hearings on the regulatory and informational impact of the proposed amendments on small businesses.

The notice of hearing herein has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. The notice of hearing would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this notice to consider an amendment.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The Committee submitted the proposed amendment to remove California from the winter pear order. The suggested changes are as follows: (1) Revise the definition of ''production area'' to mean only the States of Oregon and Washington; (2) revise ''district'' by removing California and have only those districts designated in the States of Oregon and Washington; (3) revise ''establishment and membership'' of the Committee to be consistent with the reduction in size of the regulated production area; (4) revise ''procedure of Control Committee'', ''(a) quorum and voting'', so that the number of members present for a quorum and voting is consistent with Committee representation and amend ''(b) mail voting'', to allow for the use of ''telecopiers''; and (5) revise the definition of ''pears'' to exclude pears produced in California. These proposals were submitted by the Committee, which works with the Department in administering the order. These proposals have not received the approval of the Secretary of Agriculture.

The Committee believes that the proposed changes would improve the administration, operation, and function of the winter pear marketing order.

In addition, proposals submitted by the Fruit and Vegetable Division, AMS, are included to make such changes as may be necessary to the order to conform with any amendment thereto that may result from the hearing.

Public hearings are being held for the purpose of: (i) receiving evidence about the economic and marketing conditions which relate to the proposed amendments of the order; (ii) determining whether there is a need for the proposed amendments to the order; and (iii) determining whether the proposed amendments or appropriate modifications thereof will tend to effectuate the declared policy of the Act.

All persons wishing to submit written material as evidence at the hearing should submit at least four copies of such material and should be present at the hearing to present oral testimony concerning the material.

From the time the notice of hearing is issued and until the issuance of a final decision in this proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an *ex parte* basis with any persons having an interest in the proceeding. The prohibition applies to employees in the following organizational units: Office of the Secretary of Agriculture; Office of the Administrator, Agricultural Marketing Service; Office of the General Counsel, and the Fruit and Vegetable Division, Agricultural Marketing Service.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

PART 927—WINTER PEARS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 927 is revised to read as follows:

Authority: 7 U.S.C. 601–674.

2. Testimony is invited on the following proposed amendments or appropriate alternatives or modifications to such amendments. Proposed amendments submitted by the Winter Pear Control Committee are as follows:

Amend §§ 927.4, 927.10, 927.11, 927.20, and 927.33 as follows:

Proposal No. 1

§ 927.4 Pears.

Pears means and includes any and all of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Forelle, and Seckel varieties of pears, and any other winter pear varieties or subvarieties that are recognized by the Control Committee and approved by the Secretary.

Proposal No. 2

§ 927.10 Production area.

Amend § 927.10 by deleting the comma after the word ''Oregon'', placing the word ''and'' after the word ''Oregon'', deleting the comma after the word ''Washington'', and removing the words ''and California'' at the end of the sentence.

Proposal No. 3

§ 927.11 District.

Amending § 927.11 by removing paragraph (e).

Proposal No. 4

§ 927.20 Establishment and membership.

Amend § 927.20 by removing the number ''14'' in the first sentence and adding in its place the number ''12''; and by removing the word ''seven'' and adding in its place the word ''six'' at the beginning of the sentence and before the word ''members'' in the third sentence.

Proposal No. 5

§ 927.33 Procedure of Control Committee.

Amend § 927.33 paragraph (a) by removing the word ''ten'' in the first sentence and adding in its place the word ''nine''; and amending paragraph (b) by adding the word ''telecopier'' and a comma after the word ''mail'' in the first sentence.

The Fruit and Vegetable Division, AMS, submitted the following proposal:

Proposal No. 6

Make such changes as may be necessary to the order to conform with any amendment thereto that may result from the hearing.

Dated: June 24, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–16430 Filed 6–24–96; 12:40 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–23–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes

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 certain Boeing Model 737–300, –400, and –500 series airplanes. This proposal would require inspections to detect bent or damaged tie links and washers of the elevator feel and centering unit, and replacement of the centering unit with a new or serviceable unit, if necessary. This action also would provide an optional replacement of the centering unit, which, if accomplished with the installation of supports and a stop bolt, would constitute terminating action for the repetitive inspections. This proposal is prompted by a report of high control column forces that occurred during takeoff and landing. The actions specified by the proposed AD are intended to prevent such high forces, which could result in restriction of elevator control during takeoff, climbout, and landing.

DATES: Comments must be received by August 5, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–23–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Kristin Larson, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–1760; fax (206) 227–1181.

