

before the acreage reporting date of any crop year, insurance will not be considered to have attached to such acreage for that crop year unless:

- (i) A transfer of right to an indemnity or a similar form approved by us is completed by all affected parties; and
- (ii) We are notified by you or the transferee in writing of such transfer on or before the acreage reporting date.

9. Causes of Loss—

(a) In accordance with the provisions of section 12 (Causes of Loss) of the Basic Provisions (§ 457.8), insurance is provided only against the following causes of loss that occur within the insurance period:

- (1) Fire, unless weeds and other forms of undergrowth have not been controlled or pruning debris has not been removed from the grove;
- (2) Freeze;
- (3) Hail;
- (4) Hurricane; or
- (5) Tornado.

(b) In addition to the causes of loss excluded in section 12 (Cause of Loss) of the Basic Provisions (§ 457.8), we will not insure against damage or loss of production due to:

- (1) Any damage to the blossoms or trees; or
- (2) Inability to market the citrus fruit for any reason other than actual physical damage from an insurable cause specified in this section. For example, we will not pay you an indemnity if you are unable to market due to quarantine, boycott, or refusal of any person to accept production.

10. Settlement of Claim—

(a) We will determine your loss on a unit basis. In the event you are unable to provide production records:

- (1) For any optional unit, we will combine all optional units for which acceptable production records were not provided; or
- (2) For any basic unit, we will allocate any commingled production to such units in proportion to our liability on the harvested acreage for each unit.

(b) In the event of loss or damage covered by this policy, we will settle your claim for each unit by:

- (1) Multiplying the number of acres by the respective dollar amount of insurance per acre for the citrus fruit by the share;
- (2) Computing the average percent of damage to the respective citrus fruit, rounded to the nearest tenth of a percent (0.1%), without regard to any percent of damage determined in prior inspections. The percent of damage will be the ratio of the number of boxes of citrus fruit considered damaged from an insured cause, divided by the undamaged potential production. Citrus fruit will be considered undamaged potential production if it is:
 - (i) Or could be marketed as fresh fruit;
 - (ii) Harvested prior to inspection by us; or
 - (iii) Harvested within 7 days after a freeze;
- (3) Subtracting the insurance (level)

deductible from the respective percent of damage and, if this result is positive, dividing this result by the coverage level percentage;

(4) Multiplying this result by the amount of insurance for the respective citrus fruit.

(For example, if the average percent of damage is 70 percent and the coverage level

is 75 percent (the deductible is 25 percent), the amount payable is 60 percent times the amount of insurance (70% damage – 25% level deductible)=45% (45%+75%)=60% adjusted damage X the amount of insurance); and

(5) Summing all such products to determine the amount payable for the unit.

(c) Pink and red grapefruit of Type III, and citrus fruit of Types IV, V, and VII, that are seriously damaged by freeze, as determined by a fresh-fruit cut of a representative sample of fruit in the unit in accordance with the applicable provisions of the State of Florida Citrus Fruit laws, and are not or could not be marketed as fresh fruit will be considered damaged to the following extent:

- (1) If less than 16 percent (16%) of the fruit in a sample shows serious freeze damage, the fruit will be considered undamaged; or
- (2) If 16 percent (16%) or more of the fruit in a sample shows serious freeze damage, the fruit will be considered 50 percent (50%) damaged, except that:

(i) For tangerines of Type IV, damage in excess of 50 percent (50%) will be the actual percent of damaged fruit; and

(ii) For pink and red grapefruit of citrus Type III, and citrus of Types IV (except tangerines), V, and VII, if it is determined that the juice loss in the fruit exceeds 50 percent (50%), such percent will be considered the percent of damage.

(d) Notwithstanding the provisions of subsection 11(c) as to any pink and red grapefruit of Type III and citrus fruit of Types IV, V, and VII, in any unit that is mechanically separated using the specific gravity "floatation" method into undamaged and freeze-damaged fruit, the amount of damage will be the actual percent of freeze-damaged fruit not to exceed 50 percent (50%) and will not be affected by subsequent fresh-fruit marketing. Notwithstanding the preceding sentence, the 50 percent (50%) limitation on freeze-damaged fruit, mechanically separated, will not apply to tangerines of citrus fruit Type IV.

