

The higher assessment rate is needed to provide sufficient revenue to administer the program for the 1998–99 marketing year as shown in the following table.

	Assessment income	1998–99 budget	Difference
Current Rate—\$0.0116 .....	\$2,296,800	\$2,620,274	–\$323,474
New Rate—\$0.0133 .....	2,633,400	2,620,274	+\$13,126

The Board reviewed and unanimously recommended 1998–99 expenditures of \$2,620,274 which included increases in administrative and office expenses, and production research salary, and a decrease for research programs. Prior to arriving at this budget, the Board considered information and recommendations from various sources, such as the Board's Budget and Personnel Committee, the Research Committee, and the Market Development Committee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various research projects to the walnut industry. After a desired expenditure level was determined, the assessment rate of \$0.0133 per kernelweight pound of assessable walnuts was determined by dividing the total recommended budget by the quantity of assessable walnuts, estimated at 198,000,000 kernelweight pounds for the 1998–99 marketing year. This is approximately \$13,000 above the anticipated expenses, which the Board determined to be acceptable.

A review of historical information and information pertaining to the current marketing year indicates that the grower price for the 1998–99 season could range between \$1.45 and \$1.58 per kernelweight pound of walnuts. Therefore, the estimated assessment revenue for the 1998–99 marketing year as a percentage of total grower revenue should be less than one percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the operation of the marketing order. In addition, the Board's meeting was widely publicized throughout the California walnut industry, and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the September 11, 1998, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements

on either small or large California walnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on November 3, 1998 (63 FR 59246). Copies of the proposed rule were also mailed or sent via facsimile to all walnut handlers. Finally, the proposal was made available through the Internet by the Office of the Federal Register. A 15-day comment period ending November 18, 1998, was provided for interested persons to respond to the proposal. No comments were received. Another proposed rule duplicating the earlier proposal was published on November 6, 1998 (63 FR 59891). The duplicate proposal also provided a 15-day comment period which ended November 23, 1998. No comments were received in response to the duplicate proposal.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board 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.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the marketing year began on August 1, 1998, and the marketing order requires that the rate of assessment for each marketing year apply to all assessable walnuts handled during such marketing year; (3) handlers are aware of this rule which was recommended at a public meeting; and (4) a 15-day comment period was provided for interested persons to provide input on the assessment rate increase and no comments were received.

#### List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is amended as follows:

#### PART 984—WALNUTS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 984 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 984.347 is revised to read as follows:

##### **§ 984.347 Assessment rate.**

On and after August 1, 1998, an assessment rate of \$0.0133 per kernelweight pound is established for California merchantable walnuts.

Dated: December 14, 1998.

**Robert C. Keeney,**  
Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–33574 Filed 12–17–98; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 98–ANE–34–AD; Amendment 39–10939, AD 98–25–13]

RIN 2120–AA64

##### **Airworthiness Directives; McCauley Propeller Systems Models 2A36C23/84B–0 and 2A36C82/84B–2 Propellers**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to McCauley Propeller Systems (formerly McCauley Accessory Division, The Cessna Aircraft Company)

Models 2A36C23/84B-0 and 2A36C82/84B-2 propellers. This action supersedes priority letter AD 89-26-08 that currently requires penetrant inspections for cracks in the propeller blade threaded retention area, and modifying the propeller hub to a red dye filled configuration. This action adds an explanatory note to better define the AD applicability and makes minor adjustments to compliance section language to reflect current AD practice. This amendment is prompted by reports of confusion from operators as to if the AD is applicable to their particular model propeller. The actions specified by this AD are intended to prevent possible cracks in the propeller blade threaded retention area from progressing to blade separation, which can result in loss of aircraft control.

**DATES:** Effective January 4, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 14, 1999.

Comments for inclusion in the Rules Docket must be received on or before February 16, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-ANE-34-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from McCauley Propeller Systems, 3535 McCauley Dr., PO Drawer 5053, Vandalia, OH 45377; telephone (937) 890-5246, fax (937) 890-6001. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Tim Smyth, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone (847) 294-7132; fax (847) 294-7834.

**SUPPLEMENTARY INFORMATION:** On December 20, 1989, the Federal Aviation Administration (FAA) issued priority letter airworthiness directive (AD) 89-26-08, applicable to McCauley Propeller Systems (formerly McCauley Accessory Division, The Cessna Aircraft

Company) Models 2A36C23/84B-0 and 2A36C82/84B-2 propellers, which requires penetrant inspections for cracks in the propeller blade threaded retention area, and modifying the propeller hub to a red dye filled configuration. That action was prompted by reports of cracks in the propeller blade threaded retention area. That condition, if not corrected, could result in possible cracks in the propeller blade threaded retention area from progressing to blade separation, which can result in loss of aircraft control.

