

bulletin boards, internal agency mail distribution systems, electronic bulletin boards and other means of informing agency employees about meetings and activities) in accordance with appropriate General Services Administration regulations contained in title 41 of the Code of Federal Regulations. The mere provision of such support to any organization is not to be construed as Federal sponsorship, sanction, or endorsement of the organization or its activities.

Subpart C—Dues Withholding

§ 251.301 Associations of supervisors and management officials.

Dues withholding for associations of supervisors and/or management officials is covered in 5 CFR 550.331.

§ 251.302 All other organizations.

Under 5 CFR 550.311(b), an agency may permit an employee to make an allotment for any legal purpose deemed appropriate by the head of the agency. Agencies may provide for the allotment of dues for organizations representing Federal employees under that section.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 318

[Docket No. 95-028-1]

Sharwil Avocados From Hawaii

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow Sharwil avocados to be moved interstate from Hawaii after undergoing cold treatment for fruit flies under the supervision of an inspector of the Animal and Plant Health Inspection Service. Currently, the only authorized treatments for avocados to be moved interstate from Hawaii are methyl bromide fumigation and a combination of methyl bromide fumigation and refrigeration. This proposed action would facilitate the interstate movement of Sharwil avocados from Hawaii while continuing to provide protection against the spread of injurious plant pests from Hawaii to other parts of the United States.

DATES: Consideration will be given only to comments received on or before November 1, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-028-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-028-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Peter M. Grosser or Mr. Frank E. Cooper, Senior Staff Officers, Port Operations, PPQ, APHIS, 4700 River Road Unit 139, Riverdale, MD 20737-1236, (301) 734-8295.

SUPPLEMENTARY INFORMATION:

Background

The Hawaiian Fruits and Vegetables regulations, contained in 7 CFR 318.13 through 318.13-17 (referred to below as the regulations), govern, among other things, the interstate movement from Hawaii of avocados in a raw or unprocessed state. Regulation is necessary to prevent the spread of the Mediterranean fruit fly (*Ceratitidis capitata*), the melon fly (*Dacus cucurbitae*), and the Oriental fruit fly (*Bactrocera dorsalis*). These types of fruit flies are collectively referred to as Trifly.

The current regulations allow avocados to be moved interstate from Hawaii to any destination in the United States only if, among other things, they have been treated in accordance with a treatment specified in either § 318.13-4d or § 318.13-4e of the regulations. The regulations allow untreated avocados from Hawaii to be moved interstate to Alaska only, provided that they meet conditions specified in § 318.13-4g to ensure that avocados moved to Alaska are free from Trifly.

Section 318.13-4d provides for treatment of avocados by fumigation with methyl bromide. This treatment causes pitting and internal and external discoloration, and reduces the shelf life of the avocado by 2-4 days, all of which adversely affect the marketability of the avocados. Section 318.13-4e provides for treatment of mature green avocados by fumigation with methyl bromide followed by refrigeration for 7 days. This treatment is not commercially feasible, because after avocados are refrigerated for 7 days the remaining shelf life is not sufficient for marketing

purposes. For these reasons, avocados from Hawaii are not being treated and shipped interstate.

We are proposing to amend the regulations governing the interstate movement of Hawaiian fruits and vegetables to allow the interstate movement of Sharwil avocados from Hawaii provided they undergo cold treatment for Trifly. The authorized cold treatment would be as follows:

| Treatment | Exposure period (days) |
|--------------------------------|------------------------|
| 32 °F (0.00 °C) or below | 10 |
| 33 °F (0.56 °C) or below | 11 |
| 34 °F (1.11 °C) or below | 12 |
| 35 °F (1.67 °C) or below | 14 |

This treatment has been determined to be effective against the insects listed above, based on research evaluated and approved by the U.S. Department of Agriculture. Information on this research may be obtained from the Oxford Plant Protection Center, AQI Branch, Plant Protection and Quarantine, APHIS, USDA, 901 Hillsboro Street, Oxford, NC, 27575. Pest risk analyses conducted by the Animal and Plant Health Inspection Service (APHIS) have determined that any other injurious plant pests that might be carried by Sharwil avocados would be readily detectable upon examination by an inspector of Plant Protection and Quarantine (PPQ), APHIS.