(e) Any citrus fruit of Types I, II, and VI and white grapefruit of Type III that is damaged by freeze, but may be processed into products for human consumption, will be considered as marketable for juice. The percent of damage will be determined by relating the juice content of the damaged fruit as determined by analysis to:

(1) The average juice content of the fruit produced on the unit for the three previous crop years based on your records, if they are acceptable to us; or

(2) The following juice content, if acceptable records are not furnished:

- (i) Type I—44 pounds of juice per box
- (ii) Type II—47 pounds of juice per box
- (iii) Type III—38 pounds of juice per box
- (iv) Type VI—43 pounds of juice per box

(f) Any citrus fruit on the ground that is not collected and marketed will be considered totally lost if the damage was due to an insured cause.

(g) Any citrus fruit that is unmarketable either as fresh fruit or as juice because it is immature, unwholesome, decomposed, adulterated, or otherwise unfit for human consumption due to an insured cause will be considered totally lost.

(h) Pink and red grapefruit of citrus fruit Type III and citrus fruit of Types IV, V, and VII that are unmarketable as fresh fruit due to serious damage from hail as defined in United States Standards for grades of Florida fruit will be considered totally lost.

11. Written Agreements—Designated terms of this policy may be altered by written agreement. You must apply in writing for each written agreement no later than the sales closing date. Each agreement is valid for one year only. If the written agreement is not specifically renewed the following year, insurance coverage for subsequent crop years will be in accordance with the printed policy. All variable terms, including, but not limited to, crop type and variety, guarantee, premium rate, and price election must be contained in the written agreement. Notwithstanding the sales closing date restriction contained herein, application for a written agreement may be made after the sales closing date, and approved if, after physical inspection of the acreage it is determined that the crop is insurable in accordance with policy and written agreement provisions. Applications for written agreements submitted by the insured must also contain all variable terms of the contract between the company and the insured that will be in effect if the written agreement is not approved.

Signed in Washington, D.C., on March 21, 1996.

Kenneth D. Ackerman,
Manager, Federal Crop Insurance Corporation.

[FR Doc. 96-6262 Filed 3-12-96; 1:54 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-83-AD]

Airworthiness Directives; JanAero Devices (formerly Janitrol, C&D, FL Aerospace, and Midland-Ross Corporation) B series combustion heaters, Models B1500, B2030, B3040, and B4050

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede AD 82-07-03, which currently requires repetitively testing (pressure decay) JanAero Devices B-Series combustion heaters, Models B1500, B2030, B3040, and B4050, that are installed on aircraft, and overhauling any heater that does not pass one of these pressure decay tests. The proposed action would retain these pressure decay tests and possible heater overhaul; and would require repetitive

operational testing of the combustion air pressure switch, and replacing any combustion pressure switch that does not pass one of these tests. Two occurrences of failure of the affected heaters prompted the proposed action. In one case, an explosion resulted and the baggage compartment door was blown off the airplane. In the other case, a fire occurred in the baggage compartment while the airplane was in flight. The actions specified by the proposed AD are intended to prevent an airplane fire or explosion caused by failure of the heater combustion tube assembly or combustion air pressure switch.

DATES: Comments must be received on or before May 17, 1996.

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-83-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 JanAero Devices, P.O. Box 273, Fort Deposit, Alabama; telephone (334) 227-8306; facsimile (334) 227-8596. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Haynes, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7377; facsimile (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 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-83-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-83-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 82-07-03, Amendment 39-4354, currently requires repetitively testing (pressure decay) JanAero Devices B-Series combustion heaters, Models B1500, B2030, B3040, and B4050, that are installed on aircraft, and overhauling any heater that does not pass one of these pressure decay tests.

