

7 CFR Part 1211

[FV-94-701]

Pecan Promotion and Research Plan; Termination Order**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule; termination order.

SUMMARY: This document terminates the Pecan Promotion and Research Plan (Plan) in its entirety. This action is necessary because the promotion and research program for pecans is no longer in operation, the assets of the Pecan Marketing Board have been liquidated, and a final audit of the Board's books has been conducted.

EFFECTIVE DATE: October 16, 1995.

FOR FURTHER INFORMATION: Richard H. Mathews, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, AG Code 0244, PO Box 96456, Room 2535-S, Washington, DC 20090-6456, telephone (202) 720-9915.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Referendum Order issued on July 28, 1993, and published on August 3, 1993 (58 FR 41203); Termination Order issued on March 10, 1994, and published on March 15, 1994 (59 FR 11897).

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This termination order has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this termination order.

This action is governed by section 1917(b) of the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001-6013). The Act authorizes a national pecan promotion, research, and information program. In accordance with the Act, the Department utilized notice and comment rulemaking in developing and implementing the Plan (7 CFR 1211.1-1211.78), which provides the framework for the program. The Plan became effective on May 1, 1992.

Section 1916(a) of the Act required that the Secretary conduct a continuance referendum within 24 months of the effective date of the Plan for the purpose of ascertaining whether growers, grower-shellers, and importers favor continuation, termination, or suspension of the Plan. The order directing that a referendum be conducted was issued on July 28, 1993,

and published August 3, 1993 (58 FR 41203). A referendum was conducted with registration of voters from September 27 through October 1, 1993, and mail balloting during October 4-6, 1993.

Termination of the Plan was favored by 62.3 percent of the growers, grower-shellers, and importers casting valid ballots in the referendum. Therefore, pursuant to section 1917(b) of the Act and section 1211.73 of the Plan, it was found and determined that termination of the Plan was favored by a majority of the growers, grower-shellers, and importers voting in the referendum and that the Plan should therefore be terminated. A termination order was issued on March 10, 1994, and published on March 15, 1994 (59 FR 11897) which terminated provisions dealing with establishment and membership of the Pecan Marketing Board (Board), nomination procedures, powers, duties, policies, programs and projects, contracts, budgets, and assessments.

Certain administrative provisions of subpart A of the Plan, such as those relating to refunds, books and records, and the termination of the Plan, remained in effect to facilitate the orderly termination of activities under the Plan. Now, however, all refunds have been paid, all projects have been completed, the Board's assets have been liquidated, and there has been a final audit of the Board's books.

Therefore, it is hereby found and determined that the remaining terms and provisions of 7 CFR part 1211, i.e., Subpart A—Pecan Promotion and Research Plan and Subpart D—Procedure for the Conduct of Referenda in Connection With the Pecan Promotion and Research Plan, do not tend to effectuate the declared policy of the Act. For that reason, this order will terminate 7 CFR part 1211 in its entirety.

Order

It is, therefore, ordered, That 7 CFR part 1211 is hereby terminated effective on October 16, 1995.

List of Subjects in 7 CFR Part 1211

Administrative practice and procedure, Advertising, Agricultural research, Imports, Marketing agreements, Pecans, Promotion, Reporting and recordkeeping requirements.

PART 1211—PECAN PROMOTION AND RESEARCH PLAN [REMOVED]

For the reasons set forth in the preamble, and under the authority of 7

U.S.C. 6001 *et seq.*, 7 CFR Part 1211 is removed.

Dated: September 11, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95-22948 Filed 9-14-95; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 95-CE-52-AD; Amendment 39-9353; AD 95-18-05]

Airworthiness Directives; Fairchild Aircraft Models SA226-AT and SA226-TC Airplanes**AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Fairchild Aircraft Models SA226-AT and SA226-TC airplanes. This action requires replacing the two lower aluminum cargo door receptacles with steel receptacles. A report of cargo door failure on one of the affected airplanes prompted this action. Fatigue of the two bottom cargo door receptacles caused the bottom third of the cargo door to bend outward and upward, causing damage to the fuselage door frame. The actions specified by this AD are intended to prevent decompression injuries and the cargo door from breaking off and striking the empennage or the elevator, which could cause substantial structural failure and loss of control of the airplane.

DATES: Effective September 26, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 26, 1995.

Comments for inclusion in the Rules Docket must be received on or before October 26, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-52-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490. This information may also be examined at the Federal

Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-52-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Hung Viet Nguyen, Aerospace Engineer, FAA, Aircraft Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5155; facsimile (817) 222-5960.

SUPPLEMENTARY INFORMATION: The FAA has received a report of failure of a cargo door on a Fairchild Aircraft SA226 series airplane while it was in flight. Fatigue of the two bottom cargo door receptacles caused the bottom third of the cargo door to bend outward and upward, causing damage to the fuselage door frame. This condition, if not detected and corrected, could result in the following:

- Decompression injuries as a result of the door being opened,
 - The door separating from the airplane, striking the empennage, and causing substantial structural failure, and
 - The door separating from the airplane, striking the elevator, and causing loss of control of the airplane.
- Fairchild Service Bulletin (SB) 226-52-008; Issued: April 3, 1979; Revised: April 6, 1984, specifies procedures for replacing the two lower aluminum cargo door receptacles with steel receptacles.

