allow special combinations even if no PFC farm is involved. This will permit variances from normal combination rules that would otherwise apply under 7 CFR part 718. Such variances will allow for greater flexibility to farmers with special needs as might arise for tobacco-only combinations. There is a special need for farm combinations with respect to the tobacco program because it is one of the few programs with an existing farm-oriented poundage or quota system and because of limitations that exist with respect to the leasing of allotments and quotas. These special combinations allow for better farming practices, including crop rotation and mirror long-term practices in tobacco. The amendments to § 723.209 would, in addition, provide explicitly that for all special combinations allowed under § 723.209, the Deputy Administrator may waive consent requirements that would normally apply for combinations under the rules in 7 CFR part 718. Under the 7 CFR part 718 regulations, normally all of the owners and operators of both farms to be combined must consent to the combination. However, § 723.209 deals with limited and temporary, perhaps frequent, combinations that can involve tobacco farms that have many owners as the farms have been passed down among several generations. Locating, and obtaining a verifiable consent from all of the owners of tobacco farms for each such transaction can be very difficult and is not purposeful given that the farm will be continuing its basic operation in a manner similar to the way it has operated in the past.

List of Subjects in 7 CFR Part 723

Acreage allotments, Auction warehouses, Dealers, Domestic manufacturers, Marketing quotas, Penalties, Reconstitutions, Tobacco.

For the reasons set forth in the preamble, 7 CFR part 723 is amended as follows:

PART 723—[AMENDED]

1. The authority citation for 7 CFR part 723 continues to read as follows:

Authority: 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372–75, 1421, 1445–1 and 1445–2.

2. The heading for § 723.209 is revised and paragraph (c) is revised to read as follows:

§ 723.209 Determination of acreage allotments, marketing quotas, yields for combined farms; and special tobacco combinations.

* * * * *

(c) *Special tobacco combinations.* Notwithstanding other provision of this title, the Deputy Administrator may, upon proper application and to the extent deemed consistent with other obligations, permit farms, with respect to tobacco allotments and tobacco quotas, to be considered combined for purposes of this part and part 1464 of this title only without being combined for other purposes. This allowance shall apply for tobacco of all kinds and types and with respect to all farms even if one or more of the farms to be combined is the subject of a production flexibility contract (PFC) executed in connection with the program operated under the provisions of 7 CFR part 1412. Such special, limited combinations must otherwise meet the requirements of 7 CFR part 718 for combinations, except the signature (consent) requirements of § 718.201(a)(2) of that part. The Deputy Administrator may set such consent requirements for special farm combinations under this section as the Deputy Administrator believes necessary or appropriate. Further, in any case in which one of the farms is a PFC farm, none of the land on any PFC farm that would have been used for the production of tobacco can be used for the production of a ''PFC commodity'' as defined in this section. Such permission shall be conditioned upon the agreement of all interested parties that land on the PFC allotment or quota farm that would have been used for the production of tobacco shall not be used for the production of any PFC commodity. In the event that such production nonetheless occurs, the special tobacco combination may be made void, retroactive to the date of original approval. Such curative action will likely result in a finding of excess tobacco plantings and sanctions and remedies, which would likely include liability for penalties and other sanctions for excess marketings of tobacco. The Deputy Administrator may set such other conditions on the combinations as needed or deemed appropriate to serve the goals of the tobacco program and the goals of the PFC. The term *PFC commodity* for purposes of this section means wheat, corn, grain sorghum, barley, oats, upland cotton, and rice.

* * * * *

Signed at Washington, DC, on May 8, 1998.

Bruce R. Weber,

Acting Administrator,

Farm Service Agency.

