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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 911 and 915

[Docket No. FV95-911-2 FIR]

Limes and Avocados Grown in Florida; Suspension of Certain Volume Regulations and Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; suspension.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule to suspend indefinitely certain volume regulation provisions of the marketing order covering limes grown in Florida. This rule indefinitely suspends the pack-out reporting requirements for the marketing orders covering limes and avocados grown in Florida. The marketing orders regulate the handling of limes and avocados grown in Florida and are administered by the Florida Lime Administrative Committee and the Avocado Administrative Committee, respectively. These provisions are not needed due to reduced Florida lime and avocado production. This rule will also reduce handler reporting burdens for both marketing orders.

EFFECTIVE DATE: October 7, 1996.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2522-S, Washington, DC 20090-6456; telephone: 202-720-5127; or Aleck J. Jonas, Southeast Marketing Field Office, USDA/AMS, P.O. Box 2276, Winter Haven, Florida 33883; telephone: 813-299-4770. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing

Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456; telephone (202) 720-2491; Fax # (202) 720-5698.

SUPPLEMENTARY INFORMATION: This final rule is issued under the provisions of section 8c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act; and of Marketing Agreements and Marketing Orders No. 911 (7 CFR Part 911) and No. 915 (7 CFR Part 915) regulating the handling of limes grown in Florida and avocados grown in South Florida, respectively. These agreements and orders are effective under the Act.

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is intended that this rule will be applicable for the entire 1996 fiscal year which began April 1, 1996, and will 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 8c(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 requesting a modification of the order or to be exempted therefrom. A 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 in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

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 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 about 10 Florida lime handlers subject to regulation under the marketing order covering limes grown in Florida, and about 30 lime producers in Florida. Also, there are approximately 35 handlers of avocados and approximately 95 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. A majority of these handlers and producers may be classified as small entities.

This rule continues to suspend indefinitely volume regulation provisions of the Florida lime marketing order. These provisions permitted the collection of information from handlers so that the Florida Lime Administrative Committee (FLAC) could recommend to the Department that lime volume regulations be issued, when and if needed. FLAC determined that volume regulations will not be needed in the near future because of reduced production due to hurricane damage in 1992. Thus, the Department has determined such information will not be needed. This rule also suspends indefinitely certain reporting requirements under the Florida lime and avocado marketing orders. This rule is a relaxation in regulations which reduces handler reporting burdens, resulting in lower industry costs under both marketing orders. Thus, the Agricultural Marketing Service (AMS) has determined that this rule will not have a significant economic impact on a substantial number of small businesses.

The FLAC met on December 13, 1995, and unanimously recommended a two year suspension of their lime volume regulations and pack-out reporting requirements. However, the Department revised the FLAC recommendation by suspending both of these requirements

indefinitely. The Department determined that since volume regulations have not been implemented for at least the past five years and lime production has been reduced to low levels, these regulations should be suspended indefinitely. The Department does not anticipate that such regulations will be needed in the near future.

Also, the Avocado Administrative Committee (AAC) met on January 10, 1996, and recommended indefinite suspension of their pack-out reporting requirements.

The initial suspension of §§ 911.53–59 and 911.111 of the lime marketing order volume regulations and pack-out reporting requirements was published in the Federal Register (59 FR 13429, March 22, 1994) and remained in effect through March 31, 1996. Also, the previous suspension of § 915.150 paragraph (d) of the avocado marketing order pack-out reporting requirements was published in the Federal Register (59 FR 30866, June 16, 1994) and remained in effect through March 31, 1996.

An interim final rule was issued on April 16, 1996, to extend the suspension indefinitely. That rule was published in the Federal Register (61 FR 17551, April 22, 1996), with an effective date of April 1, 1996. That rule provided a 30-day comment period which ended May 22, 1996. No comments were received.

Sections 911.53–59 (7 CFR 911.53–59) of the lime marketing order cover volume regulations and were used by FLAC to collect and maintain information from handlers, so that it could recommend to the Department that lime volume regulations be issued, when and if needed. FLAC determined that volume regulations will not be needed in the near future, and thus such information will not be needed because of reduced production due to hurricane damage in 1992.

Concerning pack-out reporting requirements, both FLAC and AAC recommended suspension of their pack-out reporting requirements. Section 911.111 (7 CFR 911.111) and § 915.150 (7 CFR 915.150) contain provisions requiring Florida handlers to file certain reports with either the FLAC or the AAC concerning their Florida lime and avocado shipments, respectively. This rule continues the suspension of these provisions since information collected under these provisions is not needed because lime and avocado production is so low. These provisions would require handlers to furnish information on types and numbers of containers of limes and avocados they pack each day. Sufficient information from other sources is available to meet the committees' needs

during future seasons. Information needed for the committees' operations, marketing policies, and compliance is available from inspection certificates collected on a daily basis by committee staff. These resources are used to collect such information. Low lime and avocado production has also resulted in a substantial reduction of both committees' staff and a reduction of assessment income. Thus, the continuation of the suspension will reduce administrative costs and work load.

