

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each crop year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. The Committee's 1996-97 budget and those for subsequent crop years will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996-97 crop year began on August 1, 1996, and the marketing order requires that the rate of assessment for each crop year apply to all assessable raisins handled during such crop year; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) an interim final rule was published on this action and provided for a 30-day comment period; no comments were received.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

Note: This section will appear in the Code of Federal Regulations.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 989 which was published at 61 FR 52684 on October 8,

1996, is adopted as a final rule without change.

Dated: November 29, 1996.
Robert C. Keeney,
Director, Fruit and Vegetable Division.
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BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-267-AD; Amendment 39-9844; AD 96-24-06]

RIN 2120-AA64

Airworthiness Directives; Cessna Model 560 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) 96-24-06 that was sent previously to all known U.S. owners and operators of certain Cessna Model 560 series airplanes by individual letters. This AD requires revising the FAA-approved Airplane Flight Manual (AFM) to provide the flightcrew with limitations, operational procedures, and performance information to be used during approach and landing when residual ice is present or can be expected. This amendment is prompted by reports indicating that, while operating in icing conditions or when ice is on the wings, some of these airplanes have experienced uncommanded roll at a speed at (or slightly higher than) the speed at which the stall warning system is activated. The actions specified by this AD are intended to prevent uncommanded roll of the airplane during approach and landing when residual ice is present or can be expected.

DATES: Effective December 10, 1996, to all persons except those persons to whom it was made immediately effective by priority letter AD 96-24-06, issued November 19, 1996, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before February 3, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103,

Attention: Rules Docket No. 96-NM-267-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Service information relating to this rulemaking action may be obtained from Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; 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: Carlos Blacklock, Aerospace Engineer, Flight Test and Program Management Branch, ACE-117W, FAA Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4166; fax (316) 946-4407.

SUPPLEMENTARY INFORMATION: On November 19, 1996, the FAA issued priority letter AD 96-24-06, which is applicable to certain Cessna Model 560 series airplanes. That action was prompted by reports indicating that some of these airplanes, while operating in icing conditions or when ice is on the wings, have experienced uncommanded roll at a speed at, or slightly higher than, the speed at which the stall warning system is activated. (The speed at which the airplane's stick shaker is activated.)

Results of an FAA investigation, which involved extensive flight tests with simulated ice on protected and unprotected airplane surfaces, revealed that, as this airplane model approaches stalling speed under normal operating conditions, it exhibits a significant uncommanded rolling tendency that requires immediate and aggressive action by the pilot to prevent excessive deviation from the intended flight path. In addition, the tendency to roll and the magnitude of the roll are more pronounced at some flap settings than others. With no ice present, the FAA found that this rolling tendency normally occurs near aerodynamic stall and after activation of the stall warning.

The FAA also found that the stall warning system aboard the airplane may not compensate for increased stall speed resulting from accumulations of ice typically encountered. The lack of adequate stall warning margin has been verified by the FAA using the maximum accumulation defined in the Model 560 FAA-approved Airplane Flight Manual (AFM) for activation of the de-icing boots. In addition, the FAA has

determined that the approach and landing speeds specified in the AFM are not adequate for operating with ice accumulated on the airplane. The FAA also has determined that the AFM needs additional information to make the pilot more aware of the special characteristics of the airplane and procedures needed to operate during these conditions.

When any residual ice is present, the stall warning system may not activate at speeds high enough above stall speed. This condition, if not corrected, could result in an uncommanded roll.

Explanation of Relevant Service Information

The FAA reviewed and approved Cessna Citation Alert Service Letter SLA560-30-07, dated November 14, 1996, which describes procedures for revising the Limitations Section, Normal Procedures Section, and Performance Section of the FAA-approved Airplane Flight Manual (AFM) for this airplane model. These revisions provide limitations, operational procedures, and performance information to be used by the flightcrew during approach and landing when any residual ice is present or can be expected. These revisions include:

- a requirement to increase approach and landing speeds;
- procedures for using the de-icing system; and
- performance corrections for landing weight and distance.

For airplanes having serial numbers 560-0001 through 560-0259 inclusive, this information is contained in Temporary AFM Changes:

- 560FM TC-96-01, dated November 14, 1996;
- 560FM TC-96-02, dated November 14, 1996;
- 560FM TC-96-03, dated November 14, 1996; and
- 560FM TC-96-04, dated November 14, 1996.

For airplanes having serial numbers 560-0260 through 560-5000 inclusive, the information is contained in Cessna Model 560 Citation V Ultra (Unit -0260 and on) 56FMA-05, Revision 5, dated November 14, 1996.

