

season to remit to the Committee what is owed. When assessments are not paid in a timely manner, the handlers paying assessments on time are placed in an unfair situation compared with the delinquent handlers, who have use of that unpaid assessment money for other purposes, including earning interest in a financial institution.

As part of its collection efforts, the Committee has requested handlers to promptly submit delinquent assessment payments. However, such requests have not substantially decreased the frequency of delinquent payments. To facilitate the collection of assessments needed for the maintenance and functioning of the Committee, it recommended the establishment of an interest charge of one (1) percent per month to be applied to any assessment balance remaining unpaid after 30 days, and that this one (1) percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated unpaid interest. The Committee believes that these charges are high enough to encourage timely assessment payments. The charges are within the interest range customarily charged by banks on commercial accounts.

This proposed change is intended to encourage handlers to pay their assessments when due, thereby eliminating inequities. The Committee believes that this would be an effective means to ensure timely payments. This proposed change is expected to reduce the need for Department involvement with compliance efforts and thereby reduce the costs for the government to administer the order.

Effective June 5, 1972, § 946.42 of the order was revised to authorize the Committee to maintain an operating reserve not to exceed approximately two fiscal periods' operational expenses, or such lower limits as the Committee, with the approval of the Secretary, may establish (37 FR 10915; June 1, 1972). Funds in the reserve are available for use by the Committee for expenses authorized pursuant to § 946.40. Since June of 1972, the Committee has conducted its financial operations with a reserve approximating two fiscal periods' expenses and has not recommended a lower limit.

However, the proviso in paragraph (a) of § 946.142 of Subpart—Rules and Regulation's (7 CFR 946.100–946.142; 32 FR 16199; November 28, 1967) limiting the operating reserve to approximately one fiscal year's expenses has never been updated to bring it into conformity with amended paragraph (a) of § 946.42 of the order. This proposed rule proposes to make

that conforming change by changing the words "one fiscal year's expenses" at the end of the proviso to "two fiscal periods' expenses".

Based on available information, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

A 15-day comment period is deemed appropriate to allow interested persons to respond to this proposal. The Committee would like to impose interest charges on delinquent handlers as soon as possible to encourage such handlers to pay assessments in a timely manner. All written comments received within the comment period will be considered before a final rule is issued on this matter.

#### List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 946 be amended as follows:

#### PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. A new § 946.141 is added to read as follows:

##### § 946.141 Late payment and interest charge.

The Committee shall impose an interest charge on any handler who fails to pay his or her assessment within thirty (30) days of the billing date shown on the handler's assessment statement received from the Committee. The interest charge shall, after 30 days, be one percent of the unpaid assessment balance. In the event the handler fails to pay the delinquent assessment, the one percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated unpaid interest. Any amount paid by a handler as an assessment, including any charges imposed pursuant to this paragraph, shall be credited when the payment is received in the Committee office.

3. In § 946.142, paragraph (a) is revised to read as follows:

##### § 946.142 Operating reserve.

(a) The Committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as an operating reserve: *Provided*, That funds in the operating reserve may not

exceed approximately two fiscal periods' expenses.

\* \* \* \* \*

**Sharon Bomer Lauritsen,**

*Deputy Director, Fruit and Vegetable Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95–NM–29–AD]

#### Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes. This proposal would require a one-time operational test of the No. 1 pitot heating system, and repair or replacement of failed elements. This AD also would require modification of certain electrical wiring, and replacement of the pitot head and a certain relay. This proposal is prompted by reports indicating that the No. 1 Air Data Computer (ADC #1) failed due to icing of the No. 1 pitot tube. The actions specified by the proposed AD are intended to prevent icing of the No. 1 pitot tube, which could result in failure of the No. 1 ADC or output of erroneous airspeed data to all on-side subsidiary systems including the Automatic Flight Control and Augmentation System (AFCAS).

**DATES:** Comments must be received by May 30, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–29–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 Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Timothy Dulin, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2141; fax (06) 227-1320.

**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 95-NM-29-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. 95-NM-29-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F28 Mark 0100 series airplanes. The RLD advises that it received reports indicating that the No. 1 Air Data Computer (ADC #1) failed on Model F28 Mark 0100 series airplanes. This failure resulted in the loss of the captain's airspeed indicator and malfunction alerts from all on-side subsidiary systems [i.e., Flight Control Computer (FCC #1), Auto Throttle (AT

#1), Yaw Damper (YD #1) and Horizontal Stabilizer Trim (Stab Trim #1)]. Subsequent investigation revealed that one of two heating elements (the tube part) of the No. 1 pitot tube had failed, which resulted in icing of the tube. Because the electrical current level of a single functioning element (100W) was higher than the trigger level of the pitot heat fault alert (42W), the failure was not annunciated. In severe icing conditions, operation of a single element produces too little heat to prevent freezing of the pitot probe. If an undetected heating element failure does not lead to a failure of ADC #1, erroneous data could be supplied to those on-side subsidiary systems mentioned above. This may cause the Automatic Flight Control and Augmentation System (AFCAS) to generate control commands based on incorrect airspeed data. Icing of the No. 1 pitot heat system, if not corrected, could result in failure of the ADC #1 or lead to erroneous data being supplied to all on-side subsidiary systems.

