

regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. If adopted, this proposed rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act, the suspension or termination of the following provisions of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is being considered:

1. Section 1046.32(d).
2. In the heading of § 1046.61, the words "and uniform prices for base and excess milk"; in § 1046.61(a), the words "for each month" and "of July and February"; in § 1046.61(a)(5), the words "for each month", the "s" on the end of the word "months", and the words "for the months of July through February"; and § 1046.61(b) in its entirety.
3. In §§ 1046.62(b) and 1046.71(a)(2)(i), the letter "(s)" on the end of the word "prices".
4. In § 1046.73(a), the last sentence.
5. In § 1046.73(b), the letter "(s)" on the end of the word "prices" and the words "or base milk and excess milk".

6. In § 1046.73, paragraphs (d)(3) and (e)(3).

7. In § 1046.73(d)(4), the letter "(s)" on the end of the word "rate(s)".

8. In § 1046.73(d)(5), the letter "(s)" on the end of the word "rate(s)" wherever it appears.

9. In § 1046.75(a), the words "and the uniform price" and the word "base".

10. Sections 1046.90 through 1046.94.

All persons who want to send written data, views, or arguments about the proposed suspension/termination should send two copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, by the 30th day after the publication of this notice in the **Federal Register**.

The comments that are received will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

#### Statement of Consideration

The proposed rule would suspend or terminate the base-excess plan of the Louisville-Lexington-Evansville Federal milk marketing order (Order 46), effective September 1, 1995, the first month of the base-forming period. Holland Dairies, Inc. (Holland), a fully regulated distributing plant under Order 46 that procures its milk from over 100 nonmember producers and Associated Milk Producers, Inc., states that the Order's base-excess plan has created significant milk procurement problems in the area in recent years.

Holland claims that the base-excess plan limits its ability to obtain milk from new producers because these producers have no base. As a result, the handler states that it has been forced to purchase supplemental milk during the summer months from producers located outside the region at an additional cost.

According to Holland, the cooperatives in the southern Indiana area which compete with it for producers do not pay their member-producers base and excess prices. Additionally, Holland states that the Indiana and Ohio Valley Federal milk orders, which border Order 46 to the north, do not contain a producer base-excess plan. Holland contends that both of these factors place it at a competitive disadvantage in procuring milk and are unreasonable and detrimental to its long-term ability to retain nonmember producers.

Therefore, comments are sought to determine whether the aforementioned provisions should be suspended or terminated.

#### List of Subjects in 7 CFR Part 1046

Milk marketing orders.

The authority citation for 7 CFR Part 1046 continues to read as follows:

**Authority:** Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Dated: June 9, 1995.

**Lon Hatamiya,**  
*Administrator.*

[FR Doc. 95-14694 Filed 6-14-95; 8:45 am]  
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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-CE-01-AD]

#### Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series 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 Fairchild Aircraft SA226 and SA227 series airplanes. The proposed action would require installing foreign object damage (FOD) barriers in the floorboards of the cockpit between the pedestal and floor from Fuselage Station (FS) 79.38 to FS 88.06 and on the outboard forward edge of the left-hand and right-hand cockpit forward floorboards at FS 79.38. Two incidents of objects falling through openings of the cockpit floor and jamming the elevator controls and the yoke prompted the proposed action. The actions specified by the proposed AD are intended to prevent airplane flight control jammings caused by objects falling through the cockpit floor openings.

**DATES:** Comments must be received on or before August 21, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-01-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; telephone

(210) 824-9421. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Werner Koch, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5133; facsimile (817) 222-5960.

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 should 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 that summarizes 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 No. 95-CE-01-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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-01-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received reports of two incidents of flight control jammings on Fairchild Aircraft SA227 series airplanes caused by objects falling through openings of the cockpit floor.

In one instance, the air vent in the cockpit broke and the ball section of the vent fell through one of the openings in the floor and lodged in the elevator

control linkage. The airplane crew experienced a momentary restriction in elevator control during a pre-flight control check. In the other instance, a bottle (Coca-Cola) fell through one of the floor openings and jammed the yoke until the crew overcame the jam by breaking the bottle.

These openings are located in the floorboards of the cockpit of Fairchild Aircraft SA226 and SA227 series airplanes between the pedestal and floor from Fuselage Station (FS) 79.38 to FS 88.06 and on the outboard forward edge of the left-hand and right-hand cockpit forward floorboards at FS 79.38.

