

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 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 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 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 27 handlers of South Texas melons who are subject to regulation under the marketing order and 30 producers in the production area. Small agricultural service firms, which include handlers, 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 having annual receipts of less than \$500,000. The majority of handlers and producers of South Texas melons may be classified as small entities.

At a public meeting on December 12, 1995, the committee unanimously recommended, under the authority of § 979.52 of the order, increasing the depth of cantaloup cartons. Currently, § 979.304(b)(1) specifies that the depth of cantaloup cartons may be not more than 10 3/8 nor less than 9 3/4 inches. A tolerance of 1/4 inch is permitted. The committee recommended an one inch increase in depth to 11 3/8 inches.

In recent years, buyers have requested increased supplies of larger cantaloups. Handlers have experienced difficulty in packing larger cantaloups without bruising because the current container depth does not allow sufficient room for

the larger fruit and ice packed with the cantaloups to keep them cool. Also, without adequate carton space, proper stacking on pallets is more difficult and compression damage often occurs to the cantaloups when loading and shipping. Increasing the depth of cantaloup cartons by one inch to 11 3/8 inches will allow for proper stacking and delivery of cantaloups without bruising and other damage. This change is expected to foster buyer satisfaction and confidence. Handlers will not be prevented from using their current supply of smaller cartons if they desire.

Section 979.304(c)(4) designates inspection stations in Alamo and Laredo, for handlers who do not have permanent packing facilities recognized by the committee. The telephone area codes specified for Alamo and Laredo are not correct. This rule amends § 979.304(c)(4) to correct those area codes from (502) and (512), respectively, to (210).

Section 979.304(c)(5) specifies that handlers shall pay assessments on all assessable melons according to the provisions of § 979.42, at the rate of 3/4 cent per carton. The 3/4 cent per carton rate of assessment has not been in effect for a number of years. The current rate of assessment is 7 cents per carton. Also, because the assessment rate is established by the Department annually in a separate rulemaking document and handlers are informed of the rate by the committee through handler notices, the rate of assessment does not need to be referenced in these provisions. Therefore, the words "at the rate of 3/4 cent per carton" in § 979.304(c)(5) are removed.

Based on the above, 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 the committee's recommendation and other relevant information presented, it is found that this interim final rule 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 rule until 30 days after publication in the Federal Register because: (1) This rule relaxes carton requirements currently in effect; (2) the committee recommended this rule at a public meeting; (3) this change should be in effect as soon as possible, to give handlers adequate time to order cartons, and manufacturers an opportunity to

make them; and (4) this rule provides a 30-day comment period, and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

**PART 979—MELONS GROWN IN SOUTH TEXAS**

1. The authority citation for 7 CFR part 979 continues to read as follows:

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

2. Section 979.304 is amended by revising the first sentence in paragraph (b)(1), and paragraphs (c)(4), and (c)(5) to read as follows:

**§ 979.304 Handling regulation.**

\* \* \* \* \*

(b) *Container requirements.* (1) Except as provided in paragraphs (b)(4), (d) or (e) and (f) of this section all cantaloups shall be packed in fiberboard cartons with inside dimensions of not more than 17 1/4 nor less than 16 3/4 inches in length, not more than 13 nor less than 12 3/4 inches in width, and not more than 11 3/8 nor less than 9 3/4 inches in depth. \* \* \*

\* \* \* \* \*

(c) \* \* \*

(4) Designated inspection stations will be located at the Texas Federal Inspection Service office, 1301 W. Expressway, Alamo (Phone (210) 787-4091 or 6881) and the Matt Dietz Packing Co., 4700 N. Santa Maria, Laredo (Phone (210) 723-9178 or 9170), to be available for handlers who do not have permanent packing facilities recognized by the committee.

(5) Handlers shall pay assessments on all assessable melons according to the provisions of § 979.42.

\* \* \* \* \*

Dated: February 22, 1996.  
 Martha B. Ransom,  
*Acting Deputy Director, Fruit and Vegetable Division.*  
 [FR Doc. 96-4501 Filed 2-27-96; 8:45 am]  
 BILLING CODE 3410-02-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Parts 23 and 91**

[Docket No. 27806, Amendment No. 91-248]

RIN 2120-AE59

**Airworthiness Standards; Systems and Equipment Rules Based on European Joint Aviation Requirements**

AGENCIES: Federal Aviation Administration, DOT.

