

method. As a result, peach industry packers/shippers had to estimate the size of the final pack. Ultimately, this meant using trial and error methods to yield properly sized fruit. This change should result in a more uniform and accurately sized pack, and at the same time alleviate the unnecessary time spent by these individuals by eliminating this trial and error method.

The revision will affect peaches that are sized to a minimum diameter, which are mostly grown on the east coast and some in the Midwest. This will not affect peaches grown on the west coast as they are sized based on 7 CFR part 917, consisting of a weight-count system.

AMS develops and improves standards of quality, condition, grade, and packaging in order to facilitate efficient marketing. The provisions of this final rule are the same as those in the proposed rule.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Vegetables.

For reasons set forth in the preamble, 7 CFR Part 51 is amended as follows:

PART 51—[AMENDED]

1. The authority citation for 7 CFR part 51 continues to read as follows:

Authority: 7 U.S.C. 1622, 1624.

2. In part 51, § 51.1216(c) is revised to read as follows:

Subpart—United States Standards for Grades of Peaches

§ 51.1216 Size requirements.

* * * * *

(c) *Diameter* means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

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Dated: July 24, 1995.

Lon Hatamiya,
Administrator.

[FR Doc. 95-18904 Filed 8-1-95; 8:45 am]

BILLING CODE 3410-02-P

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 800

Official/Unofficial Weighing Service

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Direct final rule.

SUMMARY: In compliance with the requirements for periodic review of existing regulations and the President's Regulatory Review Initiative, the Federal Grain Inspection Service (FGIS), of the Grain Inspection, Packers and Stockyards Administration (GIPSA) is amending portions of Part 800, General Regulations under the United States Grain Standards Act, as amended (USGSA) to allow official agencies to provide both official and unofficial weighing within their assigned area of responsibility but not at the same facility. This action will make official Class X and Class Y weighing services more readily available at a lower cost to the grain industry at nonexport locations.

DATES: This rule will be effective on October 2, 1995. Unless we receive written adverse comments or written notice of intent to submit adverse comments on or before September 1, 1995.

ADDRESSES: Please send any adverse comments or notice of intent to submit adverse comments to George Wollman, GIPSA-FGIS, USDA, Room 0623-S, P.O. Box 96454, Washington, D.C. 20090-6454; FAX (202) 720-4628. All comments received will be made available for public inspection at the above address during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

George Wollman, address as above, telephone (202) 720-0292.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not-significant for the purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

Executive Order 12778

This amended rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. The United States Grain Standards Act provides in section 87g that no State or subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this rule will not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act Certification

James R. Baker, Administrator, GIPSA, has determined that this rule will not have a significant economic impact on a substantial number of small entities. Most users of the official inspection and weighing services and those persons that perform those services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Further, the standards are applied equally to all entities.

Information Collection and Record Keeping Requirement

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection and Record keeping requirements in Part 800 have been approved previously by OMB and assigned OMB No. 0580-0013.

Background

Enactment of the United States Grain Standards Act of 1976, as amended, required FGIS to establish a national weighting program for gain. Regulations under the USGSA prohibit designated agencies or official personnel from providing official services if they provide similar unofficial services. Designated agencies are agencies granted authority under the USGSA to provide either official inspection service, or Class X or Class Y weighing services or both, at locations other than export port locations. A large portion (88%) of the designated agencies are designated for inspection services only. The reason is that before 1976 most grain inspection agencies were already providing weighing as an accessory service to grain inspection. The agencies were affiliated with and supervised by the then existing weighing and inspection bureaus under the direction of the Association of American railroads, local grain exchanges, boards of trade, and various State programs. After the FGIS weighting programs started, the weighing being performed by the grain inspection agencies became unofficial weighing. Most agencies continued their unofficial weighing and applied for inspection designations only.

Since 1976 many inspection and weighing bureaus, boards of trade, and the Association of American Railroads have ceased providing supervision of this unofficial service. Because of the decreasing availability of supervision caused by the lack of supervising entities, the need for more access to Class X or Class Y weighing exists. If allowed to provide both types of service,

many more agencies who are now designated for inspection only could also provide official weighing service. Designated agencies can provide Class X and Class Y weighing at a much lower cost than FGIS field offices due to their proximity to the grain facilities.

