part 39

[Docket No. 93-ANE-81; Amendment 39-9091; AD 94-25-07]

Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing telegraphic airworthiness directive (AD), applicable to Pratt & Whitney (PW) JT8D series turbofan engines, that currently requires repetitive ultrasonic inspections of a combustion chamber outer case (CCOC) weld, but also allows visual inspection or fluorescent magnetic penetrant inspection (FMPI) of certain CCOC's under specified conditions. This amendment allows ultrasonic inspections only. This amendment is prompted by the greater availability of ultrasonic inspection equipment, which provides a more definitive means of discovering cracks than either visual

inspections or FMPI. The actions specified by this AD are intended to prevent rupture of the CCOC, which could result in fire, engine cowl release, or aircraft damage.

DATES: Effective March 30, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 30, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA 01803-5299; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Mark A. Rumizen, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7137, fax (617) 238-7199.

SUPPLEMENTARY INFORMATION: On March 1, 1989, the Federal Aviation Administration (FAA) issued telegraphic airworthiness directive (AD) T89-05-52, applicable to Pratt & Whitney (PW) JT8D series turbofan engines, which requires repetitive ultrasonic inspections for cracks in the combustion chamber outer case (CCOC). In addition, that telegraphic AD allowed operators who did not have ultrasonic inspection capability to perform visual inspections and fluorescent magnetic penetrant inspections (FMPI) of CCOC's. That action was prompted by reports of two CCOC's, both part number (P/N) 796761, which were found in service with severe cracking and distress at the weld which joins the forward case detail to the rear flange detail. These cracks initiated from an area of incomplete weld created during the manufacturing process and were not detected during the final inspection process. Another CCOC, P/N 806675, is manufactured using a similar process and has the same potential for incomplete welds, but to date have not been found cracked. That condition, if not corrected, could result in rupture of the CCOC, which could result in fire, engine cowl release, or aircraft damage.

Since the issuance of that telegraphic AD, the FAA has received reports that most operators now have the capability to perform ultrasonic inspections, which provides a more definitive means of discovering cracks than either visual

inspections or FMPI. In telegraphic AD T89-05-52, reinspection of all CCOC's is required, including reinspection of those CCOC's that exhibited minimal ultrasonic indications during initial inspection. The FAA has determined analytically that CCOC's that exhibit maximum signal amplitudes of less than 40 percent are not life limited at the defined weld area. Therefore, CCOC's that meet this signal criteria for two consecutive ultrasonic inspections may be marked with a new P/N, provided the second ultrasonic inspection is accomplished at least 2,500 cycles in service (CIS) after the first inspection and the second inspection is performed in accordance with Appendix C of PW Alert Service Bulletin (ASB) No. 5842, Revision 3, dated October 10, 1990.

Finally, the FAA has determined that certain CCOC's, P/N 806675, were ultrasonically inspected by PW during the manufacturing process, and therefore do not need to be inspected again until they are accessible in the shop.

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding telegraphic AD T89-05-52 was published in the **Federal Register** on January 27, 1994 (59 FR 3797). That action proposed to require repetitive ultrasonic inspections of CCOC's for cracks. The proposed AD would also allow CCOC's that meet certain signal criteria for two consecutive ultrasonic inspections to be marked with a new P/N. Once remarked, those CCOC's would not need to meet the repetitive ultrasonic inspection requirements of this AD. Finally, the proposed AD would require ultrasonic inspections on certain CCOC's, P/N 806675, identified by serial number, that were ultrasonically inspected by PW during the manufacturing process, when they are accessible in the shop.

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

Two commenters state that operators should be exempt from the initial 10 days or 75 cycles in service (CIS) after the effective date of this AD, whichever occurs later, ultrasonic inspection if they have already accomplished the inspection in accordance with telegraphic AD T89-05-52. The FAA concurs and paragraphs (a) and (b) of the compliance section of this final rule have been revised in accordance with this comment.

Three commenters state that they agree with eliminating visual inspections and only allowing