ACTION: Final rule, correction.

**SUMMARY:** This document contains a correction to the final rule published on February 9, 1996 (61 FR 5151). This action removes the numbers "91-247", inadvertently used in the heading of the document and replaces it with the numbers "91-248".

EFFECTIVE DATE: March 11, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Earsa Tankesley, Aerospace Engineer, Standards Office (ACE-100), Small Airplane Directorate, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 426-6932.

In the final rule on page 5151 in the issue of Friday, February 9, 1996, delete the numbers "91-247", from the heading and add the numbers "121-248" to the heading.

Issued in Washington, DC on February 21, 1996.

Donald P. Byrne,

*Assistant Chief Counsel, Regulations Division.*

[FR Doc. 96-4559 Filed 2-27-96; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****Office of the Assistant Secretary for Public and Indian Housing****24 CFR Part 953**

[Docket No. FR-2880-F-08]

RIN 2577-AB31

**Community Development Block Grants for Indian Tribes and Alaskan Native Villages**

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; Extension of effective period of interim rule.

**SUMMARY:** This rule extends the effective period for the interim rule for the

Community Development Block Grants for Indian Tribes and Alaskan Native Villages Program (24 CFR part 953) to such time that a final rule is issued and becomes effective.

**EFFECTIVE DATE:** This final rule, which extends the effective period of the interim rule, is effective March 29, 1996.

The effective period for 24 CFR part 953 is extended from April 1, 1996, until the final rule adopting the regulations of part 953 is published and becomes effective.

**FOR FURTHER INFORMATION CONTACT:**

Dominic Nesi, Director, Office of Native American Programs, Department of Housing and Urban Development, room B-133, 451 Seventh Street, SW, Washington, DC 20410. Telephone: (202) 755-0032; TDD: (202) 708-0850. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:****I. Justification for Final Rulemaking**

In general, HUD publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR part 10. However, part 10 provides for exceptions from that general rule where the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment, because prior public procedure is unnecessary.

This final rule is technical, in that it merely extends the effective period for existing regulations, and it effects no substantive change to those regulations. The public has had an opportunity to comment on the substance of the regulations, as the interim rule for this program was published subject to a 150-day public comment period, and the interim rule was preceded by an earlier interim rule which provided for a 225-day public comment period and an even earlier proposed rule which provided a 60-day public comment period.

**II. Background**

Section 105 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235), as amended by the National Affordable Housing Act, amended Title I of the Housing and Community Development Act of 1974, by transferring the authority for making grants to Indian Tribes from the section 107 discretionary fund to the allocation and distribution of funds provisions of Section 106 of the 1974 Act. Under

section 106, as so amended, one percent of the title I appropriation, excluding the amounts appropriated for use under section 107, is allocated for grants to Indian Tribes. The allocated amount is to be distributed to Indian Tribes/Villages on a competitive basis in accordance with selection criteria "contained in a regulation promulgated by the Secretary after notice and public comment."

The Department issued the proposed rule on June 21, 1991, at 56 FR 28666, to comply with the requirement for publication for comment. The Department issued an interim rule on April 7, 1992, at 57 FR 11832, to give the public an additional opportunity to comment on the interim rule after it has been in effect for one round of competition. A second interim rule was issued on July 27, 1994, at 59 FR 38326, to address the comments received on the April 7, 1992 interim rule and to allow the public to see how the interim rule worked in conjunction with the 1995 NOFA.

Section 953.1 of the July 27, 1994 interim rule contains a "sunset" provision that provides that the interim rule will expire on April 1, 1996.

The final rule for part 953 is in its last stages of development and publication is anticipated in the near future. However, in order to prevent a period in which the Department will be without effective regulations, HUD is extending the effective period of the interim rule until the final rule is published and becomes effective.

**III. Other Matters***National Environmental Policy Act*

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 implementing section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the Office of Rules Docket Clerk, 451 Seventh Street, SW, room 10276, Washington, DC 20410-0500.

*Regulatory Flexibility Act*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that the rule does not have a significant economic impact on a substantial number of small entities. The rule merely extends the effective period for the interim rule.