Since the issuance of that priority letter AD, the FAA has received reports of confusion from operators as to if the AD is applicable to their particular model propeller.

The FAA has reviewed and approved the technical contents of McCauley Service Letter (SL) 1989-5, dated November 14, 1989, that describes procedures for propeller disassembly and modification of the propeller hub assembly to red dye filled configuration, and McCauley Service Manual No. 720415, Revision No. 1, dated May 1972, Chapter I, Page 4-6, Paragraph 4-6, that describes procedures for penetrant inspections for cracks in the propeller blade threaded retention area.

Since an unsafe condition has been identified that is likely to exist or develop on other propellers of this same type design, this AD supersedes priority letter AD 89-26-08 to add an explanatory note to better define the AD applicability and makes minor adjustments to compliance section language to reflect current AD practice. The actions are required to be accomplished in accordance with the service information described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be

considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 AD 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 98-ANE-34-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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 the following new airworthiness directive:

**98-25-13 McCauley Propeller Systems:**

Amendment 39-10939, Docket No. 98-ANE-34-AD. Supersedes AD 89-26-08.

**Applicability:** McCauley Propeller Systems (formerly McCauley Accessory Division, The Cessna Aircraft Company) Models 2A36C23/84B-0 and 2A36C82/84B-2 propellers installed on, but not limited to, Raytheon (formerly Beech) 35-B33, 35-A33, 35-33, 35-C33, 35-C33A, 36, A36, A45, E33, E33A, E33C, F33, F33A, F33C, G33, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B Model aircraft, and S35, V35, V35A, V35B series aircraft.

**Note 1:** This AD applies to each propeller 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

propellers 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 possible cracks in the propeller blade threaded retention area from progressing to blade separation, which can result in loss of aircraft control, accomplish the following penetrant inspection and modification of the below listed hub models, in accordance with the compliance schedule as indicated, in which hours refer to time-in-service:

	Compliance schedule of propeller inspection and modification
Propeller hub model 2A36C23-( )-( ), regardless of blade model type, installed on flight training airplanes and/or acrobatic category airplanes: Greater than 400 hours or 59 calendar months since last overhaul/penetrant inspection or installed new; or prior time-in-service unknown. Less than or equal to both 400 hours and 59 calendar months since last overhaul/penetrant inspection or installed new.	Within the next 100 hours or one (1) calendar month after the effective date of this AD, whichever occurs first.  Prior to the accumulation of 500 hours or 60 calendar months since last overhaul/penetrant inspection or installed new, whichever occurs first.
Propeller hub model 2A36C23-( )-( ), regardless of blade model, installed on other than flight training airplanes and/or acrobatic category airplanes: Greater than 900 hours or 59 calendar months since last overhaul/penetrant inspection or installed new; time-in-service unknown. Less than or equal to both 900 hours and 59 calendar months since last overhaul/penetrant inspection or installed new.	Within the next 200 hours, or at the next annual inspection, or within 12 calendar months after the effective AD, whichever occurs first. Prior to the accumulation of 1100 hours or 60 calendar months since last overhaul/penetrant inspection or installed new, whichever occurs first.
Propeller hub model 2A36C82-( )-( ), regardless of blade model installed on all category airplanes: Greater than 1300 hours or 59 calendar months since last overhaul/penetrant inspection or installed new; prior time-in service unknown. Less than or equal to both 1300 hours and 59 calendar months since last overhaul/penetrant inspection or installed new.	Within the next 200 hours, or at the next annual inspection, or within 12 calendar months after the effective date of this AD, whichever occurs first. Prior to the accumulation of 1500 hours or 60 calendar months since last overhaul/penetrant inspection or installed new, whichever occurs first.

**Note 2:** The parentheses used in the above list indicate the presence or absence of an additional letter(s) which vary the basic hub model designation. These letter(s) define minor changes that do not affect interchangeability or eligibility, and therefore, this AD still applies regardless of whether these letters are present or absent on the hub model designation.

**Note 3:** For propellers which have incorporated an oil-filled configuration with red dye and have been designated as hub Model 2A36C23-( )-G or Model 2A36C82-( )-G at initial production; or prior manufactured propellers which have been modified to an oil-filled configuration with red dye and reidentified as hub Model 2A36C23-( )-( )G or Model 2A36C82-( )-( )G, this airworthiness directive (AD) requires compliance with paragraph (d) only.

**Note 4:** Flight training airplanes for purposes of complying with this AD are defined as airplanes which are used currently for flight training instruction.