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced service bulletin, the FAA has determined that AD action should be taken in order to prevent decompression injuries and the cargo door from breaking off and striking the empennage or the elevator, which could cause substantial structural failure and loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Fairchild Aircraft SA226 series airplanes of the same type design, this AD requires replacing the two lower aluminum cargo door receptacles with steel receptacles. The actions shall be accomplished in accordance with Fairchild SB 226-52-008; Issued: April 3, 1979, Revised: April 6, 1984. In future rulemaking actions, the FAA may impose life limits on the cargo door and require additional cargo door modifications.

Since a situation exists (possible decompression and empennage or elevator failure) that requires the

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to 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 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 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 notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-CE-52-AD." The postcard will be date stamped and returned to the commenter.

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 and that must be issued immediately to correct an unsafe condition in aircraft, and 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 (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

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), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

95-18-05 Fairchild Aircraft Corporation:
Amendment 39-9353; Docket No. 95-CE-52-AD.

Applicability: Models SA226-AT (serial numbers AT001 through AT074) and SA226-TC (serial numbers TC201 through TC419) airplanes, 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) 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 50 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent decompression injuries and the cargo door from breaking off and striking the empennage or the elevator, which could cause substantial structural failure and loss of control of the airplane, accomplish the following:

(a) Replace the lower two aluminum cargo door receptacles with steel receptacles in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Fairchild Aircraft Service Bulletin (SB) 226-52-008; Issued: April 3, 1979; Revised: April 6, 1984.

(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, FAA, Aircraft Certification Office, 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 Aircraft Certification Office.

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

(d) The replacements required by this AD shall be done in accordance with Fairchild Aircraft Service Bulletin 226-52-008; Issued April 3, 1979; Revised April 6, 1984. 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 Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

(e) This amendment (39-9353) becomes effective on September 26, 1995.

Issued in Kansas City, Missouri, on August 25, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-21673 Filed 9-14-95; 8:45 am]

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14 CFR Part 39

[Docket No. 95-CE-57-AD; Amendment 39-9337; AD 95-17-06]

Airworthiness Directives; Mooney Aircraft Corporation Model M20K Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Mooney Aircraft Corporation (Mooney) Model M20K airplanes with a Continental TSIO-520-NB engine installed in accordance with Supplemental Type Certificate (STC) SA5691NM. This action requires repetitively inspecting the exhaust transition tube and turbo mount assembly for cracks, and replacing any part found cracked. A report of a cracked exhaust transition tube that connects the exhaust manifolds to the turbocharger inlet on one of the affected airplanes prompted this action. The actions specified by this AD are intended to prevent exhaust gases from entering the cabin heating system because of a cracked exhaust transition tube, which, if not detected and corrected, could result in hazardous levels of carbon monoxide in the airplane cabin.

DATES: Effective September 25, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 25, 1995.

Comments for inclusion in the Rules Docket must be received on or before November 27, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-57-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from the Rocket Engineering Corporation, East 6247 Rutter Road, Felts Field, Spokane, Washington 99212. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-57-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Masterson, Aerospace Engineer, FAA, Northwest Mountain Region, 1601 Lind Avenue S.W., Renton, Washington 98055-4056; telephone (206) 227-2596; facsimile (206) 227-1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report of a cracked exhaust transition tube that connects the exhaust manifolds to the turbocharger inlet on a Mooney Model M20K airplane. This airplane has a Continental TSIO-520-NB engine installed in accordance with

Supplemental Type Certificate (STC) SA5691NM, which is owned by the Rocket Engineering Corporation. Included with this STC SA5691NM installation is an AiResearch THO8A67 turbocharger and intercooler.

In the above-referenced incident, a 4 to 5-inch crack had developed in the exhaust transition tube. In addition, the turbo mount brace was found cracked. These cracks were discovered following an incident where the pilot reported loss of engine power while in flight. A cracked exhaust transition tube that connects the engine manifolds and the turbocharger inlet could allow exhaust gases to enter the cabin heating system. In this instance, a hazardous level of carbon monoxide could enter the airplane cabin, resulting in pilot injury and subsequent loss of control of the airplane.

The Rocket Engineering Corporation has issued Mandatory Service Bulletin MSB95-305-1, dated August 9, 1995, which specifies procedures for inspecting the exhaust transition tube and turbo mount assembly on Mooney Model M20K airplanes with a Continental TSIO-520-NB engine installed in accordance with STC SA5691NM.

The FAA examined all available information related to the incident described above including the referenced service information and has determined that AD action should be taken to prevent exhaust gases from entering the cabin heating system because of a cracked exhaust transition tube, which, if not detected and corrected, could result in hazardous levels of carbon monoxide in the airplane cabin.

Since an unsafe condition has been identified that is likely to exist or develop on other Mooney Model M20K airplanes of the same type design that have a Continental TSIO-520-NB engine installed in accordance with STC SA5691NM, this AD requires repetitively inspecting the exhaust transition tube and turbo mount assembly for cracks, and replacing any part found cracked. Accomplishment of these actions will be in accordance with Rocket Engineering Corporation Mandatory Service Bulletin MSB95-305-1, dated August 9, 1995.

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