

of members of the group as they relate to measures taken in connection with the importation of the regulated article to mitigate the plant pest risk associated with the regulated article. For example, if the plant pest risk assessment for the highest ranked plant pest indicates a need for a mitigation measure that would result in the same reduction of risk for other plant pests ranked in the group, the other members need not be subjected to individual plant pest risk assessment.

(d) *Conducting individual plant pest risk assessments.* APHIS will evaluate each of the plant pests identified in paragraph (c)(4) of this section by:

(1) Estimation of the probability of the plant pest being on, with, or in the regulated article at the time of importation;

(2) Estimation of the probability of the plant pest surviving in transit on the regulated article and entering the United States undetected;

(3) Estimation of the probability of the plant pest colonizing once it has entered into the United States;

(4) Estimation of the probability of the plant pest spreading beyond any colonized area; and

(5) Estimation of the damage to plants that could be expected upon introduction and dissemination within the United States of the plant pest.

(e) *Estimating unmitigated overall plant pest risk.* APHIS will develop an estimation of the overall plant pest risk associated with importing the regulated article based on compilation of individual plant pest risk assessments performed in accordance with paragraph (d) of this section.

(f) *Evaluating available requirements to determine whether they would allow safe importation of the regulated article.* The requirements of this subpart, and any other requirements relevant to the regulated article and plant pests involved, will be compared with the individual plant pest risk assessments in order to determine whether particular conditions on the importation of the regulated article would reduce the plant pest risk to an insignificant level. If APHIS determines that the imposition of particular conditions on the importation of the regulated article could reduce the plant pest risk to an insignificant level, and determines that sufficient APHIS resources are available to implement or ensure implementation of the conditions, APHIS will implement rulemaking to allow importation of the requested regulated article under the conditions identified by the plant pest risk assessment process.

## **Subpart—Packing Materials**

### **§ 319.69 [Amended]**

8. The introductory text to § 319.69 is removed.

9. In § 319.69, paragraph (a), the phrase “On and after July 1, 1933, the” is removed and the word “The” is added in its place.

10. In § 319.69, paragraph (b), the phrase “On and after June 8, 1953, the” is removed and the word “The” is added in its place.

11. In § 319.69, paragraph (b)(3) is removed, and paragraphs (b)(4) and (b)(5) are redesignated as paragraphs (b)(3) and (b)(4), respectively.

### **§ 319.69a [Amended]**

12. In § 319.69a, paragraph (a) is amended by removing the reference “(b)(1), (3), and (4)” and adding the reference “(b)(1) and (3)” in its place.

Done in Washington, DC, this 19th day of May 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-12789 Filed 5-24-95; 8:45 am]

**BILLING CODE 3410-34-P**

## **Agricultural Marketing Service**

### **7 CFR Part 946**

#### **[FV95-946-2FR]**

### **Irish Potatoes Grown in Washington; Establishment of Interest Charge on Overdue Assessment Payments and Clarification of Operating Reserve Authority**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule establishes an interest charge on overdue assessments under the marketing order and clarifies authority for an operating reserve not to exceed approximately two fiscal periods' expenses. This action will contribute to the efficient operation of the order by ensuring that adequate funds are available to cover authorized expenses incurred under the order. This rule was recommended by the State of Washington Potato Committee (Committee), the agency responsible for the local administration of the order.

**EFFECTIVE DATE:** May 25, 1995.

#### **FOR FURTHER INFORMATION CONTACT:**

Dennis L. West, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204-2807; telephone: (503)

326-2724; or James B. Wendland, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, D.C. 20090-6456; telephone: (202) 720-2170.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 113 and Marketing Order No. 946 (7 CFR part 946), both as amended, regulating the handling of Irish potatoes grown in Washington, hereinafter referred to as the “order.” The order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the “Act.”

The Department of Agriculture (Department) is issuing this final rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action 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 action.

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 of Agriculture (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 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 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 50 handlers of Washington potatoes subject to regulation under the order and approximately 450 producers of Washington potatoes in the regulated production area. Small agricultural service firms have been 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 potato handlers and producers regulated under the order may be classified as small entities.