Fokker has issued Service Bulletin SBF100-30-015, Revision 2, dated January 25, 1995, which describes procedures for accomplishing an operational test of the No. 1 pitot heating system. The service bulletin also describes procedures for removal of the DC current-sensing relay and replacement with two new DC current-sensing relays; the replacement of the pitot head with a new pitot head; and modification of certain electrical wiring of the pitot heating system.

Accomplishment of this service bulletin will prevent the pitot head from accumulating ice due to failure of a heating element in the No. 1 pitot tube. The RLD classified this service bulletin as mandatory and issued Netherlands airworthiness directive BLA 94-114(A), dated August 5, 1994, in order to assure the continued airworthiness of these airplanes in the Netherlands.

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or

develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time operational test of the No. 1 pitot heating system, and repair or replacement of failed elements. This AD also would require modification of certain electrical wiring, replacement of the pitot head with a new pitot head, and replacement of the single DC current-sensing relay with two new DC current sensing relays. Certain actions would be required to be accomplished in accordance with the service bulletin described previously. Repair or replacement of any failed elements would be required to be accomplished in accordance with the Aircraft Maintenance Manual.

(For airplanes equipped with a Flight Warning System (FWS) speed comparator, data from ADC #1 is compared to data from ADC #2 throughout the flight envelope. For airplanes not equipped with a FWS speed comparator, data from ADC #1 is only compared to data from ADC #2 during autoland and redundant operation of AFCAS. Since airplanes not equipped with a speed comparator have a greater exposure to a hazardous condition, a shorter compliance time is necessary.)

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 included in this notice to clarify this long-standing requirement.

The FAA estimates that 119 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 29 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$4,800 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$778,260, or \$6,540 per airplane.

The total cost impact figure discussed above is based on assumptions that no

operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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. 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:

**Fokker:** Docket 95-NM-29-AD.

**Applicability:** Model F28 Mark 0100 series airplanes, as listed in Fokker Service Bulletin SBF100-30-015, Revision 2, dated January 25, 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 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 (c) 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 icing of the No. 1 pitot tube, which could cause failure of the No. 1 Air Data Computer (ADC) or output of erroneous airspeed data to all on-side subsidiary systems including the Automatic Flight Control and Augmentation System (AFCAS), accomplish the following:

(a) Within 30 days after the effective date of this AD, perform an operational test of the No. 1 pitot heating system, in accordance with Part 1 of the Accomplishment Instructions of Fokker Service Bulletin SBF100-30-015, Revision 2, dated January 25, 1995.

(1) If the pitot heating system passes the operational test, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD, as applicable, at the times specified.

(2) If any pitot tube heating element is found to be inoperative, prior to further flight, repair or replace the failed element with a serviceable element, in accordance with Fokker 100 Aircraft Maintenance Manual (AMM).

(b) Replace the pitot head with a new pitot head, replace the single DC current-sensing relay with two new DC current sensing relays, and modify the electrical wiring, in accordance with Part 2 or 3, as applicable, of the Accomplishment Instructions of Fokker Service Bulletin SBF100-30-015, Revision 2, dated January 25, 1995. Perform these actions at the time specified in either paragraph (b)(1) or (b)(2) of this AD, as applicable.

(1) For airplanes that are not equipped with an Flight Warning System (FWS) speed comparator: Within 12 months or the next 3,000 hours time-in-service after the effective date of this AD, whichever occurs first.

(2) For airplanes that are equipped with an FWS speed comparator: Within 24 months or the next 6,000 hours time-in-service after the effective date of this AD, whichever occurs first.

(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.

Issued in Renton, Washington, on April 12, 1995.

**S.R. Miller,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 95-9470 Filed 4-17-95; 8:45 am]

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## UNITED STATES INFORMATION AGENCY

### 22 CFR Part 502

[Rulemaking No. 201]

### Educational, Scientific, and Cultural Material; World-Wide Free Flow (Export-Import) of Audio-Visual Materials

**AGENCY:** United States Information Agency.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** This proposed rule would amend existing regulations governing the United States Information Agency's administration of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, of 1948, by permitting the issuance of serial certifications in certain circumstances. The amendment is needed to reinstate to the regulations a provision omitted in a previous revision of the regulations. The amendment will formalize the practice, long followed informally, of allowing for certification of time sensitive materials in serial format, thus facilitating the free flow of eligible materials.

**DATES:** Written comments on this proposed rule will be accepted through or until May 18, 1995 and must be submitted in duplicate. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** All comments concerning these proposed regulations should be addressed to Neila Sheahan, Assistant General Counsel, Office of the General Counsel, Room 700, United States Information Agency, 301 4th Street SW., Washington, DC 20547.

**FOR FURTHER INFORMATION CONTACT:** Neila Sheahan, Assistant General Counsel, Office of the General Counsel,