

§ 1412.206(f) [Corrected]

On page 37579, in the second column in § 1412.206(f), line twenty-eight, the reference to "kale, kamut, kenya," is corrected to read "kale, kenya,".

§ 1412.207(b) [Corrected]

On page 37579, in the third column, in § 1412.207(b), line five, the reference to "§ 1412.303," is corrected to read "§ 1412.304,".

§ 1412.207(d)(1) [Corrected]

On page 37579, in the third column, in § 1412.207(d)(1), line one, "August 31" is corrected to read "September 30".

§ 1412.207(d)(2) [Corrected]

On page 37579, in the third column, in § 1412.207(d)(2), line two, "August 31" is corrected to read "September 30".

§ 1412.401 [Corrected]

On page 37580, in the second column, in § 1412.401(a), line five, the reference to "§§ 1412.201(6)(c)," is corrected to read "§§ 1412.206(c),".

On page 37580, in the third column, in § 1412.401(b)(2)(iii), line one, "(iii) Producers" is corrected to read "(c) Producers".

§ 1412.403 [Corrected]

On page 37580, in the third column, in § 1412.403, line one, the reference to "§ 718.12" is corrected to read "§ 718.11".

§ 1412.407 [Corrected]

On page 37581, in the first column, in § 1412.407, line ten, the reference to "§ 1412.40(b)(1) and (2)" is corrected to read "§ 1412.401(b)(1) and (2)".

Signed at Washington, D.C., on September 10, 1996.

Grant Buntrock,

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

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Agricultural Marketing Service**7 CFR Parts 911 and 915**

[Docket No. FV96-911-4FIR]

Limes and Avocados Grown in Florida; Relaxation of Container Marking Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule

relaxing the container marking requirements prescribed under the Federal marketing orders for limes and avocados grown in Florida. The marketing orders regulate the handling of limes and avocados grown in Florida and are administered locally by the Lime and Avocado Administrative Committees (committees). This relaxation reduces the number of lime and avocado containers required to be marked with a lot stamp number. This rule reduces handling costs and provides more flexibility in lime and avocado packing operations.

EFFECTIVE DATE: October 18, 1996.

FOR FURTHER INFORMATION CONTACT:

Aleck Jonas, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (941) 299-4770; Fax # (941) 299-5169; or Caroline C. Thorpe, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-8139; Fax # (202) 720-5689. 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 Marketing Order Nos. 911 and 915 (7 CFR parts 911 and 915), as amended, regulating the handling of limes and avocados grown in Florida, hereinafter referred to as the "orders." These orders 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 is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. 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 request 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 to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

Pursuant to 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 approximately 10 handlers of limes and 65 handlers of avocados who are subject to regulation under the respective marketing order and approximately 115 lime and 165 avocado producers in the regulated areas. Small agricultural service firms, which includes handlers, are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those whose annual receipts are less than \$500,000. The majority of these handlers and producers may be classified as small entities.

This rule relaxes the lot stamping requirements on containers of limes and avocados that have been palletized prior to block inspection. Smaller handling facilities are the primary users of block inspection and will benefit from the cost savings of this relaxation. Therefore, the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Under the terms of the marketing orders, fresh market shipments of Florida limes and avocados are required to be inspected and are subject to grade, size, maturity, pack and container requirements. Prior to the effective date of the interim final rule, container requirements included specifications that all authorized containers of limes and avocados be plainly marked with a

Federal-State Inspection lot stamp number corresponding to the lot inspection conducted by an authorized inspector.

This rule finalizes changes to the container marking requirements under the orders. This rule relaxes the lot stamping requirements on containers of limes and avocados that have been palletized prior to block inspections. These changes were unanimously recommended by the committees on March 13, 1996.

The interim final rule was issued on June 13, 1996, and published in the Federal Register (61 FR 31004, June 19, 1996), with an effective date of June 20, 1996. That rule amended §§ 911.311(b) and 915.306(a)(4)(5) of the rules and regulations in effect under the orders. That rule provided a 30-day comment period which ended July 19, 1996. No comments were received.

Sections 911.48 and 915.51 of the lime and avocado marketing orders provide authority for the establishment of container marking requirements. Sections 911.311(b) and 915.306(a)(4)(5) of the rules and regulations outline the lot stamp number container marking requirements for fresh limes and avocados packed under the orders.

There are two basic types of inspection in the industry; in-line and block. In-line inspection is performed during the packing process, prior to palletization and storage. In block inspection, the inspection occurs after the pallets have been packed, strapped, and placed in storage. Large handling facilities tend to have inspectors on site when they are packing. These facilities use in-line inspection which allows the containers to be lot stamped prior to being palletized. Smaller handling facilities do not run enough fruit to justify the continuous presence of an inspector. Therefore, they call for a block inspection after a lot is run, palletized and ready to ship. Requiring the inspector to lot stamp each container necessitates tearing down all the pallets. This results in significant cost and loss of time.

The committees recommended relaxing the number of containers required to be marked with the lot stamp number to assist small handlers. This relaxation revises the lot stamping requirements for containers that have been palletized prior to inspection. Under this change, all exterior, exposed boxes, on all four sides of a pallet, are lot stamped, rather than each box. The committees anticipate that this recommended relaxation will avoid prohibitive costs to small handlers.

Less than 25 percent of all lime and avocado shipments are shipped by small

packing houses using block inspection. Under this revised procedure, most of the containers they pack will be lot stamp numbered. The center tiers of randomly selected pallets are inspected by the Federal-State Inspection Service for all marketing order requirements. The committees' recommendation to relax the container marking requirement would not lower the number of containers being inspected.

Several other alternatives were suggested during the public meetings. One alternative discussed by the committees was to require all containers to continue to be lot stamp numbered. Maintaining the requirement for lot stamp numbers to be placed on all containers would not address the burden placed on small handlers. That burden includes higher handler labor costs, slower handler operations, increased handler restraining costs, as well as increased inspection costs. It was the consensus of the committees that the requirement that all containers be marked is cost prohibitive as each block-inspected pallet needs to be manually pulled apart to enable the lot stamp number to be placed on the center tier containers.

Another alternative suggested was to eliminate the block-inspection method and require all handlers to use the in-line inspection method. During in-line inspection, containers would be stamped with the lot stamp number prior to being stacked on the pallet. This would have a serious financial impact on the industry, especially among small handlers, due to a large increase in inspection costs. This suggestion was unacceptable to the industry as it would be cost prohibitive and could force small handlers out of business.

Section 8(e) of the Act requires that whenever grade, size, quality or maturity requirements are in effect for certain commodities under a domestic marketing order, including limes and avocados, imports of that commodity must meet the same or comparable requirements. This rule changes the container marking requirements currently issued under the orders. Therefore, no change is necessary in the lime and avocado import regulations as a result of this action to relax the lot stamp number requirement.

After consideration of all relevant material presented, the information and recommendations submitted by the committees, and other information, it is found that finalizing the interim final rule, without change, as published in the Federal Register (61 FR 31004, June 19, 1996) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 911

Marketing agreements, Limes, 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 31004 on June 19, 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 31004 on June 19, 1996, is adopted as a final rule without change.

Dated: September 9, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-23824 Filed 9-17-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-252-AD; Amendment 39-9760; AD 96-19-14]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that requires replacement of certain flexible oxygen hoses, located in the flight compartment gangway and in the consoles, with insulated hose assemblies. This amendment is prompted by reports of either insufficient or no clearance between these hoses and adjacent structure or electrical wiring. The actions specified by this AD are intended to prevent chafing of the