Cold treatment of avocados generally causes discoloration and pitting. However, the Agricultural Research Service, U.S. Department of Agriculture, has tested a method of pretreatment conditioning for Sharwil avocados that induces tolerance to cold treatment, making cold treatment for the Sharwil variety commercially feasible (HortScience 29(10):1166-1168.1994.). Only the Sharwil variety of avocado would be approved for cold treatment, since the pretreatment conditioning has been tested only on the Sharwil variety. Pretreatment conditioning would be recommended but not required.

The cold treatment procedures for Sharwil avocado would be added to the Plant Protection and Quarantine (PPQ) Treatment Manual, which has been incorporated by reference into the Code of Federal Regulations at 7 CFR part 300.1.

Sharwil avocados moved interstate from Hawaii would continue to be subject to other applicable provisions of the regulations. These include, among other things, that a certificate issued in accordance with § 318.13-4(b) must be attached to the container of the

regulated article moved interstate from Hawaii, and that the movement must comply with any applicable compliance agreement under § 318.13-4(d). Section 318.13-4(b) provides, among other things, that a certificate may be issued if the article is treated under the observation of a PPQ inspector in accordance with an administratively approved procedure, and is subsequently handled either under such supervision as the inspector may require or in accordance with a compliance agreement.

Nonsubstantive Changes

We are also proposing two nonsubstantive editorial changes to simplify the regulations. Section 318.13-4d provides that avocados from Hawaii may be eligible for interstate movement if treated with methyl bromide fumigation in accordance with that section. Section 318.13-4e provides that avocados from Hawaii may be eligible for interstate movement if treated with a combination of methyl bromide fumigation and refrigeration in accordance with that section. We are proposing to remove these treatment provisions from the regulations at §§ 318.13-4d and 318.13-4e. These treatments are already included in the PPQ Treatment Manual. Instead, proposed § 318.13-4d would state that avocados may be moved interstate from Hawaii if treated in accordance with the PPQ Treatment Manual. Thus, the treatments listed in §§ 318.13-4d and 318.13-4e would remain as options but would appear in the PPQ Treatment Manual.

We are also proposing to amend the definition of "Inspector" to read "An inspector of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture."

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Hawaii produced approximately 500,000 pounds of avocados during 1993, down approximately 29 percent from the 1992 level due, in part, to the interruption of avocado shipments to the U.S. mainland because of Oriental fruit fly infestation in 1992. Sharwil variety accounted for 75 percent of this total, or 375,000 pounds. Shipments of Sharwil avocados from Hawaii to the U.S. mainland and to Canada before the 1992 suspension peaked at 100,000 pounds.

Total production of avocados in the United States, excluding Hawaii, was approximately 302.8 million pounds in 1993. Of this total, California accounted for approximately 97 percent of the production. California continues to supply the major share of the U.S. avocado market. Total Hawaiian avocado production in 1993 accounted for less than two-tenths of a percent of the total U.S. production.

The total value of Hawaiian avocado production (\$220,000 in 1993) is less than three-tenths of a percent of the total U.S. production, and all of the Hawaiian entities involved are considered small. The proposed rule could reverse the downward trend in Hawaiian avocado production by providing a commercially feasible method of treating Sharwil avocados to be moved interstate. This would have a positive economic effect on Hawaiian avocado producers. Although a major share of the U.S. market is supplied by California producers, the addition of a Hawaiian supply would be unlikely to have a significant negative impact upon California producers, as the two dominant avocado varieties, Sharwil (Hawaii) and Hass (California) have different peak seasons of production. The peak season for the Sharwil variety is between November and May; the peak season for the Hass variety is April through October. As a result, the proposed rule would be expected to have a complementary rather than competitive effect. The change would not be expected to have any significant impact upon supply and price. Nevertheless, it would be expected to have a positive impact upon consumers by providing for a more continuous and varied avocado supply.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this

rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 300

Incorporation by reference, Plant diseases and pests, Quarantine.

7 CFR Part 318

Cotton, Cottonseeds, Fruits, Guam, Hawaii, Plant diseases and pests, Puerto Rico, Quarantine, Transportation, Vegetables, Virgin Islands.

