for the 1998–99 crop, that would amount to 3.0 to 3.6 million tray equivalents requiring reinspection. The 1998–99 reinspection fees have not yet been established by the inspection service, however, utilizing the 1997–98 rates ($0.032 per tray/volume fill/count fill container, $0.047 per 3 layer/master container, and $0.0047 per pound for bins), it is estimated that the 1998–99 costs for reinspection would be around $42,000. Adding mileage and overtime fees charged by the inspection service would result in total annual costs for reinspection for the 1998–99 fiscal year of approximately $50,000.

The Committee discussed a number of alternatives to this rule, including making inspection certificates valid to January 31, or modifying the reinspection process by requiring inspection for condition only, but it was determined that neither of these alternatives would reduce reinspection costs. The Committee also discussed the possibility of reducing the sample size from the current one-half of 1 percent; however, the inspection service advised the Committee that further reduction of the sample size would jeopardize the integrity of the inspection.

Another alternative discussed was the elimination of in-line inspections altogether, but this was determined to be unacceptable to the industry. Use of in-line inspection allows handlers to be assured that the fruit is making grade at the time of packing. Any problems that may exist can be identified immediately and corrected, thus avoiding the additional costs of repacking at the time of shipment.

The Committee also considered increasing the use of inspection waivers as a means to lower costs. However, the Committee could not reach a consensus on an acceptable and equitable means to increase the issuance of waivers throughout the industry, and, thus, it was determined to be an unacceptable alternative to this proposal.

As another possibility, the Committee discussed alternative inspection methods. It was decided that they would not be a viable option at this time.

Following discussion of these alternatives, the Committee concluded that temporarily suspending § 920.155 would be in the best interest of the industry at this time, as it is expected to save as much as $50,000 in reinspection fees and to increase grower returns, while continuing to provide consumers with the same high quality fruit as provided under current reinspection requirements.

This action would not impose any additional reporting or recordkeeping requirements on either small or large kiwifruit 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.

The Committee's February 11, 1998, meeting was widely publicized throughout the kiwifruit industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the February 11, 1998, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. The Committee itself is composed of 12 members. Two of these members are handlers and producers, 9 are producers only, and one is a public member. The majority of the Committee members are small entities. In addition, a survey on the options of eliminating or keeping the reinspection requirement was mailed to all growers and handlers of California kiwifruit. Of the 485 surveys mailed, 159 were returned to the Committee by the deadline of February 6, 1998, for a response rate of 33 percent. Growers accounted for 77 percent of the total surveys returned by the deadline, and of those, 67 percent were in favor of eliminating reinspection. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A 30-day comment period is provided to allow interested persons to respond to this proposal, including any regulatory and informational impacts of this action on small businesses. Thirty days is deemed appropriate because: (1) The industry would like the changes proposed in this rule to be in place by September 1 to provide sufficient time to plan for the upcoming marketing season; and (2) this action was unanimously recommended by the Committee at a public meeting and is not expected to be controversial. All written comments received within the comment period will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 920 is proposed to be amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 920.155 [Suspended]

2. In Part 920, § 920.155 is suspended in its entirety effective August 1, 1998, through July 31, 1999.

Dated: May 29, 1998.

Sharon Bomer Lauritsen,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–15001 Filed 6–4–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–CE–23–AD]

RIN 2120–AA64

Airworthiness Directives; Aviat Aircraft, Inc. Models S–1S, S–1T, S–2, S–2A, S–2S, and S–2B Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise Airworthiness Directive (AD) 96–12–03 R1, which applies to Aviat Aircraft, Inc. (Aviat) Models S–1S, S–1T, S–2, S–2A, S–2S, and S–2B airplanes that are equipped with aft lower fuselage wing attach fittings incorporating part number (P/N) 76090, P/N 2–2107–1, or P/N 1–210–102. That AD currently requires repetitively inspecting the aft lower fuselage wing attach fitting on both wings for cracks, and modifying any cracked aft lower fuselage wing attach fitting. Modifying both aft lower fuselage wing attach fittings eliminates the repetitive inspection requirement of AD 96–12–03. Aviat started incorporating modified aft lower fuselage wing attach fittings on newly manufactured airplanes beginning with serial number 5337, instead of 5349 as referenced in the existing AD. This proposed AD would retain the repetitive inspection and possible modification requirements of AD 96–12–03 R1, and would change the applicability accordingly. The actions specified by the proposed AD are intended to prevent possible in-flight separation of the wing from the airplane caused by a cracked fuselage wing attach fitting.

