

the minimum grade for Idaho-Eastern Oregon white onions will not have a negative impact on small entities, and that the change will in fact assist producers from all growing regions in providing better quality white onions to consumers.

Accordingly, based on the comments received, no changes will be made to the rule as proposed, except for non-substantive format changes to conform to the current scheme in § 958.328.

Idaho-Eastern Oregon onion handlers have just begun shipping 1998–99 crop white onions, and they want to accrue the benefits anticipated. The Department understands that very little modification must be made to existing packing equipment and sorting procedures by domestic handlers and exporters/importers to meet the new grade requirement. However, sufficient time must be provided for the Idaho-Eastern Oregon and import onion industries to comply with the new grade requirement and to allow white onions already picked and packed, and certified as meeting the lower minimum grade requirements to be shipped. To allow this to occur and to allow handlers and exporters time to adjust their sorting and packing lines to meet the higher grade, the Department has decided that the effective date of this action should be November 9, 1998. This effective date is reasonable and will allow both the domestic and imported onion industries sufficient time to adjust to the new grade requirement and to ship any onions that are already picked and packed.

In view of all of the foregoing, the Department has concluded that the increase in the minimum grade requirement to U.S. No. 1 will advance the interests of the Idaho-Eastern Oregon and foreign onion industries and should be implemented.

In accordance with the section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee, the comments received, and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) Idaho-Eastern Oregon onion handlers are aware of this action, which was unanimously recommended by the Committee, and

are prepared to comply with the new grade requirement; (2) Handlers, exporters, importers, and other interested persons were given an opportunity to provide input through the advance notice of proposed rulemaking and the proposed rule; (3) the grade increase needs to be in place to cover the balance of the 1998–99 white onion shipping season so that the Idaho-Eastern Oregon onion industry can take advantage of the anticipated benefits; and (4) an adequate amount of time has been provided for handlers and importers to adjust their packing and sorting lines to meet the higher grade requirement.

List of Subjects in 7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 958 is amended as follows:

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR part 958 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 958.328 is amended by revising paragraph (a)(1) to read as follows:

§ 958.328 Handling Regulations.

* * * * *

(a) *Grade and Size requirements*—(1) *White varieties*. Shall be either:

(i) U.S. No. 1, 1 inch minimum to 2 inches maximum diameter; or

(ii) U.S. No. 1, at least 1½ inches minimum diameter. However, neither of these two categories of onions may be commingled in the same bag or other container.

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Dated: October 13, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–27892 Filed 10–16–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–01–AD; Amendment 39–10845; AD 98–21–36]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Robinson Helicopter Company (Robinson) Model R44 helicopters, that requires removing and replacing the cyclic control pilot's grip assembly (grip assembly) with an airworthy grip assembly. This amendment is prompted by a report of a crack in the welded corner of a grip assembly. The actions specified by this AD are intended to prevent use of a grip assembly that may crack, resulting in failure of the grip assembly and subsequent loss of control of the helicopter.

DATES: Effective November 23, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 23, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Robinson Helicopter Company, 2901 Airport Drive, Torrance, California 90505, telephone (310) 539–0508, fax (310) 539–5198. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Guerin, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Boulevard, Lakewood, California 90712, telephone (562) 627–5232, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Robinson Model R44 helicopters was published in the **Federal Register** on October 17, 1997 (62 FR 53977). That action proposed to require removing and replacing the cyclic control pilot's grip assembly (grip

assembly) with an airworthy grip assembly.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except that credit is given in the final rule for previous compliance with the requirement of this AD by adding "unless accomplished previously" in the compliance section. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 5 helicopters of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per helicopter to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$576 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$4,080.

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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from 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 to read as follows:

AD 98-21-36 Robinson Helicopter

Company: Amendment 39-10845.

Docket No. 97-SW-01-AD.

Applicability: Model R44 helicopters, serial numbers (S/N) 0001 through 0159, except S/N 0143, 0150, and 0156, with cyclic control pilot's grip assembly (grip assembly), part number (P/N) A756-6 Revision N or prior, installed, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 (b) 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 helicopter from the applicability of this AD.

Compliance: Within 25 hours time-in-service or 30 calendar days after the effective date of this AD, whichever occurs first, unless accomplished previously.

To prevent use of a grip assembly that may crack, resulting in failure of the grip assembly and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove the grip assembly, P/N A756-6 Revision N (or prior), and replace it with an airworthy grip assembly, P/N A756-6 Revision M (or later), in accordance with KI-112 R44 Pilot's Grip Assembly Upgrade Kit instructions, dated December 20, 1996.

(b) 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, Los Angeles Aircraft Certification Office. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles 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 Los Angeles Aircraft Certification Office.

(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 helicopter to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with KI-112 R44 Pilot's Grip Assembly Upgrade Kit instructions, dated December 20, 1996. 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 Robinson Helicopter Company, 2901 Airport Drive, Torrance, California 90505. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on November 23, 1998.

Issued in Fort Worth, Texas, on October 7, 1998.

Larry M. Kelly,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

[FR Doc. 98-27760 Filed 10-16-98; 8:45 am]

BILLING CODE 4910-13-U

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 10

Rules of Practice; Final Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is adopting final regulations amending its Rules of Practice, which govern most adjudicatory proceedings brought under the Commodity Exchange Act, as amended ("Act"), other than reparations proceedings. In order to improve the overall fairness and efficiency of the administrative process, the Commission published for comment a notice of proposed amendments to the existing rules. Following consideration of the comments received, this notice sets forth each amended rule in its final form.

Most of the substantive amendments adopted by the Commission serve one of two purposes. Some are intended to foster a greater exchange of information between the Commission's Division of Enforcement ("Division") and the respondents before a hearing takes place and to clarify the production obligations of each party. Others will facilitate use of the authority granted to the Commission by the Futures Trading Practices Act of 1992 to require the