

producers, handlers and importers since it permits Florida grapefruit handlers and importers to make available those sizes of fruit needed to meet consumer needs consistent with this season's crop and market conditions.

The interim final rule concerning this action was published in the November 8, 1994, **Federal Register** (59 FR 55571), with a 30-day comment period ending December 8, 1994. No comments were received.

Section 8e of the Act provides that when certain domestically produced commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements. Since this rule relaxes the minimum size requirement under the domestic handling regulations, a corresponding change to the import regulations is necessary.

This rule relaxes the minimum size requirements for imported red seedless grapefruit to 3<sup>5</sup>/<sub>16</sub> inches in diameter (size 56) through November 12, 1995, to reflect the relaxation being made under the order for grapefruit grown in Florida.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

Based on the above, the Administrator of the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, the information and recommendations submitted by the committee, and other information, it is found that finalizing the interim final rule without change, as published in the **Federal Register** (59 FR 55571) will tend to effectuate the declared policy of the Act.

#### List of Subjects 7 CFR Parts 905 and 944

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

#### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Accordingly, the interim final rule amending 7 CFR Part 905 which was published at 59 55571 on November 8, 1994, is adopted as a final rule without change.

#### PART 944—FRUIT; IMPORT REGULATIONS

The interim final rule amending 7 CFR Part 944 which was published at 59 FR 55571 on November 8, 1994, is adopted as a final rule without change.

Dated: February 8, 1995.

**Sharon Bomer Lauritsen**,  
Deputy Director, Fruit and Vegetable Division.  
[FR Doc. 95-3838 Filed 2-15-95; 8:45 am]  
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#### 7 CFR PART 915

[Docket No. FV93-911-1FR; Amendment]

#### Increase in Expenses for Marketing Order Covering Avocados Grown in South Florida

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule; amendment.

**SUMMARY:** The Department of Agriculture (Department) is amending the final rule that authorized expenses and established an assessment rate for the Florida Avocado Administrative Committee (Committee) under Marketing Order No. 915 for the 1994-95 fiscal year. This final rule authorizes an increased level of expenses for the 1994-95 fiscal year. Authorization of this budget enables the Committee to incur expenses that are reasonable and necessary to administer its program. Funds to administer the program are derived from assessments on handlers. **EFFECTIVE DATE:** April 1, 1994, through March 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Britthany E. Beadle, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, Room 2524-S, Washington, DC 20090-6456; telephone: (202) 720-5127; or Aleck Jonas, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 338833, telephone: (813) 299-4770.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Agreement and Order No. 915 (7 CFR Part 915), as amended, regulating the handling of avocados grown in south Florida. The marketing agreement and order 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 final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule increases the authorized level of expenses for the 1994-95 fiscal year which began April 1, 1994, and ends March 31, 1995. This final 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 608c(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. Such 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 date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of 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 95 producers of avocados grown in south Florida, and approximately 65 handlers who are subject to regulation under the avocado marketing order. 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. The majority of the avocado producers and handlers may be classified as small entities.

The marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable avocados handled from the beginning of

such year. An annual budget of expenses is prepared by the Committee and submitted to the Department for approval. The members of the Committee are producers and handlers of avocados. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in its area and are thus in a position to formulate an appropriate budget. The budget is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing anticipated expenses by expected shipments of avocados. Because this rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses. Expenses for the Committee are incurred on a continuous basis. Therefore, the budget and assessment rate approval must be expedited so that the Committee will have funds to pay its expenses.

The Committee met on December 8, 1993, and unanimously recommended 1994-95 marketing order expenditures of \$97,000 and an assessment rate of \$0.16 per 55-pound bushel of avocados. In comparison, 1993-94 fiscal year budgeted expenditures were \$113,846, which is \$16,846 more than the \$97,000 recommended for the 1994-95 fiscal year. The assessment rate of \$0.16 per bushel remained the same as last year's assessment rate of \$0.16. The major budget categories for 1994-95 were \$28,000 for administrative staff salaries, \$15,600 for compliance, and \$10,100 for employee benefits.

Assessment income for 1994-95 was estimated to total \$96,000 based on anticipated fresh domestic shipments of 600,000 55-pound bushels of avocados. Interest on savings was expected to add an additional \$1,000 to income. Sufficient reserve funds were available to cover any unexpected shortfall in projected income. Funds in the reserve at the end of the 1994-95 fiscal year were estimated to be \$100,000. These reserve funds will be within the maximum permitted by the order of three fiscal years' expenses.

The expenses and assessment rate were authorized by an interim final rule issued on January 25, 1994, and published in the **Federal Register** (59 FR 5073, February 3, 1994). A 30-day comment period was provided for interested persons. No comments were received.

The Committee met again on March 9, 1994, and unanimously recommended to increase expenses from \$97,000 to

\$99,500, an increase of \$2,500 in expenses from the previously authorized amount. The additional funds provided money for increased monitoring of water table levels in south Florida. No change was recommended for the assessment rate. Sufficient reserve funds were available to cover the increased expenses.

The increase in expenses was authorized in the finalization of the interim final rule issued on April 15, 1994, and published in the **Federal Register** (59 FR 18943, April 21, 1994).

The Committee met again on November 9, 1994, and unanimously recommended to further increase expenses by \$16,920. This increases the total 1994-95 expense amount from \$99,500 to \$116,420. The additional increase in expenses was recommended to provide funding for the Avocado Lace Bug Research Project. The avocado lace bug has been the most persistent pest of the avocado and its population numbers have been increasing for the last two years. No change was recommended in the approved assessment rate. Adequate funds exist in the Committee's reserve to cover the increase in expenses.

This action will not impose additional costs on handlers. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations 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 or to engage in further public procedure prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The fiscal year began on April 1, 1994, and the Committee needs to have approval to pay its expenses which are incurred on a continuous basis; (2) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting; and (3) no increase in the assessment rate is being recommended so no additional funds will need to be collected from handlers.

#### List of Subjects in CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 915 is hereby amended as follows:

#### PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. The authority citation for 7 CFR Part 915 continues to read as follows:

**Authority:** 7 U.S.C. 601-674.

**Note:** This section will not appear in the annual Code of Federal Regulations.

#### § 915.232 [Amended]

2. Section 915.232 is amended by removing the number "\$99,500" and adding in its place "\$116,420".

Dated: February 8, 1995.

**Sharon Bomer Lauritsen,**

*Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95-3837 Filed 2-15-95; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 94-NM-118-AD; Amendment 39-9142; AD 95-03-05]

#### 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 an inspection to detect cracks in the cleats at certain rib stations of the wing, and replacement of the cracked cleats with new cleats. This amendment is prompted by a report that, during manufacture of the wings of these airplanes, cracks were discovered in the cleats at the left- and right-hand rib station 8200 of the wing due to improper installation of certain bolts. The actions specified by this AD are intended to prevent cracking of the cleats, which could result in reduced structural integrity of the wing.

**DATES:** Effective March 20, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 20, 1995.

**ADDRESSES:** The service information referenced in this AD may be obtained