DATES: Comments must be received on or before July 30, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 96–CE–23–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 Aviat Aircraft, Inc., P.O. Box 1240, Afton, Wyoming 83110; telephone: (307) 886–3151; facsimile: (307) 886–9674. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Caldwell, Aerospace Engineer, FAA, Denver Aircraft Certification Office, 26805 E. 68th Avenue, Room 214, Denver, Colorado 80249; telephone: (303) 342–1086; facsimile: (303) 342–1088.

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. 96–CE–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, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 96–CE–23–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 96–12–03 R1, Amendment 39–10109 (62 FR 44535, ugust 22, 1997), currently requires the following on Aviat Models S–1S, S–1T, S–2, S–2A, S–2S, and S–2B airplanes that are equipped with aft lower fuselage wing attach fittings incorporating P/N 76090, P/N 2–2107–1, or P/N 1–210–102:

—repetitively inspecting the aft lower fuselage wing attach fitting on both wings for cracks; and

—modifying any cracked aft lower fuselage wing attach fitting. Modifying both aft lower fuselage wing attach fittings eliminates the repetitive inspection requirement of AD 96–12–03.

Accomplishment of the actions required by AD 96–12–03 R1 is in accordance with Aviat Service Bulletin (SB) No. 25, dated April 3, 1996, Revised November 12, 1996.

AD 96–12–03 R1 replaced AD 96–12–03, Amendment 39–9645 (61 FR 28730, June 6, 1996), and incorporated an ending serial number of 5348 on the Aviat Model S–2B airplanes. AD 96–12–03 required the current actions on all serial numbers of the affected airplanes.

Actions Since Issuance of Previous Rule

Since issuance of AD 96–12–03 R1, Aviat has reported to the FAA that the ending serial number for the Model S–2B airplanes is incorrect. The correct serial number should be 5336 instead of 5348.

Aviat has revised Service Bulletin No. 25 (dated April 3, 1996; Revised November 12, 1996; Revised November 11, 1997) to reflect this serial number change.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that (1) the applicability in AD 96–12–03 R1 of the Aviat Model S–2B airplanes should be changed from an ending serial number of 5348 to 5336; and (2) AD action should be taken to continue to prevent possible in-flight separation of the wing from the airplane caused by a cracked fuselage wing attach fitting.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Aviat Models S–1S, S–1T, S–2, S–2A, S–2S, and S–2B airplanes of the same type design that are equipped with aft lower fuselage wing attach fittings incorporating P/N 76090, P/N 2–2107–1, or P/N1–210–102, the FAA is proposing AD action to revise AD 96–12–03 R1. The proposed AD would retain the repetitive inspection and possible modification requirements of AD 96–12–03 R1, and would change the applicability of the Model S–2B airplanes from an ending serial number of 5348 to an ending serial number of 5336.

Cost Impact

The FAA estimates that 500 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the initial inspection, and that the average labor rate is approximately $60 an hour. Parts to accomplish the inspections cost approximately $100 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $110,000. These figures do not take into account the cost of repetitive inspections. The FAA has no way of determining how many repetitive inspections each owner/operator may incur over the life of each airplane.

AD 96–12–03 R1 currently requires the same actions on the affected airplanes as is proposed in this NPRM. The only difference between the proposed AD and AD 96–12–03 R1 is a change in the ending serial number of the Model S–2B airplanes. Therefore, the proposed AD has no additional cost impact over that already required by AD 96–12–03 R1.