**Note 5:** The "calendar month" compliance times stated in this AD allow the performance of the required action to be extended to the last day of the month in which compliance is required. Example, a required inspection and modification of 60 months from last overhaul/penetrant inspection that was performed on December 15, 1985, would allow the penetrant inspection and modification to be performed no later than December 31, 1990.

(a) Perform disassembly in accordance with McCauley Service Letter (SL) 1989-5, dated November 14, 1989, and penetrant inspect for cracks in the propeller blade threaded retention area in accordance with McCauley Service Manual No. 720415,

Revision No. 1, dated May 1972, Chapter I, Page 4-6, Paragraph 4-6.

(b) If any indication of a crack is found, prior to further flight, remove propeller assembly and replace with a serviceable unit, complying with paragraph (c) below, or an equivalent initial production oil filled hub Model with red dye.

(c) Modify propeller hub assembly Model 2A36C23-( )-( ) to Model 2A36C23-( )-( )G, and Model 2A36C82-( )-( ) to Model 2A36C82-( )-( )G, as appropriate to contain oil with a red dye and reidentify in accordance with McCauley SL 1989-5, dated November 14, 1989.

**Note 6:** The modification of the propeller hub assembly to contain oil with a red dye provides an "on-condition" (in-service) means of early crack detection to prevent a blade separation and also improves lubrication and corrosion protection.

(d) If red dye is observed in service on hub Models in compliance with paragraph (c), or on an equivalent initial production oil filled hub Model with red dye, before further flight, or if in flight land as soon as practicable, as applicable, determine source of leakage in accordance with McCauley SL 1989-5, dated November 14, 1989. In the event the inspection reveals a crack, remove propeller assembly and replace with a serviceable oil filled hub Model with red dye.

(e) Report in writing any cracks found to the Manager, Chicago Aircraft Certification Office, within ten (10) days of the inspection. Reporting approved by the Office of Management and Budget under OMB No. 2120-0056.

(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, Chicago Aircraft Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago Aircraft Certification Office.

**Note 7:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Chicago Aircraft Certification Office.

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

(h) The actions required by this AD shall be accomplished in accordance with the following McCauley service documents:

Document No.	Page	Date
Service letter 1989-5A:		
Cover .....	1	July 16, 1990.
Section A .....	1-4	July 16, 1990.
Section B .....	1	July 16, 1990.
Section C .....	1	July 16, 1990.
Section D .....	1-3	July 16, 1990.
Section E .....	1-6	July 16, 1990.
Section F .....	1-8	July 16, 1990.
Section G .....	1	July 16, 1990.
Section H .....	1,2	July 16, 1990.
Section I .....	1	July 16, 1990.
Total pages..	28	Undated.
Service manual 720415, Chapter 1.	4-6	
Total pages.	1	

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 McCauley Propeller Systems, 3535 McCauley Dr., PO Drawer 5053, Vandalia, OH 45377; telephone (937) 890-5246, fax (937) 890-6001. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment supersedes priority letter AD 89-26-08, issued December 20, 1989.

(j) This amendment becomes effective on January 4, 1999.

Issued in Burlington, Massachusetts, on December 4, 1998.

**David A. Downey,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 98-33028 Filed 12-17-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-122-AD; Amendment 39-10946; AD 98-26-05]

RIN 2120-AA64

#### Airworthiness Directives; British Aerospace (Operations) Limited Model B.121 Series 1, 2, and 3 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to all British Aerospace (Operations) Limited (British Aerospace) Model B.121 Series 1, 2, and 3 airplanes. This AD requires repetitively inspecting (using visual methods) the internal and external surfaces of the brake torque tube assemblies in the cockpit area for cracks. This AD also requires obtaining and incorporating repair procedures for any brake torque tube assembly found cracked. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to detect and correct cracks in the brake torque tube assemblies, which could result in

reduced brake efficiency with possible reduced and/or loss of airplane control.

**DATES:** Effective January 29, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 29, 1999.

**ADDRESSES:** Service information that applies to this AD may be obtained from British Aerospace (Operations) Limited, British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. 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-122-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. Roger Chudy, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426-2169.

#### 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 all British Aerospace Model B.121 Series 1, 2, and 3 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 14, 1998 (63 FR 49050). The NPRM proposed to require repetitively inspecting (using visual methods) the internal and external surfaces of the brake torque tube assemblies in the cockpit area for cracks. The NPRM also proposed to require obtaining and incorporating repair procedures for any brake torque tube assembly found cracked. Accomplishment of the proposed action as specified in the NPRM would be required in accordance with Jetstream Aircraft Ltd. PUP Service Bulletin No. B121/103, ORIGINAL ISSUE: October 26, 1995. Accomplishment of the proposed repair, if necessary, would be required in accordance with procedures