These continued suspensions are a result of damage to the lime and avocado groves caused by Hurricane Andrew in August 1992. For limes, Hurricane Andrew reduced production acreage from approximately 6,500 acres to approximately 1,500 acres with many non-producing trees in the remaining acreage. Production in the 1991–92 season was 1,682,677 bushels. In the 1992–93 season, production prior to the hurricane was 1,146,000 bushels. After the hurricane, in the 1993–94 season, production fell to 228,455 bushels and in the 1994–95 season, it was 283,977 bushels. This was well below the levels reached prior to the hurricane.

For avocados, Hurricane Andrew reduced production acreage from approximately 9,000 acres to less than 6,000 acres with many non-producing trees in the remaining acreage. Production in the 1991–92 season was 1,110,105 bushels. In the 1992–93 season, production fell to 283,000 bushels and in the 1993–94 season it was 174,712 bushels. Although the 1994–95 season recovered to 778,951 bushels, it is well below the levels reached prior to the hurricane.

Therefore, this action reflects the committees' and the Department's appraisal of the need to continue the suspension of certain volume regulations and pack-out reporting requirements under the orders, as specified. This rule finalizes the interim final rule that indefinitely suspended certain reporting requirements for Florida limes and avocados, and lessens the overall reporting and recordkeeping burden under the orders. The Department's view is that this continued suspension will have a beneficial impact on Florida lime and avocado producers and handlers, since it lessens the reporting burden on handlers and will reduce the committees' expenses incurred under the orders.

The information collection requirements have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Numbers 0581–0091 and

0581–0078 for limes and avocados respectively.

This final rule continues to indefinitely suspend the annual reporting burden currently estimated at 210.4 hours for all regulated Florida lime handlers to: (1) apply for a prorate base and allotment; (2) report daily the percentages, by size category, of the limes packed by them; and (3) report daily the number of containers of limes sold and delivered by them within the State of Florida.

This final rule continues to indefinitely suspend the annual reporting burden currently estimated at 62 hours for all regulated Florida avocado handlers who file Avocado Handler Daily Size Report Forms. The Supplementary Information section of the interim final rule published on April 22, 1996 (61 FR 17551) indicated that the Avocado Weekly Report Form was also being discontinued. That statement was in error. Only paragraph (d) of section 915.150 *Reports* of the avocado marketing order's rules and regulations was suspended. Paragraph (a) of that section, which pertains to the weekly report, was not suspended.

After consideration of all relevant matter presented, the information and recommendations submitted by the committees, and other information, it is found that the provisions as they appeared in the interim rule, as published in the Federal Register (61 FR 17551, April 22, 1996), and as finalized herein no longer tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 911

Limes, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 911 and 915 are amended as follows:

PART 911—LIMES GROWN IN FLORIDA

Accordingly, the interim final rule amending 7 CFR part 911 which was published at 61 FR 17551 on April 22, 1996, is adopted as a final rule without change.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Accordingly, the interim final rule amending 7 CFR part 915 which was

published at 61 FR 17551 on April 22, 1996, is adopted as a final rule without change.

Dated: August 29, 1996.

Terry L. Medley,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96-22661 Filed 9-04-96; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-249-AD; Amendment 39-9730; AD 96-18-06]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A320-111, -211, and -231 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320-111, -211, and -231 series airplanes, that requires visual inspections to detect cracks of the fittings of the pressurized floor at frame 36, and renewal of the zone protective finish or replacement of fittings with new fittings, if necessary. This amendment is prompted by a report of fatigue cracking found on the pressurized floor fitting at frame 36 under the lower surface panel. The actions specified by this AD are intended to prevent such fatigue cracking, which could result in failure of a floor fitting and subsequent depressurization of the fuselage.

DATES: Effective October 10, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 10, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer,

Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1149.

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 Airbus Model A320-111, -211, and -231 series airplanes was published in the Federal Register on April 19, 1996 (61 FR 17257). That action proposed to require visual inspection(s) to detect cracks of the six fittings of the pressurized floor at frame 36 under the lower surface panel, and renewing the zone protective finish or replacement of the fittings with new fittings, if necessary.

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

Both commenters support the proposed rule.

New Service Information

Airbus has issued Revision 1 of Service Bulletin A320-57-1028, dated April 19, 1996. This revision is essentially identical in its technical content as the original version, which was cited in the proposal as the appropriate source of service information. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has classified this revised service bulletin as mandatory. Accordingly, this final rule has been revised to reference Revision 1 of the service bulletin. It has also been revised to note that any of the required actions that were performed in accordance with the originally issued service bulletin prior to the effective date of the final rule are considered acceptable for compliance with this AD.

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 with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 22 Airbus Model A320-111, -211, and -231 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required

actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$3,960, or \$180 per airplane, per inspection cycle.

The cost impact figure discussed above is 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.