

(1) Handlers may remill, move to a custom remiller, or sell to or contract with another handler, or handler as defined in 7 CFR 998.8, for remilling or further handling, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements of § 997.30(a).

Transactions made in this manner shall be reported to the Department by both the buyer and seller on Form FV-117-4 provided by the Department. If, after further handling, such peanuts meeting the requirements of § 997.30(a) may be disposed of for human consumption. Such peanuts which still do not meet quality requirements of § 997.30(a) may be blanched as provided in paragraph (a)(2) of this section or disposed of and such disposition reported as provided in paragraph (b) of this section.

(2) Handlers may blanch, or cause to have blanched, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for human consumption specified in § 997.30(a) because of excessive damage, minor defects, moisture, or foreign material or are positive to aflatoxin.

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Dated: September 15, 1995.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 95-23897 Filed 9-27-95; 8:45 am]

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7 CFR Part 1138

[DA-95-20]

Milk in the New Mexico-West Texas Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This document continues the suspension of certain segments of the pool plant and producer milk definitions of the New Mexico-West Texas order for a two-year period. Associated Milk Producers, Inc., a cooperative association that represents a majority of the producers who supply milk to the market, requested continuation of the suspension. Continuation of the suspension is necessary to ensure that dairy farmers who have historically supplied the New Mexico-West Texas order will continue to have their milk priced under the order without incurring costly and inefficient movements of milk.

EFFECTIVE DATE: October 1, 1995, through September 31, 1997.

FOR FURTHER INFORMATION CONTACT:

Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-9368.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued July 14, 1995; published July 20, 1995 (60 FR 37373).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed rule would not have a significant economic impact on a substantial number of small entities. This rule will tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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

This suspension of rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect and will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), 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 provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a 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 its 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.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the New Mexico-West Texas marketing area.

Notice of proposed rulemaking was published in the Federal Register on July 20, 1995 (60 FR 37373) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. One comment supporting the suspension was filed and no opposing views were received.

After consideration of all relevant material, including the proposal in the notice, the comment received and other available information, it is hereby found and determined that for the months of October 1, 1995, through September 30, 1997, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1138.7, paragraph (a)(1), the words "including producer milk diverted from the plant,";
2. In § 1138.7, paragraph (c), the words "35 percent or more of the producer"; and
3. In § 1138.13(d), paragraphs (1), (2), and (5).

Statement of Consideration

This rule continues the suspension of segments of the pool plant and producer milk definitions under the New Mexico-West Texas order. The provisions that are suspended limit the pooling of diverted milk. This suspension will be effective from October 1995 through September 1997. The current suspension will expire September 30, 1995.

This rule continues the suspension of:

1. The requirement that milk diverted to a nonpool plant be considered a receipt at the distributing plant from which it was diverted;
2. The requirement that a cooperative must deliver at least 35 percent of its milk to pool distributing plants in order to pool a plant that the cooperative operates which is located in the marketing area and is neither a distributing plant nor a supply plant;
3. The requirement that a producer must deliver one day's production to a pool plant during the months of September through January to be eligible to be diverted to a nonpool plant;
4. The provision that limits a cooperative's diversions to nonpool plants to an amount equal to the milk it caused to be delivered to, and physically received at, pool plants during the month; and
5. The provision that excludes from the pool milk diverted from a pool plant to the extent that it would cause the plant to lose its status as a pool plant.

Continuation of the current suspension was requested by Associated

Milk Producers, Inc., a cooperative association that represents a substantial number of dairy farmers who supply the New Mexico-West Texas market. The cooperative stated that marketing conditions have not changed since the provisions were suspended in 1993 and therefore should be continued until restructuring of the order can be achieved through the formal rulemaking process.

Mid-America Dairymen, Inc. (Mid-Am), filed a comment supporting continuation of the suspension. In their comment, Mid-Am stated that from 1993 to 1995 milk production in New Mexico had increased while the Class I utilization on the New Mexico-West Texas order had actually decreased. Mid-Am further stated that in the absence of a continuation of the current suspension, disorderly marketing conditions would prevail.

During the past two years since implementation of the current suspension, milk production in this region has continued to increase while Class I utilization has remained constant or decreased slightly. Continuation of the current suspension is necessary to insure that dairy farmers who have historically supplied the New Mexico-West Texas market will continue to have their milk priced under this order. In addition, the suspension will continue to provide handlers the flexibility needed to move milk supplies in the most efficient manner and to eliminate costly and inefficient movements of milk that would be made solely for the purpose of pooling the milk of dairy farmers who have historically supplied the market.

Accordingly, it is appropriate to suspend the aforesaid provisions from October 1, 1995, through September 30, 1997.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such rule is necessary to permit the continued pooling of the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning

this suspension. One comment supporting the suspension was received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the Federal Register.

List of Subjects in 7 CFR Part 1138

Milk marketing orders.

For the reasons set forth in the preamble, the following provisions in Title 7, Part 1138, are amended as follows:

PART 1138—MILK IN THE NEW MEXICO-WEST TEXAS MARKETING AREA

1. The authority citation for 7 CFR Part 1138 continues to read as follows:

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

§ 1138.7 [Suspended in Part]

2. In § 1138.7(a)(1), the words "including producer milk diverted from the plant," are suspended;

3. In § 1138.7(c) introductory text, the words "35 percent or more of the producer" are suspended.

§ 1138.13 [Suspended in Part]

4. In § 1138.13, paragraphs (d)(1), (2), and (5) are suspended.

Dated: September 22, 1995.

Shirley R. Watkins,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95-24048 Filed 9-27-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-18-AD; Amendment 39-9354; AD 95-18-07]

Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A and -3R), and CL-600-2B19 (Regional Jet Series 100) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Bombardier Model CL-600-1A11, CL-600-2A12, CL-600-2B16, and CL-600-2B19 series airplanes, that currently requires an inspection to detect cracking in the rudder control quadrant; replacement of any cracked quadrant with a new

assembly; and retorquing of the castellated nut, as necessary. This amendment requires a follow-on inspection of certain rudder control quadrants to detect cracks that start at the inside root radius of the spigot; modification of any cracked quadrant; and eventual modification of certain quadrants. This amendment also adds airplanes to the applicability of the existing AD. This amendment is prompted by the development of a modification, which, when installed, will positively address the identified unsafe condition. The actions specified by this AD are intended to prevent loss of rudder control due to stress corrosion of the rudder control quadrant.

DATES: Effective October 30, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 30, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Quebec H3C 3G9, Canada. 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 FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Franco Pieri, Aerospace Engineer, Airframe Branch, ANE-172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7526; fax (516) 568-2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 93-22-04, amendment 39-8729 (58 FR 59161, November 8, 1993), which is applicable to certain Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A and -3R), and CL-600-2B19 (Regional Jet Series 100) series airplanes, was published in the Federal Register on May 18, 1995 (60 FR 26700). The action proposed to require a one-time ultrasonic inspection of certain rudder control quadrants to detect cracks that start at the inside root radius of the spigot; modification of any cracked quadrant; and eventual modification of certain quadrants. The action also proposed to expand the