FGIS initially did not allow agencies to provide both types of service because confusion may have resulted on the part of the grain industry and agency licensees on which type of service the agency was providing.

FGIS has reevaluated this policy because of the distinct differences in the services. Primary differences between official and unofficial weighing are: (1) Official weighing requires an officially tested scale; (2) FGIS has established procedures to maintain proper operation and accurate weighing; (3) FGIS provides an official grain weight certificate certifying the accuracy of weighing. This rule continues to separate official and unofficial weighing service by not allowing agencies to provide both types of service at the same facility.

This rule does not change the requirements for inspection services. FGIS proposes to change only the weighing provisions of the regulations.

We are publishing this rule without a prior proposal because we regularly update the regulations and view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, 60 days after the date of publication in the **Federal Register** unless we receive written adverse comments or written notice of intent to submit adverse comments within 30 days of the date of publication of this rule in the **Federal Register**.

Adverse comments are comments that suggest the rule should not be adopted or suggest the rule should be changed. If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a notice in the **Federal Register** withdrawing this rule before the effective date. We will then publish a proposed rule for public comment. Following the close of that comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if we receive no written adverse comments nor written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a notice to this effect in the **Federal Register**, before the effective date of this direct final, confirming that

it is effective on the date indicated in this document.

Direct Final Action

List of Subjects in 7 CFR Part 800

For reasons set forth in the preamble, 7 CFR Part 800 is amended as follows:

PART 800—GENERAL REGULATIONS

1. The authority citation for Part 800 continues to read as follows:

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.)

2. Section 800.76(a) is revised as follows:

§ 800.76 Prohibited Services; restricted services.

(a) *Prohibited services.* No agency shall perform any inspection function or provide any inspection service on the basis of unofficial standards, procedures, factors, or criteria if the agency is designated or authorized to perform the service or provide the service on an official basis under the Act. No agency shall perform official and unofficial weighing on the same mode of conveyance at the same facility.

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3. Section 800.186(c)(3) introductory text is revised to read as follows:

§ 800.186 Standards of conduct.

(c) * * *

(3) Excluding the unofficial weighing described in § 800.76(a) engage in any outside (unofficial) work or activity that:

* * * * *

4. Section 800.195(f)(5)(ii) is revised to read as follows:

§ 800.195 Delegations.

(f) * * *

(5) * * *

(ii) Unofficial activities. Excluding the unofficial weighing described in § 800.76(a) delegated State or personnel employed by the State shall not perform any unofficial service that is the same as any of the official services covered by the delegation.

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6. Section 800.196(g)(6)(ii) is revised to read as follows:

§ 800.196 Designations.

(g) * * *

(6) * * *

(ii) Unofficial activities. Excluding the unofficial weighing described in § 800.76(a) the agency or personnel employed by the agency shall not perform any unofficial service that is the same as the official services covered by the designation.

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Dated: July 25, 1995.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 95-18905 Filed 8-1-95; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-09-AD; Amendment 39-9326; AD 95-16-06]

Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1 and Jetstream Series 200 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 83-05-01, which currently requires the following on Jetstream Aircraft Limited (JAL) HP137 Mk1 and Jetstream series 200 airplanes: repetitively inspecting the wing lower skin panels at the main gear bay cutouts for loose or damaged rivets and cracks, replacing loose or damaged rivets, and repairing any cracked wing lower skin panel. The Federal Aviation Administration's policy on commuter-class aircraft is to eliminate or, in certain instances, reduce the number of certain repetitive short-interval inspections when improved parts or modifications are available. The proposed action would require reinforcing the wing lower skin at both the landing gear cutouts at Wing Station (WS) 115 and the undercarriage bay cutouts at WS 60 and WS 90, as terminating action for the repetitive inspections that are currently required by AD 83-05-01. The actions specified in the proposed AD are intended to prevent wing damage caused by cracks or loose or damaged rivets in the wing lower skin panels, which, if not detected and corrected, could result in structural damage to the point of failure.

DATES: Effective September 26, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 26, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from Jetstream Aircraft Limited, Manager, Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44-292) 79888; facsimile (44-292) 79703; or Jetstream Aircraft Inc.,