Accordingly, 7 CFR parts 300 and 318 would be amended as follows:

PART 300—INCORPORATION BY REFERENCE

1. The authority citation for part 300 would continue to read as follows:

Authority: 7 U.S.C., 150ee, 154, 161, 162, and 167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 300.1, paragraph (a) would be revised to read as follows:

§ 300.1 Materials incorporated by reference; availability.

(a) *Plant Protection and Quarantine Treatment Manual.* The Plant Protection and Quarantine Treatment Manual, which was reprinted on November 30, 1992, and includes all revisions through [insert date], has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

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PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

3. The authority citation for part 318 would continue to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, 164a, and 167; 7 CFR 2.17, 2.51, and 371.2(c).

4. Section 318.13-1 would be amended by revising the definition for *Inspector* to read as follows:

§ 318.13-1 Definitions.

* * * * *

Inspector. An inspector of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture.

* * * * *

5. Section 318.13-4d would be revised to read as follows:

§ 318.13-4d Administrative instructions concerning the interstate movement of avocados from Hawaii.

(a) Subject to the requirements of §§ 318.13-3 and 318.13-4 and all other applicable provisions of this subpart, avocados may be moved interstate from Hawaii only if they are treated under the supervision of an inspector with a treatment authorized by the Administrator for the following pests: the Mediterranean fruit fly (*Ceratitidis capitata*), the melon fly (*Dacus cucurbitae*), and the Oriental fruit fly (*Bactrocera dorsalis*).

(b) Treatments authorized by the Administrator are listed in the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at § 300.1 of this chapter.

§ 318.13-4e [Removed and Reserved]

6. Section 318.13-4e would be removed and reserved.

Done in Washington, DC, this 25th day of September 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-24351 Filed 9-29-95; 8:45 am]

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

[Docket No. 95-ANE-25]

Airworthiness Directives; PTC Seating Products Division, B/E Aerospace, Model 950 Series Passenger Seats Equipped With Footrest Assembly

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to PTC Seating Products Division, B/E Aerospace (PTC), formally known as PTC Aerospace, Model 950 series passenger seats with footrest assembly. This proposal would require the removal of the footrest assembly arms and the installation of a conversion kit on each PTC Model 950 series passenger seat equipped with footrest assembly. This proposal is prompted by two incidents of finger injuries that occurred during attempts to either extend or retract the footrest system on PTC Model 950 series passenger seats equipped with footrest assembly. The actions specified by the proposed AD

are intended to prevent injury to hands during the operation of a PTC Model 950 series passenger seat equipped with footrest assembly.

DATES: Comments must be received by December 1, 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. 95-ANE-25, 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 B/E Aerospace, PTC Seating Products Division, 607 Bantam Road, Litchfield, CT 06759. 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: Richard Noll, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7160, fax (617) 238-7199.

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 95-ANE-25." 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. 95-ANE-25, 12 New England Executive Park, Burlington, MA 01803-5299.

Discussion

The FAA received two reports of incidents of finger injuries that occurred during attempts to either extend or retract the footrest system on PTC Seating Products Division, B/E Aerospace (PTC) Model 950 series passenger seats equipped with footrest assembly. The first incident resulted in an injury to a passenger's finger when reportedly reaching down to try to pull the footrest out by hand. The second incident resulted in injury to a passenger's finger when that passenger tried to help another passenger and got a finger caught in the footrest mechanism. This condition, if not corrected, could result in injury to hands during operation of PTC Model 950 series passenger seats equipped with footrest assembly.

The FAA has reviewed and approved the technical contents of PTC Aerospace Model 950 Series Service Bulletin (SB) 25-1192, Revision A, dated March 16, 1992, and PTC Seating Products Division, B/E Aerospace SB 25-1330, dated July 27, 1994, that describes procedures for removal and installation of PTC Model 950 series passenger seats equipped with footrest assembly.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a mandatory removal of PTC Model 950 series footrest assembly arms, and the installation of a conversion kit on PTC Model 950 series passenger seats equipped with a footrest. The actions would be required to be accomplished in accordance with the service bulletins described previously.

There are approximately 5800 seats equipped with footrest assembly of the affected design in the worldwide fleet. The FAA estimates that 5000 seats equipped with footrest assembly installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately .3/4 work hours per seat to accomplish the proposed actions, and that the average labor rate is \$60 per work hour.