identify in advance what may constitute adequate assurances of repayment because options may vary considerably depending upon foreign private entities and the country involved.

List of Subjects in 7 CFR Part 17

Agricultural commodities, Exports, Finance, Maritime carriers.

Accordingly, it is proposed to amend Part 17 of 7 CFR as follows:

PART 17—SALES OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

1. The authority citation for part 17 continues to read as follows:

Authority: 7 U.S.C. 1701–1704, 1731–1736b, 1736f, 5676; E.O. 12220, 45 FR 44245.

2. Section 17.1(b)(3) is revised to read as follows:

§ 17.1 General

* * * * *

(b) * * *

(3) A private entity must maintain a bona fide business office in the United States and have a person, principal, or agent on whom service of judicial process may be had in the United States unless the General Sales Manager determines that there are adequate assurances of repayment to CCC for the financing extended by CCC.

* * * * *

Signed at Washington D.C. on July 27, 1998.

Lon Hatamiya,

Administrator, Foreign Agricultural Service and Vice President, Commodity Credit Corporation.

[FR Doc. 98–20755 Filed 8–6–98; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. FV98–993–2 PR]

Dried Prunes Produced in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate from $1.60 to $2.16 per ton of salable dried prunes established for the Prune Marketing Committee (Committee) under Marketing Order No. 993 for the 1998–99 and subsequent crop years. The Committee is responsible for local administration of the marketing order which regulates the handling of dried prunes grown in California. Authorization to assess dried prune handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The crop year begins August 1 and ends July 31. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by September 8, 1998.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 205–6632. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Diane Purvis, Marketing Assistant, or Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone (209) 487–5901; Fax (209) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 993, both as amended (7 CFR part 993), regulating the handling of dried prunes grown in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California dried prune handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable dried prunes beginning on August 1, 1998, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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 request a modification of the order or to be exempted therefrom. Such 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 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.

This rule would increase the assessment rate established for the Committee for the 1998–99 and subsequent crop years from $1.60 per ton to $2.16 per ton of salable dried prunes.

The California dried prune marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of California dried prunes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1997–98 and subsequent crop years, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from crop year to crop year unless modified, suspended, or terminated by the Secretary upon recommendation

and information submitted by the Committee or other information available to the Secretary.

The Committee met on June 25, 1998, and unanimously recommended 1998–99 expenditures of $348,840 and an assessment rate of $2.16 per ton of salable dried prunes. In comparison, last year's budgeted expenditures were $331,960 and the assessment rate was $1.60 per ton. The $0.56 per ton increase in the assessment rate is needed to generate sufficient income to meet higher 1998–99 expenses, including increases in salaries and operating expenses, and to offset an expected reduction in the size of the crop because of unusually cool and wet weather this season. The California Agricultural Statistical Service estimates a 170,000 ton crop during the 1998–99 crop year, of which 8,500 tons are not expected to be salable because of size or quality, leaving a balance of 161,500 salable tons.

The following table compares major budget expenditures (in thousands of dollars) recommended by the Committee for the 1998–99 and 1997–98 crop years:

Budget expense categories	1998–99	1997–98
Salaries, Wages & Benefits	191.5	176.3
Research & Development	30	30
Office Rent	23	23
Travel	21	21
Acreage Survey	21	20
Reserve (Contingencies)	9.14	8.06
Equipment Rental	9	9
Data Processing	8	8
Stationary & Printing	5.5	5
Office Supplies	5	5
Postage & Messenger	5	5

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected salable tons of California dried prunes. Production of dried prunes for the year is estimated at 161,500 salable tons which should provide $348,840 in assessment income. Income derived from handler assessments, along with interest income, would be adequate to cover budgeted expenses. The Committee is authorized to use excess assessment funds from the 1997–98 crop year (currently estimated at $48,255) for up to five months beyond the end of the crop year to meet 1998–99 crop year expenses. At the end of the five months, the Committee refunds or credits excess funds to handlers (§ 993.81(c)).

