

ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings 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 1980 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR part 319 would be amended as follows:

#### PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

**Authority:** 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

##### § 319.37–6 [Amended]

2. In § 319.37–6, paragraph (e) would be amended by removing the word “Mexico,”.

3. Section 319.56–6 would be revised to read as follows:

##### § 319.56–6 Inspection and other requirements at the port of first arrival.

(a) *Inspection and treatment.* All imported fruits or vegetables shall be inspected, and shall be subject to such disinfection at the port of first arrival as may be required by an inspector, and shall be subject to reinspection at other locations at the option of an inspector. If an inspector finds a plant pest or evidence of a plant pest on or in any fruit or vegetable or its container, or finds that the fruit or vegetable may have been associated with other articles infested with plant pests, the owner or agent of the owner of the fruit or vegetable shall clean or treat the fruit or vegetable and its container as required by an inspector, and the fruit or vegetable shall also be subject to reinspection, cleaning, and treatment at the option of an inspector at any time and place before all applicable requirements of this subpart have been accomplished.

(b) *Assembly for inspection.* The owner or agent of the owner shall assemble imported fruits and vegetables for inspection at the port of first arrival,

or at any other place prescribed by an inspector, at a place and time and in a manner designated by an inspector.

(c) *Refusal of entry.* If an inspector finds that an imported fruit or vegetable is prohibited or is so infested with a plant pest that, in the judgment of the inspector, it cannot be cleaned or treated, or contains soil or other prohibited contaminants, the entire lot may be refused entry into the United States.

(d) *Release for movement.* No person shall move from the port of first arrival any imported fruit or vegetable unless and until an inspector notifies the person (in person, in writing, by telephone, or through electronic means) that the fruit or vegetable:

(1) Has been released; or

(2) Requires reinspection, cleaning, or treatment of the fruit or vegetable at that port or at a place other than the port of first arrival, or is prohibited and must be exported from the United States.

(e) *Notice to owner of actions ordered by inspector.* If an inspector orders any disinfection, cleaning, treatment, reexportation, or other action with regard to imported fruits or vegetables, the inspector shall file an emergency action notification (PPQ Form 523) with the owner of the fruits or vegetables or an agent of the owner. The owner must, within the time specified in the PPQ Form 523, destroy the fruits and vegetables, ship them to a point outside the United States, move them to an authorized site, and/or apply treatments or other safeguards to the fruits and vegetables as prescribed by an inspector to prevent the introduction of plant pests into the United States.

(f) *Costs and charges.* The Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture will be responsible only for the costs of providing the services of an inspector during regularly assigned hours of duty and at the usual places of duty.<sup>1</sup> The owner of imported fruits or vegetables is responsible for all additional costs of inspection, treatment, movement, storage, or destruction ordered by an inspector under this subpart, including any labor, chemicals, packing materials, or other supplies required. APHIS will not be responsible for any costs or charges, other than those identified in this section.

<sup>1</sup> Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.

Done in Washington, DC, this 30th day of June 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95–17019 Filed 7–11–95; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95–CE–14–AD]

#### Airworthiness Directives; Cessna Aircraft Company 150 and A150 Series and Models 152 and A152 Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to Cessna Aircraft Company (Cessna) 150 and A150 series and Models 152 and A152 airplanes that have a Bush Conversions, Inc., Short Takeoff and Landing (STOL) kit installed in accordance with Supplemental Type Certificate (STC) SA1371SW. The proposed action would require measuring the wing stall fence for maximum height, and installing a smaller fence if the fence exceeds the maximum height of 1.28 inches. An accident of a Cessna Model 152 airplane where the STOL kit adversely affected the airplane's stall characteristics prompted the proposed action. The actions specified by the proposed AD are intended to prevent the airplane from entering a stall condition because of improper wing stall fence height, which could result in loss of control of the airplane.

**DATES:** Comments must be received on or before September 15, 1995.

**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–14–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.

Figure 1 of the proposed AD may be obtained from the Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; and may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558,

601 E. 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry Engler, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4122; facsimile (316) 946-4407.

**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-14-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-14-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**Discussion**

The FAA received a report of an accident involving a Cessna Model 152 airplane. After takeoff, the airplane turned 180 degrees as if to return to the airport, and rolled to the right and descended vertically to the ground. The Cessna Model 152 airplane was equipped with a Bush Conversions, Inc., Short Takeoff and Landing (STOL) kit

installed in accordance with Supplemental Type Certificate (STC) SA1371SW. This kit includes a wing leading edge cuff and stall fence on each wing that is installed on the top of the wing chordwise in line with the aileron/flap juncture. The wing stall fence on this Cessna Model 152 airplane measured 1.625 inches in height at its trailing edge and maintained that height through approximately 70 percent of the fence's length, gradually tapering to the contour of the wing's leading edge.