The FAA has received reports of two occurrences of failure of the affected heaters. In one case, an explosion resulted and the baggage compartment door was blown off the airplane. In the other case, a fire occurred in the nose baggage compartment while the airplane was in flight. Investigation of these occurrences revealed malfunction of the combustion air pressure switch on the affected heaters.

The function of this switch is to sense a minimum combustion air differential pressure or airflow and then activate a spark ignition to the coil and fuel solenoid valve. The problem is that with the contacts closed, fuel flow and ignition occur without proper airflow, resulting in a possible explosive ignition.

JanAero Devices has developed a new combustion air pressure switch, which, when incorporated on one of the affected combustion heaters, eliminates the electrical contact in the closed position utilized in the old design switch. Procedures for incorporating these parts of improved design are included in JanAero Devices Service Bulletin (SB) # A-102, dated September 1994. In addition, JanAero devices has incorporated improved design ceramic combustion tubes into new heater assemblies.

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced service information, the FAA has determined that (1) the repetitive inspections required by AD 82-07-03 are still needed for JanAero Devices B-Series combustion heaters, Models B1500, B2030, B3040, and B4050, installed on aircraft; (2) the combustion air pressure switches of the affected combustion heaters should be repetitively inspected until a new switch of improved design is installed; and (3) AD action should be taken to prevent an airplane fire or explosion caused by failure of the heater combustion tube assembly or combustion air pressure switch.

Since an unsafe condition has been identified that is likely to exist or develop in other JanAero Devices B-Series combustion heaters, Models B1500, B2030, B3040, and B4050 of the same type design installed in aircraft, the proposed AD would supersede AD 82-07-03 with a new AD that would (1) retain the requirements of repetitively testing (pressure decay), and overhauling any heater that does not pass one of these pressure decay tests; (2) require repetitive operational testing of the combustion air pressure switch, and replacing any combustion pressure switch that does not pass one of these tests; and (3) provide the option of installing a combustion air pressure switch of improved design as terminating action for the repetitive operational tests.

Accomplishment of the proposed actions would be as follows:

- the pressure decay tests, combustion air pressure switch operational tests, and possible heater overhaul in accordance with the Overhaul and Maintenance Manual; and
- the improved design combustion air pressure switch installation in accordance with JanAero Devices SB # A-102, dated September 1994.

The compliance times of the proposed AD are presented in both hours time-in-service and calendar time (with the prevalent one being whichever occurs first). The reason for the proposed dual compliance time is that the affected combustion heaters are susceptible to corrosion (occurs regardless of whether the airplane is in flight or on the ground) as well as being affected by thermodynamic and pressure cycles accumulated through regular airplane usage.

The FAA estimates that 25,700 aircraft in the U.S. registry have the affected heaters installed and, thus would be affected by the proposed AD,

that it would take approximately 1 workhour per aircraft to accomplish the proposed initial inspection, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,542,000 or \$60 per aircraft. This figure does not take into account the number of repetitive inspections each aircraft owner/operator would incur over the life of the aircraft, or the number of aircraft that have an improved design combustion air pressure switch installed. The FAA has no way of determining the number of repetitive inspections each owner/operator would incur over the life of the aircraft. The FAA is not aware of any affected owner/operator that has incorporated the new design parts as of publication of the notice of proposed rulemaking.

AD 82-03-07 currently requires the pressure decay tests on aircraft with the affected heaters installed. This action maintains these inspections; so the only cost impact of the proposed action is that of the combustion air pressure switch operational tests.

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 14 CFR part 39 of the Federal Aviation Regulations 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 removing Airworthiness Directive (AD) 82-07-03, Amendment 39-4354, and by adding a new AD to read as follows:

Janaero Devices (formerly Janitrol, C&D, FL Aerospace, and Midland-Ross Corporation): Docket No. 95-CE-83-AD; Supersedes AD 82-07-03, Amendment 39-4354.

