

are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The assessment rate established in this rule will 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 is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period 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 will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1996-97 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee 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 upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, because: (1) the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996-97 fiscal period begins on July 1, 1996, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable onions handled during such fiscal period; (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; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be

considered prior to finalization of this rule.

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. A new subpart—Assessment Rates and a new § 958.240 are added to read as follows:

Note: This section will appear in the Code of Federal Regulations.

Subpart—Assessment Rates

§ 958.240 Assessment rate.

On and after July 1, 1996, an assessment rate of \$0.10 per hundredweight is established for Idaho-Eastern Oregon onions.

Dated: May 22, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-13618 Filed 5-30-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-98-AD; Amendment 39-9638; AD 96-11-13]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes. This action requires a visual inspection to determine the type of fluorescent light ballasts installed in the cabin sidewall; and installation of a protective cover, replacement, or removal/disconnection, if necessary. This action

also requires removal of the dust barriers from the outboard ceiling panels, and installation of modified outboard ceiling panels. This amendment is prompted by reports of smoke, fumes, and/or electrical fire emitting from the baggage bin of the aft passenger compartment and from the dust barriers of the outboard ceiling due to the failure of the fluorescent light ballasts. The actions specified in this AD are intended to prevent a fire in the passenger compartment, which could result from failure of the fluorescent light ballast of the upper and lower cabin sidewall, and subsequent failure of the dust barriers of the outboard ceiling panel.

DATES: Effective June 17, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 17, 1996.

Comments for inclusion in the Rules Docket must be received on or before July 30, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-98-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: J. Kirk Baker, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5345; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: The FAA has received two reports of smoke, fumes, and/or electrical fire emitting from the baggage bin of the aft passenger compartment and from the dust barriers of the outboard ceiling panel on McDonnell Douglas Model DC-9-82 (MD-82) series airplanes. Investigation revealed that the existing design of the

light ballast assembly allows moisture condensation to ingress into the ballast case during altitude changes. The effects of such moisture subsequently contaminate the printed circuit card, which could result in a short circuit that ruptures the ballast casing and emits fire. In addition, investigation revealed that the failed light ballast assembly generated enough heat to ignite the dust barriers of the outboard ceiling panel; these barriers are flammable and have the potential to spread a fire to adjacent interior components. These conditions, if not corrected, could result in a fire in the passenger compartment.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD80-33A107, dated April 25, 1996, which describes the following procedures:

1. Performing a one-time visual inspection to determine the type of fluorescent light ballasts installed in the upper and lower cabin sidewall; and

2. Installing a protective cover on any Day-Ray Products Incorporated ballast, or replacing any Day-Ray Products Incorporated ballast with a Bruce Industries Incorporated ballast.

Accomplishment of these actions will minimize the possibility of failure of the ballasts due to uncontained smoke and flame.

The FAA has also reviewed and approved McDonnell Douglas Alert Service Bulletin MD80-25A353, dated March 14, 1996, which describes procedures for removal of the dust barriers from the outboard ceiling panels, and installation of modified outboard ceiling panels. Accomplishment of this removal and installation will minimize the possibility of smoke or fire spreading into the cabin.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes of the same type design, this AD is being issued to prevent a fire in the passenger compartment, which could result from the failure of the fluorescent light ballast of the upper and lower cabin sidewall, and the subsequent failure of the dust barriers of the outboard ceiling panel. This AD requires a one-time visual inspection to determine the type of fluorescent light ballasts installed in the upper and lower cabin sidewall. For

airplanes on which any Day-Ray Products Incorporated ballast is installed, this AD also requires accomplishment of one of the following actions:

- Installation of a protective cover on the ballast; or
- Replacement of that ballast with a Bruce Industries Incorporated ballast.

Additionally, for some airplanes, this AD requires removal of the dust barriers from the outboard ceiling panels, and installation of modified outboard ceiling panels. The actions are required to be accomplished in accordance with the alert service bulletins described previously.

Operators should note that, in addition to the recommendations of McDonnell Douglas Alert Service Bulletin MD80-33A107, this AD provides an additional option for airplanes on which any Day-Ray Products Incorporated ballast is installed that involves removal or electrical disconnection of the ballast, stowage of the ballast, and protection of the loose wiring. The FAA finds that accomplishment of these actions will eliminate the identified unsafe condition for those airplanes.

In addition, the FAA is aware that parts availability may become a problem in the future. However, under the provisions of paragraph (d) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Determination of Rule's Effective Date

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 shall 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 rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-98-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it 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:

96-11-13 McDonnell Douglas: Amendment 39-9638. Docket 96-NM-98-AD.

Applicability: Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) and Model MD-88 airplanes; as listed in McDonnell Douglas Alert Service Bulletin MD80-33A107, dated April 25, 1996; and McDonnell Douglas Alert Service Bulletin MD80-25A353, dated March 14, 1996; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (d) 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 failure of the fluorescent light ballast of the upper and lower cabin sidewall, and subsequent failure of the dust barriers of the outboard ceiling panel, which could result in a fire in the passenger compartment, accomplish the following:

(a) For all airplanes: Within 90 days after the effective date of this AD, perform a one-time visual inspection to determine the type of fluorescent light ballasts installed in the upper and lower cabin sidewall, in accordance with McDonnell Douglas Alert Service Bulletin MD80-33A107, dated April 25, 1996.

(1) If any Bruce Industries Incorporated ballast is installed (specified as Condition 1 in the alert service bulletin), no further action is required by this paragraph for that ballast.

(2) If any Day-Ray Products Incorporated ballast is installed (specified as Condition 2

in the alert service bulletin), prior to further flight, accomplish either paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this AD.

(i) Install a protective cover on the ballast in accordance with Condition 2, Option 1, of the alert service bulletin. Or

(ii) Replace it with a Bruce Industries Incorporated ballast, in accordance with Condition 2, Option 2, of the alert service bulletin. Or

(iii) Remove or disconnect it electrically, stow it, and protect the loose wiring.

(b) For airplanes having manufacturer's fuselage numbers listed in McDonnell Douglas Alert Service Bulletin MD80-25A353, dated March 14, 1996: Within 90 days after the effective date of this AD, remove the dust barriers from the outboard ceiling panels, and install modified outboard ceiling panels, in accordance with McDonnell Douglas Alert Service Bulletin MD80-25A353, dated March 14, 1996.

(c) As of the effective date of this AD, no Day-Ray Products Incorporated ballast, having any part number identified in paragraph 1.2. of McDonnell Douglas Alert Service Bulletin MD80-33A107, dated April 25, 1996, shall be installed on any airplane unless that ballast has been modified in accordance with that alert service bulletin.

(d) 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 (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(e) 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.

(f) The inspection and replacement shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD80-33A107, dated April 25, 1996. The removal of the dust barriers and installations shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD80-25A353, dated March 14, 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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 17, 1996.

Issued in Renton, Washington, on May 22, 1996.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-13495 Filed 5-30-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 96-NM-102-AD; Amendment 39-9639; AD 96-11-14]

RIN 2120-AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Saab Model SAAB 2000 series airplanes. This action requires inspections to detect cracking of the lower rib of the rudder, and repair, if necessary. This action also provides for an optional terminating action, which, if accomplished, terminates the repetitive inspection requirement. This amendment is prompted by reports of fatigue cracking of the lower rib of the rudder. The actions specified in this AD are intended to prevent such fatigue cracking and subsequent failure of the primary structure of the rudder, which could result in reduced controllability of the airplane.

DATES: Effective June 17, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 17, 1996.

Comments for inclusion in the Rules Docket must be received on or before July 30, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-102-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from SAAB