This rule (1) establishes an interest charge of one (1) percent per month to be applied to any assessment balance remaining unpaid after 30 days, and (2) clarifies that funds in the operating reserve may not exceed approximately two fiscal periods' expenses.

These changes were unanimously recommended by the Committee. The changes will contribute to the efficient operation of the program by ensuring that adequate funds are available to cover the Committee's authorized expenses.

Section 946.41 of the order specifies that if handlers do not pay their assessments within the time prescribed by the Committee, the assessments may be increased by a late payment charge or an interest charge, or both, at rates prescribed by the Committee with the approval of the Secretary.

The Committee depends upon handler assessment payments for operating funds. Handlers are invoiced by the Committee on a monthly basis. However, some handlers are continually late with their assessment payments, and a few wait until the end of the season to remit to the Committee what is owed. When assessments are not paid in a timely manner, the handlers paying assessments on time are placed in an unfair situation compared with the delinquent handlers, who have use of that unpaid assessment money for other purposes, including earning interest in a financial institution.

As part of its collection efforts, the Committee has requested handlers to promptly submit delinquent assessment payments. However, such requests have not substantially decreased the frequency of delinquent payments. To facilitate the collection of assessments needed for the maintenance and functioning of the Committee, it recommended the establishment of an interest charge of one (1) percent per month to be applied to any assessment

balance remaining unpaid after 30 days, and that this one (1) percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated unpaid interest. The Committee believes that these charges are high enough to encourage timely assessment payments. The charges are within the interest range customarily charged by banks on commercial accounts.

This change will encourage handlers to pay their assessments when due, thereby eliminating inequities. The Committee believes that this will be an effective means to ensure timely payments. This action is expected to reduce the need for Department involvement with compliance efforts and thereby reduce the costs for the government to administer the order.

Effective June 5, 1972, § 946.42 of the order was revised to authorize the Committee to maintain an operating reserve not to exceed approximately two fiscal periods' operational expenses, or such lower limits as the Committee, with the approval of the Secretary, may establish (37 FR 10915; June 1, 1972). Funds in the reserve are available for use by the Committee for expenses authorized pursuant to § 946.40. Since June of 1972, the Committee has conducted its financial operations with a reserve approximating two fiscal periods' expenses and has not recommended a lower limit.

However, the proviso in paragraph (a) of § 946.142 of Subpart—Rules and Regulations (7 CFR § 946.100–946.142; 32 FR 16199; November 28, 1967) limiting the operating reserve to approximately one fiscal year's expenses has never been updated to bring it into conformity with amended paragraph (a) of § 946.42 of the order. This rule makes that conforming change by changing the words "one fiscal year's expenses" at the end of the proviso to "two fiscal periods' expenses".

A proposed rule on these actions was published in the **Federal Register** on April 18, 1995, (60 FR 19382). It provided a 15-day comment period which ended May 3, 1995. No comments were received.

Based on available information, 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 matters presented, the information and recommendations submitted by the Committee and other information, it is found that finalizing the proposed rule, without change, as published in the **Federal Register** (60 FR 19382, April 18,

1995), will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action clarifies authority for an operating financial reserve approximating two fiscal periods' expenses rather than one; (2) this action should be in effect as soon as possible so handlers can make plans for the upcoming shipping season and to encourage any handlers owing delinquent assessments to promptly pay; (3) this action was unanimously recommended by the Committee at an open public meeting and all interested persons had an opportunity to provide input; and (4) this action provided a 15-day period for submission of written comments and none were received.

#### List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is amended as follows:

#### PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. A new § 946.141 is added to read as follows:

#### § 946.141 Late payment and interest charge.

The Committee shall impose an interest charge on any handler who fails to pay his or her assessment within thirty (30) days of the billing date shown on the handler's assessment statement received from the Committee. The interest charge shall, after 30 days, be one percent of the unpaid assessment balance. In the event the handler fails to pay the delinquent assessment, the one percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated unpaid interest. Any amount paid by a handler as an assessment, including any charges imposed pursuant to this paragraph, shall be credited when the payment is received in the Committee office.

3. In § 946.142, paragraph (a) is revised to read as follows:

#### § 946.142 Operating reserve.

(a) The Committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as an operating reserve: *Provided*, That

funds in the operating reserve may not exceed approximately two fiscal periods' expenses.

\* \* \* \*

Dated: May 19, 1995.

**Sharon Bomer Lauritsen,**

*Deputy Director, Fruit and Vegetable Division*  
[FR Doc. 95-12803 Filed 5-24-95; 8:45 am]

BILLING CODE 3410-02-P

## FARM CREDIT ADMINISTRATION

### 12 CFR Part 620

RIN 3052-AB37

#### Disclosure to Shareholders; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

**SUMMARY:** The Farm Credit Administration (FCA) published a final regulation under part 620 on April 24, 1995 (60 FR 20011). The final regulation amends its disclosure requirements for association annual meeting information statements including required disclosures for director candidates nominated from the floor. The amendments provide associations more flexibility in accepting floor nominations for director positions, clarify disclosure requirements when annual meetings are held in more than one session and shareholders vote by mail, and make other technical changes. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is May 24, 1995.

**EFFECTIVE DATE:** The regulation amending 12 CFR part 620 published on April 24, 1995 (60 FR 20011) is effective May 24, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Laurie A. Rea, Policy Analyst,  
Regulation Development, Office of  
Examination, Farm Credit  
Administration, McLean, Virginia  
22102-5090, (703) 883-4498, TDD  
(703) 883-4444,  
or

James M. Morris, Senior Attorney,  
Regulatory Operations Division,  
Office of General Counsel, Farm  
Credit Administration, McLean,  
Virginia 22102-5090, (703) 883-4020,  
TDD (703) 883-4444.

(12 U.S.C. 2252(a) (9) and (10))

Dated: May 19, 1995.

**Floyd Fithian,**

*Secretary, Farm Credit Administration Board.*  
[FR Doc. 95-12761 Filed 5-24-95; 8:45 am]

BILLING CODE 6705-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-SW-09-AD; Amendment  
39-9239; AD 95-11-05]

#### Airworthiness Directives; Societe Nationale Industrielle Aerospatiale and Eurocopter France Model AS-355 E, F, F1, F2, and N Helicopters

AGENCY: Federal Aviation  
Administration, DOT.

ACTION: Final rule; request for  
comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Societe Nationale Industrielle Aerospatiale and Eurocopter France (Eurocopter France) Model AS-355 E, F, F1, F2, and N helicopters. This action requires a check to ensure that the main gearbox (MGB) oil pressure warning light illuminates during each shutdown of the helicopter engine until the MGB oil pressure switch (switch) is removed and replaced. This amendment is prompted by a malfunction of the MGB switch. This condition, if not corrected, could result in failure to detect a loss of oil pressure, loss of the MGB, loss of power to the main rotor system, and subsequent loss of control of the helicopter.

**DATES:** Effective June 9, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 9, 1995.

Comments for inclusion in the Rules Docket must be received on or before July 24, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-SW-09-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room

663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Monschke, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5116, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** The Direction Generale De L'Aviation Civile, which is the airworthiness authority for France, has notified the FAA that an unsafe condition may exist on Eurocopter France Model AS-355 E, F, F1, F2, and N helicopters. The Direction Generale De L'Aviation Civile advises that a possible malfunction of the MGB switch, part number (P/N) 704A37-721-082 (S1130-021-082), modification number 350A07-7141, was reported by the manufacturer.

Eurocopter France has issued Eurocopter Service Bulletin AS 355 No. 01.39, Revision 1, dated April 21, 1994, which specifies a check each time the rotor is stopped to ensure that the MGB oil pressure warning light illuminates, and removal of the MGB switch, P/N 704A37-721-082 (S1130-021-082), modification number 350A07-7141, and replacement with an airworthy MGB switch. The Direction Generale De L'Aviation Civile classified this service bulletin as mandatory and issued AD 94-088-050(B) in order to assure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Direction Generale De L'Aviation Civile has kept the FAA informed of the situation described above. The FAA has examined the findings of the Direction Generale De L'Aviation Civile, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model AS-355 E, F, F1, F2, and N helicopters of the same type design registered in the United States, this AD is being issued to prevent an undetected loss of oil pressure, loss of the MGB, loss of power to the main rotor system, and subsequent loss of control of the