Applicability: B-Series combustion heaters, Models B1500, B2030, B3040, and B4050, marked as meeting the standards of TSO-C20, that do not incorporate a ceramic combustion tube and a part number (P/N) 94E42 combustion air pressure switch, and are installed on, but not limited to, the following aircraft (all serial numbers), certificated in any category:

Manufacturer	Models and series model airplanes
Beech	Models 95-B55 Series, 58, 58TC, 58P, 60, A60, and 76.
Canadair	Models CL-215, CL-215T, and CLT-415.
Cessna	Models 208, 303, 310F, 310G, 310H, 310I, 310J, 310K, 310L, 310M, 310N, 310O, 310P, 320C, 320D, 320E, 320F, 337 series, 340 340A, 414, 414A, 421, 421A, 421B, and 421C.

Note 1: This AD applies to each aircraft 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 request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it. Compliance: Required as follows, as applicable:

—For aircraft with 450 or more heater hours time-in-service (TIS) (see Note 2 for information on how to determine heater hours TIS) accumulated on an installed heater since the last overhaul or new installation, within the next 50 heater hours TIS or 12 calendar months after the effective date of this AD, whichever occurs first, unless already accomplished, and thereafter at intervals not to exceed 100

heater hours TIS or 24 calendar months, whichever occurs first;
 —For aircraft with less than 450 heater hours TIS accumulated on an installed heater since the last overhaul or new installation, upon accumulating 500 heater hours TIS on the new or overhauled heater or within the next 12 calendar months after the effective date of this AD, whichever occurs first, unless already accomplished, and thereafter at intervals not to exceed 100 heater hours TIS or 24 calendar months, whichever occurs first; and
 —Upon installing one of the affected heaters, and thereafter at intervals not to exceed 100 heater hours TIS or 24 calendar months, whichever occurs first.

Note 2: A heater hour meter may be used to determine heater hours TIS. Also, aircraft hours TIS may be divided in half to come up with heater hours TIS.

To prevent an airplane fire or explosion caused by failure of the heater combustion tube assembly or combustion air pressure switch, accomplish the following:

(a) Test (pressure decay test) the combustion tube of the heater and conduct an operational test of the combustion air pressure switch in accordance with Section

III, paragraph 3.3.1 through 3.3.13 (pressure decay test) and Section IV, paragraph 4.9c (operational switch test), of the Janitrol Maintenance and Overhaul Manual, part number (P/N) 24E25-1, dated October 1981.

(1) If any heater does not pass any of the repetitive combustion tube pressure decay tests required by this AD, prior to further flight, overhaul the heater and replace the combustion tube with a serviceable tube or replace the heater assembly. If the new or rebuilt heater assembly incorporates a ceramic combustion tube, then the repetitive pressure decay tests are no longer required.

(2) If any heater does not pass any of the repetitive combustion air pressure switch operational tests required by this AD, prior to further flight, replace the switch with one of the same design or with a P/N 94E42 switch. Replacing the combustion air pressure switch with a P/N 94E42 switch eliminates the repetitive operational testing requirement of this AD.

(b) As an alternative method of compliance to the requirements of this AD, the heater may be disabled by accomplishing the following:

(1) Cap the fuel supply line;

(2) Disconnect the electrical power and ensure that the connections are properly secured to reduce the possibility of electrical spark or structural damage;

(3) Inspect and test to ensure that the cabin heater system is disabled;

(4) Ensure that no other aircraft system is affected by this action;

(5) Ensure there are no fuel leaks; and

(6) Fabricate a placard with the words: "System Inoperative". Install this placard at the heater control valve within the pilot's clear view.

(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) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(e) Alternative methods of compliance for the combustion tube repetitive inspections required by this AD that are approved in accordance with AD 82-07-03 (superseded by this action) are approved as alternative methods of compliance with the applicable portion of paragraph (a) of this AD.

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to The New Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment supersedes AD 82-07-03, Amendment 39-4354.

Issued in Kansas City, Missouri, on March 11, 1996.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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Office of the Secretary

14 CFR Part 243

[Notice No. 96-4; Docket No. 47383]

RIN 2105-AB78

Notice of Public Meeting on Implementing a Passenger Manifest Information Requirement

AGENCY: Office of the Secretary, DOT.