Explanation of the Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued priority letter AD 96-24-06 to prevent uncommanded roll of the airplane during approach and landing when residual ice is present or can be expected. The AD requires revision of the Limitations Section, Normal Procedures Section, and Performance

Section of the AFM to provide the flightcrew with limitations, operational procedures, and performance information to be used during approach and landing when residual ice is present or can be expected. The actions are required to be accomplished in accordance with the Temporary AFM Changes and Cessna Model 560 Citation V Ultra document previously described.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on November 19, 1996, to all known U.S. owners and operators of Cessna Model 560 series airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Interim Action

This is considered to be interim action. The manufacturer is currently developing a modification to the stall warning system which will increase the speed at which the stall warning is activated. In addition, the manufacturer is making permanent changes to the AFM (for airplanes with serial numbers 560-0001 through 560-0259 inclusive) which will provide revised limitations, operational procedures, and performance information to be used during approach and landing when residual ice is present or can be expected. Once the modification and permanent changes are developed, approved and available, the FAA may consider additional rulemaking.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD

action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-267-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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, 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. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

96-24-06 Cessna Aircraft Company: Amendment 39-9844. Docket 96-NM-267-AD.

Applicability: Model 560 series airplanes having serial numbers 560-0001 through 560-5000 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 otherwise 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 (c) 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 indicated, unless accomplished previously.

To prevent uncommanded roll of the airplane during approach and landing when residual ice is present or can be expected, accomplish the following:

Note 2: Cessna Citation Alert Service Letter A560-30-07, dated November 14, 1996, refers to the FAA-approved Airplane Flight Manual (AFM) revisions required by paragraphs (a) and (b) of this Priority Letter AD.

(a) For airplanes having serial numbers 560-0001 through 560-0259 inclusive: Within 10 days after receipt of this Priority Letter, revise the Limitations Section, Normal Procedures Section, and Performance Section of the AFM by inserting Temporary AFM Changes 560FM TC-96-01, dated November 14, 1996; 560FM TC-96-02, dated November 14, 1996; 560FM TC-96-03, dated November 14, 1996; and 560FM TC-96-04, dated November 14, 1996; which introduce limitations, procedures, and corrected performance information for approach and landing when residual ice is present or can be expected. Thereafter, operate the airplane in accordance with those limitations, procedures, and performance information.

Note 3: When these temporary changes have been incorporated into general revisions of the AFM, the general revisions may be inserted in the AFM and these temporary changes removed, provided the information contained in the general revisions is identical

to that specified in Temporary AFM Changes 560FM TC-96-01, 560FM TC-96-02, 560FM TC-96-03, and 560FM TC-96-04.

(b) For airplanes having serial numbers 560-0260 through 560-5000 inclusive: Within 10 days after the receipt of this Priority Letter, revise the Limitations Section, Normal Procedures Section, and Performance Section of the AFM by inserting Cessna Model 560 Citation V Ultra (Unit -0260 and on) 56FMA-05, Revision 5, dated November 14, 1996, which introduces limitations, procedures, and corrected performance information for approach and landing when residual ice is present or can be expected. Thereafter, operate the airplane in accordance with those limitations, procedures, and performance information.

(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, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(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.

(e) This amendment becomes effective on December 10, 1996, to all persons except those persons to whom it was made immediately effective by priority letter AD 96-24-06, issued November 19, 1996, which contained the requirements of this amendment.

Issued in Renton, Washington, on November 29, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-30968 Filed 12-4-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 73

[Airspace Docket No. 96-AAL-30]

RIN 2120-AA66

Amendment to Using Agency for Restricted Area 2202B (R-2202B), Big Delta, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action changes the using agency for Restricted Area 2202B (R-2202B), Big Delta, AK, to reflect the current chain-of-command. Currently "U.S. Army Cold Region Test Center, Ft. Greely, AK," is the designated using

agency for this restricted area. The new using agency is "U.S. Army, Commander, Cold Regions Test Activity, Fort Greely, AK."

EFFECTIVE DATE: 0901 UTC, January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION

Background

As a result of a recent review of restricted airspace in Alaska, the U.S. military requested that the FAA take action to change the using agency for R-2202B, Big Delta, AK, to reflect the current chain-of-command.

The Amendment

This amendment to Title 14 of the Code of Federal Regulations part 73 (14 CFR part 73) changes the using agency for R-2202B, Big Delta, AK. There are no other changes to the boundaries, altitudes, times of designation, or activities effecting this restricted area. The FAA finds that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested. Section 73.22 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8D dated July 11, 1996.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This action is a minor administrative change amending the published using agency of a restricted area. There are no changes to air traffic control procedures or routes as a result of this action.