The FAA approved the fence height of the Bush Conversions, Inc., STOL kit at a height of 1.16 inches (plus or minus .12 inches) for Cessna 150 and A150 series and Models 152 and A152 airplanes. Mid-America Drawing No. 1001 references this height and is included as part of STC SA1371SW. Mid-America Drawing No. 1001 is included as Figure 1 of the proposed AD.

Since the referenced accident, the National Transportation Safety Board (NTSB) and the FAA inspected three other Cessna 150 series airplanes and found the STOL kit fence heights ranging from 1.375 inches to 1.75 inches.

After examining the circumstances and reviewing all available information related to the accident and investigations described above, the FAA has determined that (1) the STOL kit fence height should be checked on Cessna 150 and A150 series and Models 152 and A152 airplanes; and (2) AD action should be taken to prevent the airplane operator from entering a stall condition because of improper wing stall fence height, which could result in loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Cessna 150 and A150 series and Models 152 and A152 airplanes of the same type design that have a Bush Conversions, Inc., STOL kit installed in accordance with STC SA1371SW, the proposed AD would require measuring the wing stall fence for maximum height, and installing a smaller fence if the fence exceeds the maximum height of 1.28 inches. Figure 1 of the proposed AD includes information for inspecting the stall fence height.

The FAA estimates that the STOL kit is installed on 25 of the Cessna 150 and A150 series and Models 152 and A152 airplanes in the U.S. registry, that it would take approximately 8 workhours per airplane to inspect the stall fences, 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 \$12,000. This figure is based upon the assumption that none of the affected airplane owners/operators have inspected the STOL fence for correct height. The FAA has no way of determining how many owners/operators of the affected airplanes have accomplished the proposed inspection.

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 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

**§ 39.13 [Amended]**

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

**Cessna Aircraft Corporation:** Docket No. 95-CE-14-AD.

**Applicability:** The following airplane models (all serial numbers), certificated in any category, that have a Bush Conversions, Inc., Short Takeoff and Landing (STOL) kit

installed in accordance with Supplemental Type Certificate (STC) SA1371SW:

150 150A 150B 150C 150D 150E  
150F 150G 150H 150J 150K A150K  
150L A150L 150M A150M 152 A152

**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 (d) 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 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent the airplane operator from entering a stall condition because of improper wing stall fence height, which, if not detected and corrected, could result in

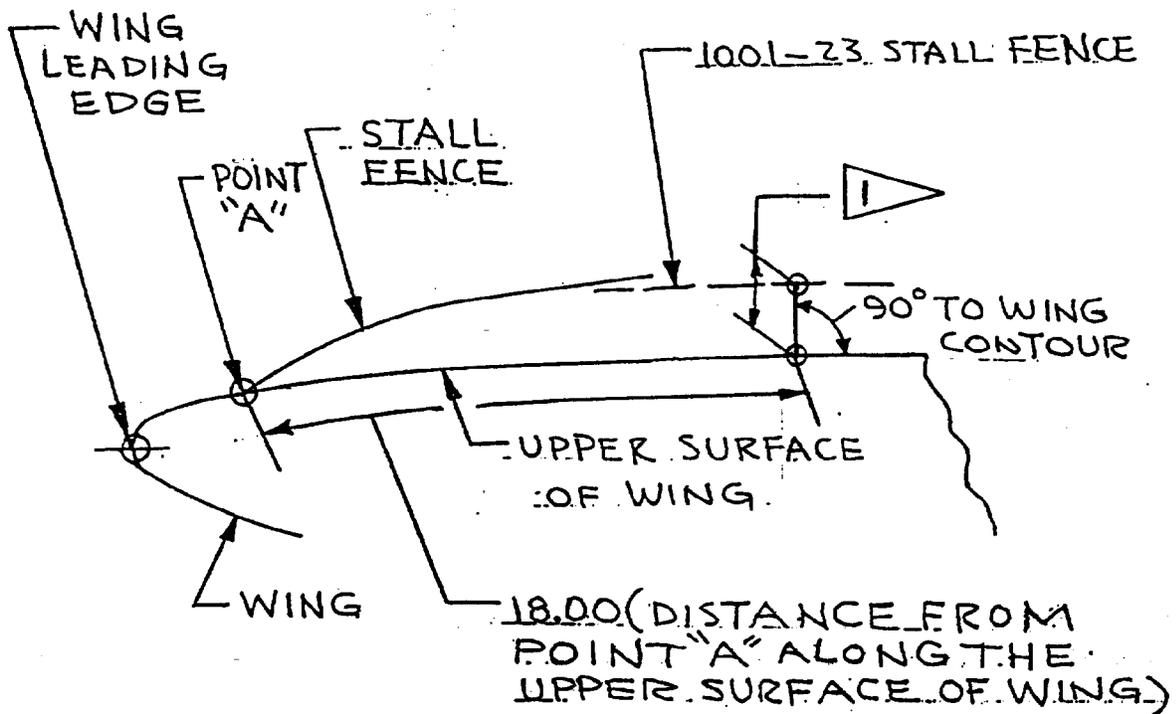
loss of control of the airplane, accomplish the following:

(a) Measure the height of the wing stall fence at its trailing edge to ensure that the height does not exceed 1.28 inches. (See Figure 1 of this AD).

(b) If the wing stall fence height exceeds 1.28 inches, prior to further flight, install a smaller fence in accordance with instructions obtained from the Wichita Aircraft Certification Office (ACO), FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209.

**Note 2:** Mid-America Drawing No. 1001 (part of STC SA1371SW) is included as Figure 1 of this AD for reference purposes.

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1 ▽ IF STALL FENCE IS  $1.16 \pm .12$  HIGH, THAT IS CORRECT HEIGHT FOR STALL FENCE. IF GREATER THAN 1.28 HIGH, REMOVE STALL FENCES AND INSTALL THE CORRECT ONE.

FIGURE 1  
MID-AMERICA DWG No. 1001  
(STC SA1371 SW)

(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 times that provides an equivalent level of safety may be approved by the Manager, Wichita ACO, 801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(e) Figure 1 of this AD may be obtained from the Wichita ACO at the address specified in paragraph (d) of this AD; and may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on July 5, 1995.

**Henry A. Armstrong,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-16975 Filed 7-11-95; 8:45 am]

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## 14 CFR Part 39

[Docket No. 95-CE-22-AD]

### Airworthiness Directives; Maule Aerospace Technologies, Inc. Models M-4-210 and M-4-210C Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Maule Aerospace Technologies, Inc. (Maule) Models M-4-210 and M-4-210C airplanes that have Dual Exhaust System 5230F installed. The proposed action would require relocating the gascolator and electric fuel pump away from the dual exhaust system. The Federal Aviation Administration (FAA) recently became aware that, with these dual exhaust systems installed on the affected airplanes, the left-hand exhaust stack is routed almost directly below the fuel gascolator. The close proximity of the flammable fuel to the exhaust system presents an unsafe condition and violates current regulations. The actions specified by the proposed AD are intended to prevent an airplane engine fire caused by the close proximity of the

fuel gascolator and electric fuel pump to the exhaust system.

**DATES:** Comments must be received on or before September 15, 1995.

**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-22-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 Maule Aerospace Technology, Inc., Lake Maule, Route 5, Box 318, Moultrie, Georgia 31768; telephone (912) 985-2045; facsimile (912) 890-2402. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Ms. Juanita Craft-Lloyd, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7373; 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-22-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-22-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

#### Discussion

Maule Models M-4-210 and M-4-210C airplanes were originally type certificated with a single exhaust system. In 1975, the FAA approved Maule Service Kit No. 11: "Installation of Maule IO-360 Dual Muffler System and Additional Cabin Heater Inlet Retrofit Kit."

The FAA has recently become aware that installing Dual Exhaust System 5230F in accordance with Maule Service Kit No. 11 could present an unsafe condition on Maule Models M-4-210 and M-4-210C airplanes. Under this installation configuration, the left-hand stack is routed almost directly below the fuel gascolator, which, when combining the high temperatures from the exhaust system with flammable fuel, could result in an airplane engine fire. In addition, paragraphs (b) and (c) of section 23.1121 of the Federal Aviation Regulations (14 CFR 23.1121, paragraphs (b) and (c)) specify that the exhaust system must either be shielded or routed away from flammable fuels or vapors.

Maule has issued Service Bulletin (SB) No. 10, dated September 16, 1994, which specifies procedures for relocating the gascolator and electric fuel pump on Maule Models M-4-210 and M-4-210C airplanes that have Dual Exhaust System 5230F installed.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent an airplane engine fire caused by the close proximity of the fuel gascolator and electric fuel pump to the exhaust system.

Since an unsafe condition has been identified that is likely to exist or develop in other Maule Models M-4-210 and M-4-210C airplanes of the same type design that have Dual Exhaust System 5230F installed, the proposed AD would require relocating the gascolator and electric fuel pump. Accomplishment of the proposed action would be in accordance with Maule SB No. 10, dated September 16, 1994.

The FAA estimates that 125 airplanes in the U.S. registry would be affected by