§ 457.163 Nursery peak inventory endorsement.

Nursery Crop Insurance

Peak Inventory Endorsement

This endorsement is not continuous and must be purchased for each crop year to be effective for that crop year.

In return for payment of premium for the coverage contained herein, this endorsement will be attached to and made part of the Nursery Crop Insurance Provisions, subject to the terms and conditions described herein.

1. Definitions.

Coverage commencement date. The later of the date you declare as the beginning of the coverage or 30 days after a properly completed peak inventory value report is received by us.

Coverage term. A period of time that begins on the coverage commencement date and ends on the coverage termination date.

Coverage termination date. The date you declare that the peak amount of insurance will cease. This date cannot be after the end of the crop year.

Peak amount of insurance. The additional inventory value reported on the peak inventory value report for each basic unit multiplied by the coverage level, price election you elected for the crop and county, and by your share.

Peak inventory value report. A report that increases the value of insurable plants over the value reported on the plant inventory value report, declares the coverage commencement and coverage termination dates, and the other requirements of section 6 of the Nursery Crop Insurance Provisions.

Restock. Replacement of lost or damaged plants that increase the value of your insurable inventory to an amount greater than your remaining amount of insurance.

2. Eligibility

(a) You must have insurance under the Nursery Crop Insurance Provision, 7 CFR 457.162, in effect for the crop year that this endorsement applies;

(b) You must have elected either the limited or additional level of coverage.

(c) You must submit a peak inventory value report which will serve as the application for coverage under this endorsement. We may reject the peak inventory value report if all requirements in this endorsement and the Nursery Crop Insurance Provisions are not met.

(d) You may purchase no more than two Peak Inventory Endorsements for each practice during the crop year unless you have suffered insured losses and have restocked your nursery.

3. Coverage

(a) The amount of insurance provided under the Nursery Crop Insurance Provisions is increased by the peak amount of insurance for the coverage term.

(b) Except as provided herein, this endorsement does not change, amend or otherwise modify any other provision of your Nursery Crop Insurance Policy.

4. Peak Insurance Period

Coverage begins at 12:01 a.m. on the coverage commencement date and ends at 11:59 p.m. on the coverage termination date.

5. Premium

(a) The premium for this endorsement is determined by multiplying the peak amount of insurance by the appropriate proration factor shown in the actuarial documents, and by the coverage term.

(b) The premium for this endorsement is due and payable in accordance with section 7 of the Nursery Crop Insurance Provisions.

6. Reporting Requirements

In addition to the reporting requirements of section 6 of the Nursery Crop Insurance Provisions, you must submit a peak inventory value report on our form.

7. Liability Limit

The peak amount of insurance is limited to the practice value you declare under the Nursery Crop Insurance Provisions.

Signed in Washington, DC, on September 18, 1998.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 98–25466 Filed 9–23–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–116–AD; Amendment 39–10784; AD 98–20–17]

RIN 2120–AA64

Airworthiness Directives; SAFT America Inc. Part Number (P/N) 021929–000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03) Nickel Cadmium Batteries

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain SAFT America Inc. P/N 021929–000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03) nickel cadmium batteries that are installed on aircraft. This AD requires replacing all battery terminal screws, verifying that the battery contains design specification cells, and replacing the cells if the battery contains non-design specification cells. This AD is the result of an incident where the cell screws on one of the affected batteries were exposed to chloride, which caused the heads of some fasteners to shear off and eventually resulted in the battery exploding. The actions specified by this AD are intended to prevent such an occurrence, which could result in loss of emergency power to electrical flight components or other emergency power systems required in the event of loss of the aircraft primary power source.

DATES: Effective November 2, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 2, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from SAFT America Inc., 711 Industrial Boulevard, Valdosta, Georgia 31601; telephone: (912) 245–2820; facsimile: (912) 245–2827. 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–116–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. Hector Hernandez, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6069; facsimile: (770) 703 6097.