[FR Doc. 98–12860 Filed 5–13–98; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–72–AD; Amendment 39–10516; AD 98–10–05]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Models B200, B200C, and B200T Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Models B200, B200C, and B200T airplanes (formerly referred to as Beech Models B200, B200C, and B200T airplanes). This AD requires replacing the wiring for the engine fire detector system with fire resistant wiring. This AD is the result of the discovery during aircraft production of the potential for the existing engine fire detector system wiring on the affected airplanes to fail because of high heat and/or fire. The actions specified by this AD are intended to prevent failure of the engine fire detector system if high heat and/or fire stopped an electrical signal between the engine fire detectors and the engine fire warning annunciator lights located in the cockpit, which could result in passenger injury in the event of an airplane fire.

DATES: Effective June 27, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 27, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–72–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. Randy Griffith, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4145; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon Models B200, B200C, and B200T airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 3, 1997 (62 FR 63914). The NPRM proposed to require replacing the wiring for the engine fire detector system with fire resistant wiring by incorporating Engine Fire Detector Harness Kit, part number 101–3208–1. Accomplishment of the proposed action as specified in the NPRM would be in accordance with Raytheon Mandatory Service Bulletin No. 2701, Issued: May, 1997.

The NPRM was the result of the discovery during aircraft production of the potential for the existing engine fire detector system wiring on the affected airplanes to fail because of high heat and/or fire.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 77 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish the modification required by this AD, and that the average labor rate is approximately $60 an hour. Parts will be provided by the manufacturer at no cost to the owners/operators of the affected airplanes. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $18,480, or $240 per airplane. These figures are based on the presumption that no owner/operator of the affected airplanes has incorporated this modification.

Raytheon has informed the FAA that approximately 40 kits have been shipped from the Raytheon Aircraft Authorized Service Center. Presuming that each of the 40 kits is incorporated on an affected airplane, this will reduce the cost impact of this AD by $9,600, from $18,480, to $8,880.

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.

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) 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 final 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, 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 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

98–10–05 Raytheon Aircraft Company: Amendment 39–10516; Docket No. 97–CE–72–AD.

Applicability: The following model and serial number airplanes, certificated in any category:

Model	Serial Nos.
B200	BB–1439, BB–1444 through BB–1447, BB–1449, BB–1450, BB–1452, BB–1453, BB–1455, BB–1456, and BB–1458 through BB–1512;
B200C	BL–139 and BL–140;
B200C (C–12R)	BW–1 through BW–5; and
B200T	BT–35 through BT–38.

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 (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 within the next 200 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent failure of the engine fire detector system if high heat and/or fire stopped an electrical signal between the engine fire detectors and the engine fire warning annunciator lights located in the cockpit, which could result in passenger injury in the event of an airplane fire, accomplish the following:

(a) Replace the existing engine fire protection system wiring with fire resistant wiring by incorporating Engine Fire Detector Harness Kit, part number 101–3208–1. Accomplish this replacement in accordance with the instructions included with the above kit, as referenced in Raytheon Mandatory Service Bulletin No. 2701, Issued: May, 1997.

(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, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, 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 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(d) The replacement required by this AD shall be done in accordance with the instructions to Raytheon Engine Fire Detector

Harness Kit, part number 101–3208–1, as referenced in Raytheon Mandatory Service Bulletin No. 2701, Issued: May, 1997. 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 Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(e) This amendment becomes effective on June 27, 1998.

Issued in Kansas City, Missouri, on April 30, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–12507 Filed 5–13–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 921

[Docket #980427108–8108–01]

RIN 0694–AL16

National Estuarine Research Reserve System Regulations

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is making a correction to its regulations concerning the National Estuarine Research Reserve System (NERRS) to clarify that certain types of financial assistance awards are not subject to specified limits on amounts. The Coastal Zone Protection Act of 1996 amended the Coastal Zone Management Act (CZMA) by, among other things, eliminating the state match requirement in cases where financial assistance was coming from proceeds of a natural resource damage action. In 1997, NOAA issued a rule to amend the NERRS regulations to conform to the statutory amendments. That rule specified that the state match requirement was eliminated in cases where natural resource damage proceeds were being used to fund NERRS activities. However, the rule did not address what the effects of other limits on financial assistance (caps on funding, rather than state match) would be in these cases. This final rule clarifies that, in cases where financial assistance is coming from natural resource damage funds, the caps on financial assistance to not apply.