ACTION: Announcement of public meeting.

SUMMARY: On March 29, 1996, DOT will conduct a public meeting on implementing a passenger manifest information requirement that would require in the instance of an aviation disaster that occurs on a flight to or from the United States on a U.S. or foreign air carrier that the air carrier transmit rapidly to the Department of State information on the U.S.-citizen passengers on the flight. The public meeting is being held because it has been brought to the attention of DOT that the Department of State encountered difficulties in securing information on U.S.-citizen passengers in the aftermath of the recent Cali, Colombia, aviation disaster. Since a long period of time has elapsed since this issue arose originally in the aftermath of the 1988 Lockerbie, Scotland, aviation disaster, and since DOT received comments in response to its January 31, 1991, (56 FR 3810) advance notice of proposed rulemaking (ANPRM) on a passenger manifest information requirement (see also the correction at 56 FR 5665), we believe that a public meeting during which stakeholders can exchange views and update knowledge on implementing such a requirement is necessary as a prelude to DOT proposing a passenger manifest information requirement.

DATES: Public Meeting: Friday, March 29, 1996, at 10:00 a.m.

ADDRESSES: The Public Meeting will be held in Rooms 8236-40, U.S. Department of Transportation, Nassif Building, 400 7th Street, SW, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Dennis Marvich, Senior Economist, Office of International Transportation and Trade, DOT, (202)366-4398; or Joanne Petrie, Senior Attorney, Office of the General Counsel, DOT, (202)366-4723.

SUPPLEMENTARY INFORMATION: DOT intends to propose a passenger manifest information requirement that would require, in the instance of an aviation disaster that occurs on a flight to or from the United States on a U.S. or foreign air carrier, that the air carrier transmit rapidly to the Department of State information on the U.S.-citizen passengers on the flight. We anticipate that foreign air carriers would be included because they account for about one half of international passenger trips to and from the United States, and because section 319 of the DOT FY 1996 Appropriation Act states, "None of the funds provided in this Act shall be

made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers."

A passenger manifest information requirement was contained in section 203 of the Aviation Security Improvement Act of 1990 (ASIA), Public Law 101-604, which was enacted in response to concerns about difficulties that the Department of State experienced in securing information on U.S.-citizen passengers in the aftermath of the 1988 Pan Am 103 aviation disaster over Lockerbie, Scotland. A discussion of that experience is found in Chapter 7 of the Report of the President's Commission on Aviation Security and Terrorism (Washington, D.C.: 1990). The complete text of section 203 of ASIA follows:

"Sec. 203. Passenger Manifest.

(a) **Mandatory Availability of Passenger Manifest.**—Section 410 of the Federal Aviation Act of 1958 [Note: Section 410 of the Federal Aviation Act of 1958 is now recodified as 49 U.S.C. 44909] is amended to read as follows:

"Sec. 410. Passenger Manifest.

"(a) **Requirement.**—Not later than 120 days after the date of the enactment of this section, the Secretary of Transportation shall require all United States air carriers to provide a passenger manifest for any flight to appropriate representatives of the United States Department of State—

"(1) Not later than 1 hour after any such carrier is notified of an aviation disaster outside the United States which involves such flight; or

"(2) If it is not technologically feasible or reasonable to fulfill the requirement of this subsection within 1 hour, then as expeditiously as possible, but not later than 3 hours after such notification.

"(b) **Contents.**—For purposes of this section, a passenger manifest should include the following information:

"(1) The full name of each passenger.

"(2) The passport number of each passenger, if required for travel.

"(3) The name and telephone number of a contact for each passenger."

(b) **Implementation.**—In implementing the requirement pursuant to the amendment made by subsection (a) of this section, the Secretary of Transportation shall consider the necessity and feasibility of requiring United States air carriers to collect passenger manifest information as a condition for passenger boarding of any flight subject to such requirement.

(c) **Foreign Air Carriers.**—The Secretary of Transportation shall