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 aircraft that have a certain SAFT America Inc. P/N 021929–000 (McDonnell Douglas P/N 43BO34LB02) or P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03) nickel cadmium battery installed was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 2, 1998 (63 FR 10156). The NPRM proposed to require replacing all battery terminal screws, verifying that the battery contains design specification cells, and replacing the cells if the battery contains non-design specification cells. Accomplishment of the proposed action as specified in the NPRM would be in accordance with SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev F, dated January 15, 1998.

The NPRM was the result of an incident where the cell screws on one of the affected batteries were exposed to chloride, which caused the heads of some fasteners to shear off and

eventually resulted in the battery exploding.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Comment Issue No. 1: Exclude Those Batteries Maintained by Airlines

One commenter suggests that the AD be developed to identify those batteries that have undergone repairs by third party vendors or batteries that were purchased in conditions other than new. Two commenters state that the AD should not apply to batteries maintained by airlines with internal battery shops where the repair process is contained within an FAA-approved maintenance program.

The FAA does not concur. The FAA does not have any information that would show that the way airlines repair batteries is significantly different from third party (repair station) processes. While the FAA realizes that some airlines will not have any problems with the batteries on their fleet of aircraft, this number would probably be very closely related to the number of repair stations that maintain batteries in a very similar manner. The FAA knows of no other way of assuring that all of the affected batteries have acceptable battery screws and design specification cells than to require the actions specified in the NPRM.

In addition, FAA site visits to several maintenance facilities to review battery maintenance programs revealed that some airlines were installing incorrect screws, were not using the latest battery maintenance manual, and were modifying batteries without having the proper documentation. The FAA will evaluate an airline's maintenance practices on a case-by-case basis provided that an Aviation Safety Inspector that is familiar with the maintenance program submits an alternative method of compliance (AMOC) in accordance with the procedures in paragraph (d) of this AD. The FAA will evaluate the submittal and will either approve or deny the AMOC accordingly.

No changes to the final rule have been made as a result of these comments.

Comment Issue No. 2: Develop a Method of Tracing Those Batteries in Compliance With the AD

One commenter suggests a part number change be implemented in order to trace those batteries that are in compliance with the AD. The part number change will assure that the affected aircraft are not demodified by non-routine battery replacement and would assist in tracking the compliance of the AD.

The FAA does not concur that a part number change is necessary. The manufacturer assigns a part number that is intended to be used for the life of the battery. This part number establishes traceability and service history of the battery. When the AD is complied with, the repair facility or maintenance shop will record and document compliance with the AD as specified in the Federal Aviation Regulations (14 CFR). By regulation, an aircraft cannot be legally operated if not in compliance with an AD; demodifying the battery would put the aircraft in non-compliance with the AD. However, Saft America Inc. has agreed to supply a plastic label for the battery that will indicate compliance with the AD. This label shall not cover the original part number of the battery. The FAA will include information in the AD to communicate the availability of the plastic label.

Comment Issue No. 3: Revise the Service Bulletin to Include Certain Items

One commenter requests that, in order to avoid any confusion, Saft America Inc. should reference the component maintenance manual in the Service Bulletin.

One commenter states that the terminal screw CMM IPL figure and item number is additional information that the airlines will use to perform the required AD. The commenter requests that it be included in the service bulletin.

One commenter requests that Saft include a list of authorized sources for obtaining terminal screws, as this would assist the repair shop in obtaining the necessary parts.

Saft America Inc. has revised Saft Aviation Batteries Service Bulletin Document No. A00027 to the Revision G level (dated July 14, 1998) to incorporate reference to the component maintenance manual, to include a list of suppliers that will assist the repair shops in obtaining the parts (from an authorized dealer) that are necessary to comply with the AD, and include the terminal screw CMM IPL figure and item number. This service bulletin will be incorporated into the AD.

Comment Issue No. 4: Change the Compliance Time/Parts Availability

One commenter requests that the effective date be changed to coincide with parts availability.

The FAA has been assured by Saft America Inc. that parts will be available for all aircraft by the compliance time of ''at the next scheduled battery maintenance that occurs 3 calendar months after the effective date of this AD or within the next 15 calendar months after the effective date of this AD, whichever occurs first.''

No change to the final rule has been made as a result of this comment.

Comment Issue No. 5: Change the Terminal Screw Part Number

One commenter recommends that the terminal screw part be changed to differentiate the suspect terminal screws from the new terminal screws.

The FAA does not concur. The part number does not appear on the terminal screw due to the small size of the screw. The part number appears on the package that the new screw comes in. However, to differentiate between the screws, the new terminal screws have markings on the head of the screws (either two adjacent protrusions or two protrusions 180 degrees apart), while the suspect screws have no markings.

No changes to the final rule are necessary as a result of this comment.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the addition of information communicating the availability of the compliance label from Saft, the incorporation of the revised service bulletin, and minor editorial corrections. The FAA has determined that this addition of the compliance label information, the incorporation of the revised service bulletin, and the minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 1,004 aircraft in the U.S. registry could have at least one of the affected batteries installed and will be affected by this AD, that it will take approximately 16 workhours per aircraft to accomplish these actions, and that the average labor rate is approximately $60 an hour. Parts cost approximately $78 per battery (two batteries per aircraft = $156). Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $1,120,464, or $1,116 per aircraft if all aircraft have two affected batteries installed.

Compliance Time of This AD

The unsafe condition specified by this AD is caused by corrosion. Corrosion can occur regardless of whether the aircraft is in operation. Therefore, to assure that the unsafe condition specified in this AD does not go undetected for a long period of time, the compliance is presented in calendar time instead of hours time-in-service (TIS).

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.

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 copy of the final evaluation prepared for this action is contained 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, 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 (AD) to read as follows:

98–20–17 Saft America Inc.: Amendment 39–10784; Docket No. 97–CE–116–AD.

Applicability: Part Number (P/N) 021929–000 (McDonnell Douglas P/N 43BO34LB02) and P/N 021904–000 (McDonnell Douglas P/N 43BO34LB03) Nickel Cadmium Batteries manufactured prior to December 1997 that are installed on, but not limited to, McDonnell Douglas DC–9 and MD–80 aircraft, all serial numbers, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision that incorporates one of the affected batteries, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft 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 at the next scheduled battery maintenance that occurs 3 calendar months after the effective date of this AD or within the next 15 calendar months after the effective date of this AD, whichever occurs first, unless already accomplished.

To prevent the battery from shorting out or exploding if the heads of fasteners become sheared off, which could result in loss of emergency power to electrical flight components or other emergency power systems required in the event of loss of the aircraft primary power source, accomplish the following:

(a) Replace all battery terminal screws, verify that the battery contains design specification cells, and replace the cells if the battery contains non-design specification cells. Accomplish these actions in accordance with the INSTRUCTIONS section of SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev G, dated July 14, 1998.

(1) A plastic label indicating compliance with the AD may be obtained from Saft America Inc. at the address specified in paragraph (e) of this AD.

(2) This label shall not cover the original part number of the battery.

(3) SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev G, dated July 14, 1998, provides the option of purchasing this label from Saft or manufacturing your own label.

(4) This label must be installed on the battery as depicted in Figures 3 and 4 on page 8 of SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev G, dated July 14, 1998.

(b) If the actions required by this AD have been previously accomplished in accordance with SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev F, dated January 15, 1998, then the only action required by this AD would be to install a compliance label on the battery as specified in SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev G, dated July 14, 1998.

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

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta 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 Atlanta Aircraft Certification Office.

(e) The replacements required by this AD shall be done in accordance with SAFT Aviation Batteries Service Bulletin Document No. A00027, Rev G, dated July 14, 1998. 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 SAFT America Inc., 711 Industrial Boulevard, Valdosta, Georgia 31601. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment becomes effective on November 2, 1998.

Issued in Kansas City, Missouri, on September 14, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–25124 Filed 9–23–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–82–AD; Amendment 39–10793; AD 98–20–27]

RIN 2120–AA64

Airworthiness Directives; Airbus Industrie Model A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.