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 shall 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 96–NM–23–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, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–23–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report of high control column forces during takeoff and landing of a Model 737 series airplane. Investigation revealed that the high forces were caused by bent tie links in the elevator centering unit. Further investigation indicated that, when hydraulic pressure is removed from the elevator feel actuator, the actuator extends to its full length. If the control column is then pulled back to the aft stop and then pushed forward with sufficient force, the tie links in the centering unit can become bent. Bent tie links can cause the elevator control forces to be higher than normal. This will be noticeable when larger elevator inputs are necessary, such as during takeoff and landing. This condition, if not corrected, could result in restriction of elevator control during takeoff, climbout, and landing.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–27A1194, dated February 1, 1996, which describes procedures for repetitive visual inspections for bent or damaged tie links of the elevator feel and centering unit, and replacement of the centering unit with a new or serviceable unit, if necessary. The alert service bulletin also describes procedures for installation of supports and a stop-bolt on the elevator centering unit. Such installation eliminates the need for repetitive inspections for airplanes on which no damaged tie links or washers are found. The alert service bulletin also indicates that replacement of the elevator centering unit with a new unit, or one on which serviceable tie links, supports, and a stop-bolt are installed, would eliminate the need for the repetitive inspections.

Explanation of Requirements of Proposed Rule

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 repetitive visual inspections to detect bent or damaged tie links of the elevator centering unit, and replacement of the elevator centering unit with a new or serviceable unit, if necessary. Replacement of the elevator centering unit with a new or serviceable unit on which serviceable tie links, supports, and a stop-bolt are installed constitutes terminating action for the repetitive inspections. The actions would be required to be accomplished in accordance with the alert service bulletin described previously.

Cost Impact

There are approximately 1,618 Boeing Model 737–300, –400, and –500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 684 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $140 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $218,880, or $320 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of

the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to replace the elevator centering unit rather than continue the repetitive inspections, it would take approximately 10 work hours per airplane to accomplish the replacement, at an average labor rate of $60 per work hour. Required parts would cost approximately $640 per airplane. Based on these figures, the cost impact of the replacement is estimated to be $1,240 per airplane.

Regulatory Impact

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 proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the 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 is contained 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. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Boeing: Docket 96–NM–23–AD.

Applicability: Model 737–300, –400 and –500 series airplanes through line position 2764 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 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 (f) 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 restriction of elevator control during takeoff, climbout, and landing, due to higher than normal elevator control forces caused by damaged tie links in the elevator centering unit, accomplish the following:

(a) Within 6 months after the effective date of this AD: Perform a visual inspection to detect any bent or damaged tie links of the elevator feel and centering unit, in accordance with Boeing Alert Service Bulletin 737–27A1194, dated February 1, 1996.

(b) If no tie link is found to be broken, bent, or damaged during the inspection required by paragraph (a) of this AD: Accomplish either paragraph (b)(1) or (b)(2) of this AD, in accordance with Boeing Alert Service Bulletin 737–27A1194, dated February 1, 1996:

(1) Prior to further flight, install supports and a stop-bolt on the elevator centering unit. Once this installation is accomplished, no further action is required by this AD. Or

(2) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 1,000 flight cycles. Installation of supports and a stop-bolt in accordance with the alert service bulletin, constitutes terminating action for the repetitive inspections required by this AD, provided that no damage is detected during any inspection required by paragraph (a) of this AD.

(c) If any tie link is found to be bent or damaged during the inspection required by paragraph (a) of this AD, and damage is within the limits specified in Figure 1 of Boeing Alert Service Bulletin 737–27A1194, dated February 1, 1996: Accomplish paragraphs (c)(1) and (c)(2) of this AD in accordance with the alert service bulletin:

(1) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed those specified in Figure 1 of the alert service bulletin. And

(2) Within 6 months after the effective date of this AD, install supports and a stop-bolt on the elevator centering unit. This installation does not terminate the repetitive inspection requirements of this paragraph.

(d) If any tie link is found to be bent or damaged during any inspection required by this AD, and the damage is beyond the limits specified in Figure 1 of Boeing Alert Service Bulletin 737–27A1194, dated February 1, 1996: Prior to further flight, replace the elevator centering unit with a new or serviceable unit and accomplish either paragraph (d)(1) or (d)(2) of this AD in accordance with the alert service bulletin:

(1) Install supports and a stop-bolt on the elevator centering unit; or

(2) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 1,000 flight cycles until the installation specified in paragraph (d)(1) of this AD is accomplished.

(e) Replacement of the elevator centering unit with a unit in which the tie links have been inspected and determined to be acceptable and in which supports and a stop-bolt have been installed, in accordance with Boeing Service Bulletin 737–27A1194, dated February 1, 1996, constitutes terminating action for the requirements of this AD.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(g) 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.

Issued in Renton, Washington, on June 19, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–16244 Filed 6–25–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–226–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 747 and 767 series