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each crop year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 1998–99 budget and those for subsequent crop years would be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,400 producers of dried prunes in the production area and approximately 19 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Last year, 7 of the 19 handlers (37%) shipped over $5,000,000 of dried prunes and could be considered large handlers by the Small Business Administration. Twelve of the 19 handlers (63%) shipped under $5,000,000 of dried prunes and could be considered small handlers. An estimated 110 producers, or less than 8% of the 1,400 total producers, would be considered large growers with annual income over $500,000. The majority of handlers and producers of California dried prunes may be classified as small entities.

This rule would increase the assessment rate established for the Committee and collected from handlers for the 1998–99 and subsequent crop years from $1.60 per ton to $2.16 per ton of salable dried prunes. The Committee unanimously recommended 1998–99 expenditures of $348,840 and an assessment rate of $2.16 per ton. The proposed assessment rate of $2.16 is $0.56 higher than the 1997–98 rate. The quantity of assessable dried prunes for the 1998–99 crop year is estimated at 161,500 salable tons. Thus, the $2.16 rate should provide $348,840 in assessment income and be adequate to meet this year's expenses. Interest income also would be available to cover budgeted expenses if the 1998–99 expected income falls short.

The following table compares major budget expenditures (in thousands of dollars) recommended by the Committee for the 1998–99 and 1997–98 crop years:

Budget expense categories	1998–99	1997–98
Salaries, Wages & Benefits	191.5	176.3
Research & Development	30	30
Office Rent	23	23
Travel	21	21
Acreage Survey	21	20
Reserve (Contingencies)	9.14	8.06
Equipment Rental	9	9
Data Processing	8	8
Stationary & Printing	5.5	5
Office Supplies	5	5
Postage & Messenger	5	5

Because of unusually cool and wet weather this season, the 1998–99 dried prune crop is expected to be composed of a higher proportion of small, lower quality fruit. The California Agricultural Statistical Service estimates a 170,000

ton crop during the 1998–99 crop year, of which 8,500 tons are not expected to be salable because of size or quality, leaving a balance of 161,500 salable tons.

The Committee reviewed and unanimously recommended 1998–99 expenditures of $348,840 which included increases in administrative and office salaries and operating expenses. Prior to arriving at the 1998–99 budget, the Committee reviewed a budget that did not reflect any salary increases. Despite the expected reduced size of the crop, it recommended salary increases, thus increasing the budget. The assessment rate of $2.16 per ton of salable dried prunes was then determined by dividing the total recommended budget by the quantity of salable dried prunes, estimated at 161,500 salable tons for the 1998–99 crop year. The Committee is authorized to use excess assessment funds from the 1997–98 crop year (currently estimated at $48,255) for up to five months beyond the end of the crop year to fund 1998–99 crop year expenses. At the end of the five months, the Committee refunds or credits excess funds to handlers (§ 993.81(c)).

Recent price information indicates that the grower price for the 1998–99 season should average $800 per salable ton of dried prunes. Based on estimated shipments of 161,500 salable tons, the estimated assessment revenue for the 1998–99 crop year is expected to be less than 1 percent of the total expected grower revenue.

This action would increase 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 would be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the California dried prune industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 25, 1998, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California dried prune 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 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 1998–99 crop year begins on August 1, 1998, and the marketing order requires that the rate of assessment for each crop year apply to all assessable dried prunes handled during such crop year; (2) the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and Recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is proposed to be amended as follows:

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1. The authority citation for 7 CFR part 993 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 993.347 is proposed to be revised to read as follows:

§ 993.347 Assessment rate.

On and after August 1, 1998, an assessment rate of $2.16 per ton is established for California dried prunes.

Dated: August 3, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–21198 Filed 8–6–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–192–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320 Series Airplanes Equipped With a Bulk Cargo Door

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 all Airbus Model A320 series airplanes equipped with a bulk cargo door. This proposal would require repetitive inspections to detect fatigue cracking of the upper frame flanges; and repair, if necessary. This proposal also would require modification of the upper frame flanges of the bulk cargo door, which constitutes terminating action for the repetitive inspections. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent fatigue cracking of the upper frame flanges, which could result in reduced structural integrity of the airplane.

DATES: Comments must be received by September 8, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–192–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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: