

TABLE 2.—CHILD NUTRITION PROGRAMS, COMMODITY DONATIONS—Continued

	Dollars in thousands					Pounds in thousands				
	1990	1991	1992	1993	1994	1990	1991	1992	1993	1994
Additional processing costs at \$0.93 per pound .....					18,061					19,420
Turkey, frozen ground .....	5,957	5,928	5,978	11,012	9,858	9,098	8,189	7,847	18,817	16,926
Turkey, chilled bulk .....	3,832	3,613	5,870	8,212	7,287	5,976	5,544	9,821	13,752	11,720
Subtotal, turkey .....	9,789	9,541	11,848	19,224	17,145	15,074	13,733	17,668	32,569	28,646
Additional processing costs at \$0.93 per pound .....					26,641					28,646
Total, meat and poultry .....	144,205	159,062	163,689	180,762	157,850	128,449	137,220	149,256	170,836	148,088
Additional processing costs at \$0.93 per pound .....					137,722					148,088
Potential State processing savings at:										
1 percent .....					1,377					
5 percent .....					6,886					
10 percent .....					13,772					

Approved:

Dated: June 28, 1995.

William E. Ludwig,

Administrator, Food and Consumer Service.

Dated: August 29, 1995.

Stephen B. Dewhurst,

Director, Office of Budget and Program Analysis.

Dated: August 4, 1995.

Keith Collins,

Acting Chief Economist.

Dated: September 11, 1995.

Ellen Haas,

Assistant Secretary for Food, Nutrition and Consumer Services.

[FR Doc. 96-2177 Filed 2-9-96; 8:45 am]

BILLING CODE 3410-30-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 94-NM-162-AD; Amendment 39-9504; AD 96-03-07]

#### Airworthiness Directives; Beech Model 400, 400A, and MU-300-10 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Beech Model 400, 400A, and MU-300-10 airplanes, that requires installation of an improved adjustment mechanism on the flightcrew seats and replacement of the existing aluminum seat reinforcement assemblies with steel assemblies. This amendment is prompted by reports of incomplete latching of the existing adjustment mechanism and cracked

reinforcement assemblies, which could result in sudden shifting of a flightcrew seat. The actions specified by this AD are intended to prevent such shifting of a flightcrew seat, which could impair the flightcrew's ability to control the airplane.

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

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

**ADDRESSES:** The service information referenced in this AD may be obtained from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. 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 FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Larry Engler, Aerospace Engineer, Airframe Branch, ACE-118W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4122; fax (316) 946-4407.

**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 Beech Model 400, 400A, and MU-300-10 airplanes was published in the Federal Register on May 25, 1995 (60 FR 27705).

That action proposed to require installing an improved adjustment mechanism on the flightcrew seats, and replacing the existing aluminum seat reinforcement assemblies with steel assemblies.

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 suggests that the corrective action for this proposed AD is much simpler than that specified in the proposal. The commenter perceives the problem to be that some pilots may not carefully check the security and locking of their seats after making an adjustment. Therefore, the seat can slide during taxi, climb out, or turning. The commenter believes the corrective action involves flightcrew awareness; the flightcrew should be responsible in determining if the seat is locked into position by attempting to make the seat slide out of position by rocking the seat fore and aft. The commenter suggests that, if this method were employed, the costs associated with the accomplishment of the actions specified in this proposed AD would not be necessary. The commenter agrees that if the seat locking pins are worn or the mechanism bent, those parts should be repaired.

The FAA does not concur with the commenter's suggestion that attempting to make the seat slide out of position by rocking the seat fore and aft sufficiently addresses the unsafe condition. In this case, the FAA has received several reports of incomplete latching of the existing adjustment mechanism, and cracking of the aluminum seat reinforcement assemblies. Cracking of the aluminum seat reinforcement assemblies is an indicator of a

structurally weak design, and this is the unsafe condition the FAA is addressing in this AD action. The FAA has the authority to issue an AD when it is found that an unsafe condition is likely to exist or develop on other products of the same type design. The FAA finds that installing an improved seat tracking adjustment mechanism and replacing the aluminum seat reinforcement assemblies with steel assemblies adequately, and appropriately, addresses this unsafe condition.

This same commenter also questions the FAA's original certification basis of the subject airplane relative to the seat mechanism. The commenter asks whether the FAA "made a mistake" by certifying the airplane with these seat mechanisms installed.

In response to this, the FAA points out that an airplane's type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has made the determination that they establish an appropriate level of safety. However, actual in-service experience (as well as other factors, such as manufacturers' fatigue testing, etc.) may reveal problems in an airplane or its components that were not envisioned or predictable at the time of its type certification. When these problems create an unsafe condition, this means that the original level of safety is no longer being achieved. When actions or procedures are identified that will positively correct the unsafe condition and restore the airplane to its original level of safety, an AD is the appropriate vehicle for mandating that such actions be accomplished.

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 as proposed.

There are approximately 169 Beech Model 400, 400A, and MU-300-10 airplanes of the affected design in the worldwide fleet. The FAA estimates that 121 airplanes of U.S. registry will be affected by this AD, that it will take approximately 24 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$700 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$258,940, or \$2,140 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.

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 USC 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

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

96-03-07 Beech Aircraft Corporation: Amendment 39-9504. Docket 94-NM-162-AD.

*Applicability:* Model 400 airplanes, serial numbers RJ-1 through RJ-65 inclusive; Model 400A airplanes, serial numbers RK-1 through RK-93 inclusive; and Model MU-300-10 airplanes, serial numbers A1001SA through A1011SA inclusive; 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) 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 as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane due to a shifting of the flightcrew seat during flight, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, install an improved adjustment mechanism on the flightcrew seat, and replace the existing aluminum seat reinforcement assemblies with steel assemblies, in accordance with Beechcraft Service Bulletin No. 2536, Revision 1, dated April 1995.

(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, Wichita Aircraft Certification Office (ACO), FAA, Small 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, Wichita ACO.

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

(c) 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.

(d) The installation and replacement shall be done in accordance with Beechcraft Service Bulletin No. 2536, Revision 1, dated April 1995. (NOTE: The issue date of Service Bulletin No. 2536 is indicated only on page 1; no other page of the document is dated.) 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 Raytheon Aircraft Company, P. O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 13, 1996.

Issued in Renton, Washington, on January 23, 1996.

Darrell M. Pederson,  
*Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service.*  
[FR Doc. 96-1521 Filed 2-9-96; 8:45am]

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#### 14 CFR Part 39

[Docket No. 95-NM-261-AD; Amendment 39-9475; AD 95-26-17]

#### Airworthiness Directives; de Havilland Model DHC-8-301, -311, and -315 Series Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain de Havilland Model DHC-8-301, -311, and -315 series airplanes. This action requires modification of the airspeed limitations placard and revision of the Airplane Flight Manual to specify operating at lower airspeeds at full flaps. This action also provides for the termination of the requirements of this AD for certain airplanes. This amendment is prompted by a report that incorrect rivets were installed on the outboard flaps assemblies of these airplanes. The actions specified in this AD are intended to prevent structural failure of the outboard flaps of the wings due to the installation of incorrect rivets in the flap assemblies, which could result in reduced controllability of the airplane.

**DATES:** Effective February 27, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 27, 1996.

Comments for inclusion in the Rules Docket must be received on or before April 12, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-261-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office,

Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Franco Pieri, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7526; fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain de Havilland Model DHC-8-301, -311, and -315 series airplanes. Transport Canada Aviation advises that incorrect rivets were installed during manufacture of the outboard flap assemblies of these airplanes. Investigation revealed that AD rivets were installed on the outboard flaps instead of DD rivets. AD rivets are made of a material that is not as strong as that of DD rivets. This condition, if not corrected, could result in structural failure of the outboard flaps of the wings, and subsequent reduced controllability of the airplane.

The manufacturer has issued de Havilland Service Bulletin S.B. 8-57-24, Revision 'A', dated September 26, 1995, which describes procedures for modification (8/2498) of the airspeed limitations placard to specify a lower airspeed at 35 degrees flaps.

The service bulletin also describes procedures for modification (8/2066) of the outboard flaps, which entails drilling out the AD rivets and installing new DD rivets on Model DHC-8-311 and -315 series airplanes. Following accomplishment of this modification, the service bulletin specifies removal of the airspeed limitations placard (Modification 8/2498). A corrective modification has not yet been developed for Model DHC-8-301 series airplanes.

Transport Canada Aviation classified this service bulletin as mandatory and issued Canadian airworthiness directive CF-95-05R1, dated October 19, 1995, in order to assure the continued airworthiness of these airplanes in Canada. In addition, the Canadian airworthiness directive requires a revision to the Airplane Flight Manual (AFM), which specifies operating at a lower airspeed at full flaps. The Canadian airworthiness directive references DHC-8 Model 301 Flight Manual, PSM 1-83-1A, Flight Manual Revision 57, dated September 26, 1995,

for accomplishment of the AFM revision for Model DHC-8-301 series airplanes.

These airplane models are manufactured in Canada and are 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, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, 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, this AD is being issued to prevent structural failure of the outboard flaps of the wings and subsequent reduced controllability of the airplane. This AD requires modification of the airspeed limitations placard to indicate that the airplane must be flown at reduced airspeed when flying at 35 degrees flaps. This action is required to be accomplished in accordance with the service bulletin described previously.

Additionally, this AD requires a revision to the AFM for all airplanes to include information relative to reducing airspeed at 35 degrees flaps. (The revision for Model DHC-8-301 series airplanes is described in DHC-8 Model 301 Flight Manual, PSM 1-83-1A, Flight Manual Revision 57, dated September 26, 1995.)

For Model DHC-8-311 and -315 series airplanes, this AD also provides for termination of the requirements of the AD by modifying the outboard flaps (installation of Modification 8/2066).

This is considered to be interim action. The FAA is currently considering requiring the accomplishment of Modification 8/2066 on the applicable airplanes, which will constitute terminating action for the requirements of this AD action. However, the planned compliance time for accomplishment of this modification is sufficiently long so that prior notice and time for public comment will be practicable.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.