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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 956

[Docket No. FV95-956-11FR]

#### Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Expenses and Assessment Rate

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

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 956 for the 1995-96 fiscal period. Authorization of this budget enables the Walla Walla Sweet Onion Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

**DATES:** Effective June 1, 1995, through May 31, 1996. Comments received by August 4, 1995, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, FAX 202-720-5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington,

DC 20090-6456, telephone 202-720-9918, or Robert J. Curry, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone 503-326-2724.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 956 (7 CFR part 956) regulating the handling of Sweet Onions grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon. 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 of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect Walla Walla Sweet Onion handlers are subject to assessments. Funds to administer the Walla Walla Sweet Onion order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable onions during the 1995-96 fiscal period, which began June 1, 1995, and ends May 31, 1996. This interim 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 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. 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 the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule 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 the 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 producers of Walla Walla Sweet Onions under this marketing order, and approximately 9 handlers. 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 Walla Walla Sweet Onion producers and handlers may be classified as small entities.

The budget of expenses for the 1995-96 fiscal period was prepared by the Walla Walla Sweet Onion Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Walla Walla Sweet Onions. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Walla Walla Sweet Onions. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The order became effective May 19, 1995, and the Committee met on June 7, 1995, and unanimously recommended

an initial budget of \$72,000. Expense items include \$12,000 for a manager or management services, \$15,000 for management support services, \$1,000 for a financial audit, \$1,000 for staff travel, \$2,500 for Committee travel, \$10,000 for research projects, \$12,000 for promotion projects, \$3,000 for compliance, \$6,000 for Perishable Agricultural Commodities Act expenses, and \$9,500 for a miscellaneous fund for contingency and reserve.

The Committee also unanimously recommended an assessment rate of \$0.12 per 50 pound bag or equivalent. This rate when applied to anticipated onion shipments of 600,000 bags will yield \$72,000 in assessment income, which will be adequate to cover budgeted expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. 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 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 Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period began on June 1, 1995, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable onions handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

#### List of Subjects in 7 CFR Part 956

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 956 is amended as follows:

#### PART 956—SWEET ONIONS GROWN IN THE WALLA WALLA VALLEY OF SOUTHEAST WASHINGTON AND NORTHEAST OREGON

1. The authority citation for 7 CFR part 956 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. A new § 956.201 is added to read as follows:

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

#### § 956.201 Expenses and assessment rate.

Expenses of \$72,000 by the Walla Walla Sweet Onion Committee are authorized, and an assessment rate of \$0.12 per 50 pound bag or equivalent of assessable onions is established for the fiscal period ending May 31, 1996. Unexpended funds may be carried over as a reserve.

Dated: June 28, 1995.

**Sharon Bomer Lauritsen,**

*Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95–16409 Filed 7–3–95; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 94–SW–12–AD; Amendment 39–9290; AD 95–13–10]

#### Airworthiness Directives; Costruzioni Aeronautiche Giovanni Agusta S.p.A. Model A109A, A109AII, and A109C Helicopters

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Costruzioni Aeronautiche Giovanni Agusta S.p.A. (Agusta) Model A109A, A109AII, and A109C helicopters, that requires a modification of the tail boom vertical fin to create inspection openings that permit initial and repetitive visual inspections for cracks in the vertical fin rear spar attachment area. This amendment is prompted by four reports of cracks in the tail boom vertical fin rear spar attachment area. The actions

specified by this AD are intended to prevent failure of the vertical fin attachment caused by cracks in the tail boom vertical fin rear spar attachment area, and subsequent loss of control of the helicopter.

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

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

**ADDRESSES:** The service information referenced in this AD may be obtained from Agusta, Direzione Supporto Prodotto E Servizi, 21019 Somma Lombardo (VA), Via per Tornavento, 15. 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, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5116, fax (817) 222–5961.

**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 Agusta Model A109A, A109AII, and A109C helicopters was published in the **Federal Register** on December 8, 1994 (59 FR 63281). That action proposed to require a modification of the tail boom vertical fin to create inspection openings that permit initial and repetitive visual inspections for cracks in the vertical fin rear span attachment area.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 73 helicopters of U.S. registry will be affected by this AD, 14 helicopters with tail boom, part number (P/N) 109–0370–01 installed, and 59 helicopters with tail boom, P/N 109–0370–17 installed, that it will take (1) approximately 4 work hours per helicopter to initially modify and inspect those helicopters with tail boom, P/N 109–0370–01; (2) approximately 6 work hours per helicopter to initially modify and inspect those helicopters with tail boom, P/N 109–0370–17; and (3)