

business, including ensuring termination of all outstanding agreements and contracts, and the payment of all obligations. The trustees will be responsible for safeguarding program assets, holding committee records, and arranging for a financial audit to be conducted. All such actions by the trustees are subject to the approval of the Secretary. Those designated as trustees are John Graffigna, Duane M. Jungblut, Jeryl R. Fry, Jr., Burgess R. Mettler, Bruce A. Mettler, James R. Lauchland, and George H. Mettler. The trustees shall continue in their capacity until discharged by the Secretary.

The remainder of the reserves, after immediate expenses are paid, will be held by the trustees to be used to cover unforeseen, outstanding expenses obligated by the trustees.

In accordance with section 8e of the Act (7 U.S.C. 608e), imported Tokay grapes are subject to the same minimum requirements as domestically produced Tokay grapes. With no effective order for domestic Tokay grapes, there is no basis upon which to continue the import regulation as provided for in sections 944.503(a)(3), 944.503(e), (7 CFR 944.503) and 944.605 (7 CFR 944.605). This order revises provisions of § 944.503 Table Grape Import Regulation 4, paragraph(a)(3), by deleting the reference to Tokay grape import requirements for the period April 20 through August 11 of each year. This order also deletes provisions of § 944.503 paragraph(e) which provide import requirements for Tokay grapes imported into the United States during the period, April 20 through August 11. This order redesignates 944.503(f) as 944.503(e) and terminates section 944.605 in its entirety.

This order also revises § 944.350 Safeguard procedures for avocados, grapefruit, kiwifruit, limes, olives, oranges, table grapes, and Tokay grapes exempt from grade, size, quality, and maturity requirements. Specifically, § 944.350(a)(1) and (2) are revised by deleting all references to Tokay grapes.

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

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

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 additional preliminary notice, or to engage in further public procedure with

respect to this action, because (1) this action relieves restrictions on handlers by terminating the provisions of part 926 and applicable provisions of part 944; (2) only three handlers were shipping fruit to the fresh market in fiscal period 1994-1995, and (3) the industry recommended terminating the marketing order at a public meeting held on October 21, 1994.

#### List of Subjects

##### 7 CFR Part 926

Grapes, Marketing Agreements, Reporting and recordkeeping requirements.

##### 7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR parts 926 and 944 are amended as follows:

#### PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

1. The authority citation for 7 CFR parts 926 and 944 continues to read as follows:

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

#### PART 926—[REMOVED]

2. Accordingly, 7 CFR part 926 is removed.

#### PART 944—FRUITS; IMPORT REGULATIONS

3. § 944.503 is amended by revising paragraph (a) (3), removing (e) and redesignating paragraph(f) as paragraph (e) to read as follows:

##### § 944.503 Table Grape Import Regulation 4.

(a) \* \* \*

(3) All regulated varieties of grapes offered for importation shall be subject to the grape import requirements contained in this section effective April 20 through August 15.

\* \* \* \* \*

##### § 944.605 [Removed]

4. § 944.605 is removed.

##### § 944.350 [Amended]

5. § 944.350 is amended by removing the words "Tokay grapes" wherever they appear.

Dated: June 22, 1995.

#### David R. Shipman,

Acting Deputy Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95-15949 Filed 6-28-95; 8:45 am]

BILLING CODE 3410-02-P

#### 7 CFR Part 1230

[No. LS-94-008]

#### Pork Promotion, Research, and Consumer Information Program—Change in Requirements for Annual Financial Audits

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

**ACTION:** Final rule and termination order.

**SUMMARY:** This document terminates the provision of the Pork Promotion, Research, and Consumer Information Order (Order) containing requirements for submission of annual financial reports to the National Pork Board (Board) by organizations that receive less than \$10,000 in annual distributed assessments; and issues new requirements in the regulations to implement the Order provisions. The new requirements raise the minimum annual revenue requiring a certified public accountant audit from \$10,000 to \$30,000. This change facilitates the cost-effective preparation and submission of annual financial reports.

**EFFECTIVE DATE:** July 31, 1995.

**ADDRESSES:** Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Division, Agricultural Marketing Service (AMS), USDA, Room 2606-S, P.O. Box 96456, Washington, D.C. 20090-6456.

**FOR FURTHER INFORMATION CONTACT:** Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

#### SUPPLEMENTARY INFORMATION:

#### Executive Orders 12866 and 12778 and Regulatory Flexibility Act

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

This action has been reviewed under Executive Order 12778, Civil Justice Reform. This final rule is not intended to have a retroactive effect. The Pork Promotion, Research, and Consumer Information Act (Act) states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of obtaining funds thereof from pork producers and that the regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1625 of the Act, a person subject to an

Order may file a petition with the Secretary stating that the Order, a provision of the Order, or an obligation imposed in connection with the Order is not in accordance with law, and requesting a modification of or an exemption from the Order. Petitioners have an opportunity for a hearing on the petition. After the hearing, the Secretary will rule on the petition. The Act provides that the district court of the United States in the district in which a person resides or does business has jurisdiction to review the Secretary's decision, if the petitioner files an appeal not later than 20 days after the date the petitioner receives notice of that decision.

This action has also been reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

This action allows State Pork Producer Associations (SPPAs) that receive less than \$30,000 in assessments annually to submit unaudited annual financial statements to the Board.

Most SPPAs would be classified as small businesses under the RFA. Raising the minimum dollar amount of distributed annual assessments that triggers the requirement that a SPPA must submit an audited annual financial statement from \$10,000 to \$30,000, minimizes the cost of preparing annual financial reports for smaller SPPAs. The cost savings will result in increased funds available for financing promotion and research programs.

For these reasons the Administrator of AMS has determined that this action will not have a significant economic effect on a substantial number of small entities.

The Act (7 U.S.C. 4801-4819) approved December 23, 1985, authorized the establishment of a national pork promotion, research, and consumer information program. The program was funded by an initial assessment rate of 0.25 percent of the market value of all porcine animals marketed in the United States and an equivalent amount of assessments on import porcine animals, pork, and pork products. That rate was increased to 0.35 percent effective December 1, 1991 (56 FR 51635) and to 0.45 percent effective September 3, 1995, (60 FR 29962). The final Order establishing a pork promotion, research, and consumer information program was published in the September 5, 1986, issue of the **Federal Register** (51 FR 31898; as corrected at 51 FR 36383 and amended at 53 FR 1909, 53 FR 30243, 56 FR 4, and 56 FR 51635) and assessments began on November 1, 1986. The Order is administered by the 15-member Board

established pursuant to § 1230.50 of the Order.

Section 1230.74(b) of the Order requires that organizations that receive distributions of funds from the Board shall furnish the Board with an annual report audited by a certified public accountant (CPA) of all funds distributed to them.

There are 45 SPPAs as defined in § 1230.25 who receive a percentage of the annual net assessments collected in their State pursuant to § 1230.72(a) and (b). However, § 1230.74(c) provides that SPPAs that receive less than \$10,000 in such annual distributions may submit to the Board annual, unaudited financial statements prepared by State association staff members or individuals who prepare annual financial statements, provided that such statements are certified by two members of the State association. In addition, State associations that receive less than \$10,000 annually must submit to the Board a CPA audited financial statement at least every 5 years. Financial statements of SPPAs that receive less than \$2,000 annually in distributed assessments are audited by the Board.

The annual minimum dollar amount of distributed assessments of \$10,000 and \$2,000 referenced above were established effective August 11, 1988 (53 FR 30243). These minimum dollar requirements were established to enable the smaller SPPAs that receive relatively small amounts of annual assessments to minimize the cost of CPA audits, which could represent a significant proportion of their total assessments.

Since then, the annual amount of assessments distributed by the Board to the SPPAs has increased as a result of an increase in the assessment rate effective December 1, 1991 (56 FR 51635), and some annual fluctuations in domestic hog prices and in the number of hogs marketed. Consequently, it is the Board's view that the minimum dollar amount now is not high enough to enable a sufficient number of the smaller SPPAs to minimize the costs of preparing and submitting annual financial reports and thus have additional funds available to finance promotion and research projects.

The amount of annual assessments distributed to the 45 SPPAs in 1993 ranged from less than \$1,000 to nearly \$1.4 million. Seventeen State associations received less than \$30,000, and four of those State associations received less than \$2,000. To minimize the costs of CPA audits for the 13 State associations whose annual assessments are more than \$2,000, but less than \$30,000, the Board has recommended that the annual minimum dollar amount

of distributed assessments that triggers the requirement of an annual CPA audit be increased from \$10,000 to \$30,000. The provision that the Board audits financial statements of SPPAs that receive less than \$2,000 in annual distributed assessments remains unchanged.

Since the establishment in 1988 of the initial minimum dollar amount of assessments for which a CPA audit is required, neither the Board nor the Department has encountered any problems with SPPAs preparing and submitting financial statements or the safeguarding of assessments. Accordingly, based on the Board's findings and its recommendations discussed above, we terminate the provisions of § 1230.74(c).

Further, we revise the requirements for submission of annual audits based on the Board's recommendations and will publish the revisions in the rules and regulations implementing the Order. The revised requirements provide that SPPAs that receive less than \$30,000 in assessments will be required to submit unaudited financial statements to the Board.

On March 13, 1995, AMS published in the **Federal Register** (60 FR 13384) a proposed rule which would terminate the provision of the Order containing requirements for submission of annual financial reports to the Board by organizations that receive less than \$10,000 in annual distributed assessments; and issue new requirements in the regulations to implement the Order provisions. The proposal was published with a request for comments by April 12, 1995.

The Department received 14 comments after the publication of the proposed rule. All commenters, including the National Pork Board, the National Pork Producers Council, and 12 State Pork Producer Associations supported changing requirements for submission of annual financial reports to Board stating that the change would allow funds to be more appropriately used for research, promotion and consumer information activities.

After consideration of all relevant material presented with regard to the termination of the provision in the Order as hereinafter set forth, it is found that this provision no longer tends to effectuate the declared policy of the Act.

Accordingly, this final rule terminates the provision of the Order containing requirements for submission of annual financial reports to the Board by organizations that receive less than \$10,000 in annual distributed assessments and establishes the new

requirements in rules and regulations as proposed.

**List of Subjects in 7 CFR Part 1230**

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, 7 CFR part 1230 is amended as set forth below:

**PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION**

1. The authority citation for 7 CFR Part 1230 continues to read as follows:

**Authority:** 7 U.S.C. 4801-4819.

2. In § 1230.74, paragraph (b) is revised and (c) is removed to read as follows:

**§ 1230.74 Prohibited use of distributed assessments.**

\* \* \* \* \*

(b) Organizations receiving distributions of assessments from the Board shall furnish the Board with annual financial statements audited by a certified public accountant of all funds distributed to such organizations pursuant to this subpart and any other reports as may be required by the Secretary or the Board in order to verify the use of such funds.

3. A new § 1230.115 is added to Subpart B—Rules and Regulations to read as follows:

**§ 1230.115 Submission of annual financial statements.**

State Pork Producer Associations, as defined in § 1230.25, that receive distributions of assessments pursuant to § 1230.72 and that receive less than \$30,000 in assessments annually, may satisfy the requirements of § 1230.74(b) by providing to the Board unaudited annual financial statements prepared by State association staff members or individuals who prepare annual financial statements, provided that two members of the State association attest to and certify such financial statements. Notwithstanding any provisions of the Order to the contrary, State associations that receive less than \$30,000 in distributed assessments annually and submit unaudited annual financial statements to the Board shall be required to submit an annual financial statement audited by a certified public accountant at least once every 5 years, or more frequently if deemed necessary by the Board or the Secretary. The Board may elect to conduct its own audit of the annual financial statements of State

Pork Producer Associations that receive less than \$2,000 in distributed assessments annually, every 5 years in lieu of the required financial statements.

Dated: June 22, 1995.

**David R. Shipman,**

*Acting Deputy Assistant Secretary, Marketing and Regulatory Programs.*

[FR Doc. 95-15948 Filed 6-28-95; 8:45 am]

BILLING CODE 3410-02-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 94-ANE-21; Amendment 39-9227; AD 95-10-10]

**Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines**

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document makes a correction to Airworthiness Directive (AD) 95-10-10 applicable to certain Pratt & Whitney (PW) JT8D series turbofan engines that was published in the **Federal Register** on May 22, 1995 (60 FR 27020). The complete listing of affected PW JT8D series turbofan engines in the Applicability paragraph was inadvertently omitted. This document corrects the Applicability paragraph. In all other respects, the original document remains the same.

**DATES:** Effective July 21, 1995.

**SUPPLEMENTARY INFORMATION:** A final rule airworthiness directive applicable to Pratt & Whitney (PW) JT8D series turbofan engines, was published in the **Federal Register** on May 22, 1995 (60 FR 27020). The following correction is needed:

On page 27021, in the third column, in the Applicability paragraph, in the third paragraph, third line, that begins with “-17, and -17AR turbofan engines.”, it should read “-17, and -17AR turbofan engines containing front compressor fan hub Part Number (P/N) 817401 with the following serial numbers: J78892 through J80538, K32019 through K34018, L32197 through L34133, or M05722 through M07296; and all serial numbers of fan hubs P/N 594301, 640601, 743301, 749801, 750101, 791801, and 806001. These engines are installed on but not limited to Boeing 727 and 737 series, and McDonnell Douglas DC-9 series aircraft.”

Issued in Burlington, MA, on June 14, 1995.

**Robert Guyotte,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 95-15557 Filed 6-28-95; 8:45 am]

BILLING CODE 4910-13-U

**14 CFR Part 39**

[Docket No. 94-NM-251-AD; Amendment 39-9280; AD 95-12-27]

**Airworthiness Directives; Boeing Model 747-400 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 747-400 series airplanes, that currently requires a revision to the input wiring for the flap control unit (FCU). This amendment requires a new systems test for the wiring of the trailing edge flap, and also expands the applicability of the existing AD to include additional airplanes. This amendment is prompted by a report indicating that a wiring error was not detected by the system test required by the existing AD. The actions specified by this AD are intended to prevent the possibility of an all-flaps-up landing due to the loss of control of all flap operations.

**DATES:** Effective July 31, 1995.

The incorporation by reference of Boeing Service Bulletin 747-27A2346, Revision 2, dated January 12, 1995, as listed in the regulations, is approved by the Director of the Federal Register as of July 31, 1995.

The incorporation by reference of Boeing Service Bulletin 747-27A2346, Revision 1, dated May 19, 1994, as listed in the regulations, was approved previously by the Director of the Federal Register as of August 10, 1994 (59 FR 35240, July 11, 1994).

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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:** Kristin Larson, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, Seattle Aircraft Certification