Fairchild Aircraft has issued Service Bulletin (SB) 226-53-012, SB 227-53-005, and SB CC7-53-002, all Issued: September 22, 1994. These service bulletins contain procedures for installing cockpit floorboard foreign object damage (FOD) barriers on Fairchild Aircraft SA226 and SA227 series airplanes in the areas referenced above.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent airplane flight control jammings caused by objects falling through the cockpit floor openings.

Since an unsafe condition has been identified that is likely to exist or develop in other Fairchild Aircraft SA226 and SA227 series airplanes of the same type design, the proposed AD would require installing FOD barriers in the floorboards of the cockpit between the pedestal and floor from FS 79.38 to FS 88.06 and on the outboard forward edge of the left-hand and right-hand cockpit forward floorboards at FS 79.38. Accomplishment of the proposed action would be in accordance with Fairchild SB 226-53-012, Fairchild SB 227-53-005, or Fairchild SB CC7-53-002, all Issued: September 22, 1994, as applicable.

The FAA estimates that 855 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 4 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$50 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$247,950. This figure is based on the assumption that no affected airplane owner/operator has incorporated the proposed modification. Parts have not been distributed to any owner/operator of the affected airplanes.

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 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) 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 has been placed 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 a new AD to read as follows:

Fairchild Aircraft: Docket No. 95-CE-01-AD.

Applicability: The following airplane models and serial numbers, certificated in any category:

Table with 2 columns: Model and Serial numbers. Rows include SA226-T, SA226-T(B), SA226-AT, SA226-TC, SA227-AT, SA227-AC, SA227-BC, and SA227-TT.

Model	Serial numbers
SA227-CC .....	CC784 and CC790 through CC863.
SA227-DC .....	DC784 and DC790 through DC863.

**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) of this AD 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 within the next 600 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent airplane flight control jammings caused by objects falling through the cockpit floor openings, accomplish the following:

(a) Install foreign object damage (FOD) barriers in the floorboards of the cockpit between the pedestal and floor from Fuselage Station (FS) 79.38 to FS 88.06 and on the outboard forward edge of the left-hand and right-hand cockpit forward floorboards at FS 79.38. Accomplish this action in accordance with the ACCOMPLISHMENT

INSTRUCTIONS section of either Fairchild Service Bulletin (SB) 226-53-012, Fairchild SB 227-53-005, or Fairchild SB CC7-53-002, all Issued: September 22, 1994, as applicable.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office (ACO), FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

(d) All persons affected by this directive may obtain copies of the service bulletins referred to herein upon request to Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; or may examine these service bulletins at the FAA, Central Region, Office of the Assistant Chief Counsel, Room

1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on June 9, 1995.

**Gerald W. Pierce,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-14637 Filed 6-14-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 94-ANE-53]

#### Airworthiness Directives; Teledyne Continental Motors and Rolls-Royce, plc O-200 Series Reciprocating Engines

**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 Teledyne Continental Motors (TCM) O-200 series reciprocating engines, that currently requires resetting engine timing to 24° Before Top Center (BTC). This action would return to the 28° BTC engine timing for those engines equipped with improved cylinders that have strengthened heads. This action would also add license-built Rolls-Royce, plc O-200 series engines to the AD's applicability and drop the TCM O-200C model which never went into production. This proposal is prompted by the availability of improved cylinders. The actions specified by the proposed AD are intended to prevent possible cylinder cracking with subsequent loss of engine power.

**DATES:** Comments must be received by August 14, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94-ANE-53, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601; telephone (334) 438-3411. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Jerry Robinette, Aerospace Engineer, Atlanta

Aircraft Certification Office, FAA, Small Airplane Directorate, Campus Building, 1701 Columbia Ave., Suite 2-160, College Park, GA 30337-2748; telephone (404) 305-7371, fax (404) 305-7348.

#### 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 should 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 94-ANE-53." 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, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94-ANE-53, 12 New England Executive Park, Burlington, MA 01803-5299.

##### Discussion

On June 9, 1977, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 77-13-03, Amendment 39-2925 (42 FR 31770, June 23, 1977), applicable to Teledyne Continental Motors (TCM) O-200A, O-200B, and O-200C series reciprocating engines, to require resetting engine timing to 24° Before Top Center (BTC). That action was prompted by reports of cylinder cracking. Reduction of engine timing reduced cylinder head stress and lowered cylinder head temperature for