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 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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 96–12–03 R1, Amendment 39–10109 (62 FR 44535, August 22, 1997), and by adding a new AD to read as follows:

Aviat Aircraft, Inc.: Docket No. 96–CE–23–AD; Revises AD 96–12–03 R1, Amendment 39–10109.

Applicability: The following airplane models and serial numbers, certificated in any category, that are equipped with aft lower fuselage wing attach fittings incorporating part number (P/N) 76090, P/N 2–2107–1, or P/N 1–210–102, and where these aft lower fuselage wing attach fittings on both wings have not been modified in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of one of the following service bulletins (SB):

Service Bulletins

—Aviat SB No. 25, dated April 3, 1996, Revised November 12, 1996, Revised November 11, 1997;
—Aviat SB No. 25, dated April 3, 1996, Revised November 12, 1996; or
—Aviat SB No. 25, dated April 3, 1996.

Airplanes Affected

—Models S–1S, S–1T, S–2, S–2A, and S–2S airplanes, all serial numbers.
—Model S–2B airplanes, serial numbers 5000 through 5336.

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 (e) 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 in the body of this AD.

To prevent possible in-flight separation of the wing from the airplane caused by a cracked aft lower fuselage wing attach fitting, accomplish the following:

(a) Within 50 hours time-in-service (TIS) after October 3, 1997 (the effective date of AD 96–12–03 R1), unless already accomplished (compliance with either AD 96–12–03 R1 or AD 96–12–03), and thereafter at intervals not to exceed 50 hours TIS, inspect the aft lower fuselage wing attach fitting on both wings for cracks. Accomplish these inspections in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of one of the following SB's:

(1) Aviat SB No. 25, dated April 3, 1996, Revised November 12, 1996, Revised November 11, 1997;

(2) Aviat SB No. 25, dated April 3, 1996, Revised November 12, 1996; or

(3) Aviat SB No. 25, dated April 3, 1996.

(b) If any cracked aft lower fuselage wing attach fitting is found during any inspection required by this AD, prior to further flight, modify the cracked aft lower fuselage wing attach fitting in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of one of the SB's referenced in paragraphs (a)(1), (a)(2), and (a)(3) of this AD. Repetitive inspections are no longer necessary on an aft lower fuselage wing attachment fitting that was found cracked and has the referenced modification incorporated.

(c) Modifying the aft lower fuselage wing attach fitting on both wings in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of one of the SB's referenced in paragraphs (a)(1), (a)(2), and (a)(3) of this AD is considered terminating action for the repetitive inspection requirement of this AD.

(d) 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.

(e) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Denver Aircraft Certification Office, 26805 E. 68th Avenue, Room 214, Denver, Colorado 80249.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Denver ACO.

(2) Alternative methods of compliance approved in accordance with AD 96–12–03 R1 or AD 96–12–03 are considered approved for this AD.

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

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to Aviat Aircraft, Inc., P.O. Box 1240, Afton, Wyoming 83110; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment revises AD 96–12–03 R1, Amendment 39–10109.

Issued in Kansas City, Missouri, on May 29, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–14906 Filed 6–4–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–55–AD]

Airworthiness Directives; Agusta S.p.A. Model A109C and A109K2 Helicopters

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 Agusta S.p.A. Model A109C and A109K2 helicopters. This proposal would require removing the main rotor pitch link assemblies, measuring the radial play of the upper and lower spherical bearings (bearings), and replacing any unairworthy bearings. This proposal is prompted by four reports of increased vibration of the helicopters caused by wear in the bearings of the main rotor pitch change link assembly. The actions specified by the proposed AD are intended to detect unairworthy bearings on the pitch change link assembly and to prevent increased vibration and subsequent reduced controllability of the helicopter.

DATES: Comments must be received on or before July 6, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–55–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Shep Blackman, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft