

year is 637.8 million pounds. USDA did not use its discretionary authority to increase or decrease the three-component total by up to 3 percent because the Secretary determined that the 1998/99 supply would be ample and appropriate at the formula level. Accordingly, the national marketing quota for the marketing year beginning October 1, 1998, for burley tobacco is 637.8 million pounds.

In accordance with section 319(c) of the 1938 Act, the Secretary is authorized to establish a national reserve from the national quota in an amount equivalent to not more than 1 percent of the national quota for the purpose of making corrections in farm quotas to adjust for inequities and establish quotas for new farms. The Secretary has determined that a national reserve for the 1998 crop of burley tobacco of 738,000 pounds is adequate for these purposes.

#### Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect, or for which marketing quotas have not been disapproved by producers, at a level determined in accordance with a formula prescribed in section 106 of the 1949 Act.

With respect to the 1998 crop of burley tobacco, the level of support is determined in accordance with sections 106 (d) and (f) of the 1949 Act. Section 106(f)(7)(A) of the 1949 Act provides that the level of support for the 1998 crop of burley tobacco shall be:

(1) The level, in cents per pound, at which the 1997 crop of burley tobacco was supported, plus or minus, respectively,

(2) An adjustment of not less than 65 percent nor more than 100 percent of the total, as determined by the Secretary after taking into consideration the supply of the kind of tobacco involved in relation to demand, of:

(A) 66.7 percent of the amount by which:

(I) The average price received by producers for burley tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, is greater or less than:

(II) The average price received by producers for burley tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately

preceding the marketing year prior to the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; and

(B) 33.3 percent of the change, expressed as a cost per pound of tobacco, in the index of prices paid by the tobacco producers from January 1 to December 31 of the calendar year immediately preceding the year in which the determination is made.

The difference between the two 5-year averages (i.e., the difference between (A) (I) and (II)) is 2.9 cents per pound. The difference in the cost index from January 1, 1997 to December 31, 1997, is 2.5 cents per pound. Applying these components to the price support formula (2.9 cents per pound, two-thirds weight; 2.5 cents per pound, one-third weight) results in a weighted total of 2.8 cents per pound. As indicated, section 106 of the 1949 Act provides that the Secretary may, on the basis of supply and demand conditions, limit the change in the price support level to no less than 65 percent of that amount. In order to remain competitive in foreign and domestic markets, the Secretary used his discretion to limit the increase to 65 percent of the maximum allowable increase. Accordingly, the 1998 crop of burley tobacco will be supported at 177.8 cents per pound, 1.8 cents higher than in 1997.

#### List of Subjects

##### 7 CFR Part 723

Acreage allotments, Marketing quotas, Penalties, Reporting and recordkeeping requirements, Tobacco.

##### 7 CFR Part 1464

Loan programs—agriculture, Price support programs, Reporting and recordkeeping requirements, Tobacco, Warehouses.

Accordingly, 7 CFR parts 723 and 1464 are amended as follows:

#### PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

**Authority:** 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372–75, 1421, 1445–1, and 1445–2.

2. Section 723.112 is amended by adding paragraph (f) to read as follows:

##### § 723.112 Burley (type 31) tobacco.

\* \* \* \* \*

(f) The 1998-crop national marketing quota is 637.8 million pounds.

#### PART 1464—TOBACCO

3. The authority citation for 7 CFR part 1464 continues to read as follows:

**Authority:** 7 U.S.C. 1421, 1423, 1441, 1445, 1445–1 and 1445–2; 15 U.S.C. 714b and 714c.

4. Section 1464.19 is amended by adding paragraph (f) to read as follows:

##### § 1464.19 Burley (type 31) tobacco.

\* \* \* \* \*

(f) The 1998 crop national price support level is 177.8 cents per pound.

Signed at Washington, DC, on October 9, 1998.

**Keith Kelly,**

*Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 98–28017 Filed 10–19–98; 8:45 am]

BILLING CODE 3410–05–P

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 98–NM–73–AD; Amendment 39–10846; AD 98–21–37]

RIN 2120–AA64

##### Airworthiness Directives; McDonnell Douglas Model DC–10–10, –15, –30, and –40 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–10–10, –15, –30, and –40 series airplanes, that requires installation of a new protector cap in all fuel tank boost/transfer pump housings. This amendment is prompted by reports of inoperative fuel boost/transfer pumps due to arcing or burning of the electrical connectors. The actions specified by this AD are intended to prevent damage to the fuel tank boost/transfer pump housings in case of an electrical connector malfunction, which could result in increased risk of a fuel tank explosion or fire.

**DATES:** Effective November 23, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 23, 1998.

**ADDRESSES:** The service information referenced in this AD may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California

90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 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:** Roscoe Van Dyke, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5254; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-10-10, -15, -30, and -40 series airplanes was published in the **Federal Register** on June 12, 1998 (63 FR 32154). That action proposed to require installation of a new protector cap in all fuel tank boost/transfer pump housings.

#### Comments

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

#### Support for the Proposal

Several commenters support the intent of the proposal.

#### Request To Extend Compliance Time

Two commenters request that the compliance time be extended. One commenter requests an extension from 24 to 30 months to allow for parts delivery from the manufacturer. Another commenter requests an extension to 40 months to coincide with its maintenance check schedule.

The FAA does not concur that the compliance time should be extended. The FAA has been advised by the manufacturer that required parts will be available in time for installation within the proposed 24-month compliance period. Furthermore, the FAA finds that 24 months should provide ample time for the modification to be accomplished during scheduled maintenance. Therefore, in consideration of parts availability and operators' maintenance schedules, the FAA has determined that the 24-month compliance time not only

is necessary to ensure the safety of the fleet, but will provide a reasonable time period to accomplish the modification. No change to the final rule is necessary in this regard.

#### Request To Revise Cost Estimate

Two commenters state that the proposed cost estimate is too low. One commenter states that the parts cost is higher than the figure reported in the proposal. Another commenter suggests increased, "more realistic" work hour estimates for the three airplane groups identified in the proposal, and states that additional time would be required if fuel tank entry is needed to perform work specified in another service bulletin (Crane Service Bulletin 60-843-3-28-14).

The FAA does not concur that the cost estimate should be revised. With respect to parts cost, the cost estimate as proposed is based on information provided by the manufacturer. McDonnell Douglas DC-10 Service Bulletin 28-97 (which was cited in the proposal as the appropriate source of service information) indicated a sliding scale for parts costs relative to the quantities of parts purchased; those figures correspond to the parts cost figures reported in the AD.

With respect to the work hour estimate, the FAA infers that the commenter requests that the AD be revised to include work hours for indirect labor associated with placing the airplane into maintenance status and gaining access to accomplish the required actions. The FAA advises that the proposed estimate does not reflect work hours for such indirect labor. In addition, the FAA infers that the commenter requests that the AD be revised to include work hours necessary to accomplish the referenced Crane service bulletin. However, the Crane service bulletin is not described in the proposal, and the proposed cost estimate does not account for modifications or maintenance not required by this AD.

The FAA finds that the parts and direct labor cost estimates, as proposed, are appropriate. No change to the final rule is necessary.

#### Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 188 airplanes of the affected design in the worldwide fleet. The FAA estimates that

151 airplanes of U.S. registry will be affected by this AD.

For airplanes identified as Group I in McDonnell Douglas DC-10 Service Bulletin 28-97, Revision 1, dated October 8, 1985, it will take approximately 12 work hours per airplane to accomplish the required modification, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$3,400 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators of Group I airplanes is estimated to be \$4,120 per airplane.

For airplanes identified as Group II in the referenced service bulletin, it will take approximately 15 work hours per airplane to accomplish the required modification, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$4,100 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators of Group II airplanes is estimated to be \$5,000 per airplane.

For airplanes identified as Group III in the referenced service bulletin, it will take approximately 17 work hours per airplane to accomplish the required modification, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$4,800 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators of Group III airplanes is estimated to be \$5,820 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

#### 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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:

**98-21-37 McDonnell Douglas:** Amendment 39-10846. Docket 98-NM-73-AD.

**Applicability:** Model DC-10-10, -15, -30, and -40 series airplanes; as listed in McDonnell Douglas DC-10 Service Bulletin 28-97, Revision 1, dated October 8, 1985; certificated in any category.

**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 (b) 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 damage to the fuel tank boost/transfer pump housings in case of an electrical connector malfunction, which could result in increased risk of a fuel tank explosion or fire, accomplish the following:

(a) Within 24 months after the effective date of this AD, install a new protector cap in all fuel tank boost/transfer pump housings in accordance with McDonnell Douglas DC-10 Service Bulletin 28-97, dated May 10, 1982, or Revision 1, dated October 8, 1985.

(b) 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.

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

(d) The actions shall be done in accordance with McDonnell Douglas DC-10 Service Bulletin 28-97, dated May 10, 1982; or McDonnell Douglas DC-10 Service Bulletin 28-97, Revision 1, dated October 8, 1985. 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 The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on November 23, 1998.

Issued in Renton, Washington, on October 9, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-27882 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-U

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-AWP-19]

#### Revocation of Class D Airspace, Tustin MCAS, CA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This document confirms the effective date of a direct final rule which revokes the Class D airspace area at Tustin Marine Corps Air Station, (MCAS), CA.

**DATES:** The direct final rule published in 63 FR 46165 is effective at 0901 UTC, December 3, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Debra Trindle, Air Traffic Division, Airspace Specialist, AWP-520.10, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (310) 725-6613.

**SUPPLEMENTARY INFORMATION:** On August 31, 1998, the FAA published in the **Federal Register** a direct final rule; request for comments, which revoked the Class D airspace area at Tustin MCAS, CA. (FR Document 98-23368, 63 FR 46165, Airspace Docket No. 98-AWP-19). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulations would become effective on December 3, 1998. No adverse comments were received, therefore this document confirms that this direct final rule will become effective on that date.

Issued in Los Angeles, California on October 7, 1998.

**Dawna J. Vicars,**

*Assistant Manager, Air Traffic Division, Western Pacific Region.*

[FR Doc. 98-28041 Filed 10-19-98; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

#### 21 CFR Part 177

[Docket No. 96F-0107]

#### Indirect Food Additives: Polymers

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of a polyester-polyurethane resin-acid dianhydride adhesive in retortable pouches intended for use in contact with food.

**DATES:** The regulation is effective October 20, 1998. Submit written objections and requests for a hearing by November 19, 1998.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.