EFFECTIVE DATE: May 14, 1998.

FOR FURTHER INFORMATION CONTACT: Mary O'Brien, Attorney-Adviser, Office of General Counsel, 1305 East-West Highway, Silver Spring, Maryland 20910. Telephone: 301–713–2967.

SUPPLEMENTARY INFORMATION:

I. Authority

This final rule is issued under the authority of the Coastal Zone Management Act, CZMA, 16 U.S.C. 1451 *et seq.*, as amended.

II. Background

Section 315 of the CZMA authorizes grants to states for the selection, designation, management, and use of National Estuarine Research Reserves. However, section 315 of the CZMA limits, in most cases, the proportion of federal financial assistance that may be provided to states for program activities. The 1996 amendments to the CZMA provided that notwithstanding these statutory limits, financial assistance provided from amounts recovered as a result of damage to natural resources located in the coastal zone may be used to pay 100 percent of the costs of activities carried out with the assistance. In 1997, NOAA issued a rule, the intent of which was to bring the program regulations into conformity with the statutory change.

Following NOAA's 1997 rule, questions arose as to the effects of the amendment on certain statutory and regulatory limits on amounts. While it was clear the amendments eliminated the match requirement in cases where financial assistance is coming from natural resource damage funds, questions remained as to the appropriate interpretation, in these cases, of provisions limiting the amount of financial assistance that may be granted to any one reserve for certain activities. Specifically, the statute provides a $5,000,000 cap on federal financial assistance for acquisition activities at any one reserve. The regulations contain not only that cap, but also a $100,000 cap on federal financial assistance for certain pre-designation activities (site selection, draft management plan and environmental impact statement preparation, and basic characterization studies).

The NERRS was established by Congress to provide for a system of representative estuarine ecosystems, with each site contributing to the biogeographical and typological balance of the system. It was envisioned that the completed system would ultimately contain 25–35 sites. Throughout the course of the program, there has been a need to ensure that limited appropriations are distributed equitably among reserve sites. Hence, the statute and the regulations provided caps to restrict the amount of funds that could be granted to any one site.

In the case of reserve activities being funded with amounts recovered as a result of natural resource damages, the concern that gave rise to the establishment of the caps does not exist. Natural resource damage funds do not come out of the NERRS appropriation. When such funds are used to establish a reserve or pay for reserve activities, there is no reduction in the appropriation and thus no effect, financial speaking, on other reserves in the system or on states wishing to advance reserve proposals. For this reason, it is not appropriate to apply the NERRS limits on federal financial assistance when activities are being funded from natural resource damage proceeds.

Congress recognized as much in the 1996 amendments to the CZMA. New section 315(e)(3)(C) explicitly stated that notwithstanding the 50 percent/ $5,000,000 cap, financial assistance provided from natural resource damage funds could be used to pay 100 percent of the costs of such activities. Congress did not address the $100,000 pre-designation cap, because that cap was established by regulation rather than by statute.

III. Discussion of Change

The purpose of this rule is to amend the regulations to clarify that, consistent with the changes made to the CZMA in 1996, the $5,000,000 and $100,000 limits on federal financial assistance for certain activities are not applicable with the funding for these activities is being provided from amounts recovered as a result of damage to natural resources.

IV. Rulemaking Requirements

A. This rule was determined to be ''not significant'' for purposes of Executive Order 12866.

B. This rule relates to public property, loans, grants, benefits, and contracts, and therefore, it is exempt from every requirement of section 553 of the Administrative Procedure Act, 5 U.S.C. 553, including notice and comment and delayed effective date.

C. Because a notice of proposed rulemaking is not required by 5 U.S.C.