due date from February 5 to January 1. As stated previously, the Department has modified this date from January 1 to January 5. The first acquisition report currently shows the total quantity of cranberries acquired and the total quantity of cranberries handled from the beginning of the reporting period through January 31. The committee also recommended that the January 31 date be changed to December 31 to make the report consistent with the new due date. In addition, the Department is modifying § 929.105(b) by listing each one of the due dates. This will make the section easier to understand as to when each report is due.

The proposed rule concerning this action was published in the April 22, 1996, Federal Register (78 FR 17586), with a 30-day comment period ending May 22, 1996. No comments were received.

There was one error in the regulatory text appearing in the proposed rule. In § 929.105(b)(2), the proposed rule indicated that the certified report due from handlers on January 5 show the quantities of cranberries and cranberry products held by the handler on February 1. The latter date should be January 1. This final rule corrects § 929.105(b)(2) accordingly.

Based on the above, the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities. This rule modifies language in the cranberry marketing order's rules and regulations to change the first date by which handlers must file their acquisition reports from February 5 to January 5 during each crop year. This rule will provide more useful production information to the cranberry industry at an earlier time.

The information collection requirements contained in the referenced section have been previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and have been assigned OMB number 0581–0103.

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.

List of Subjects in 7 CFR Part 929

Marketing agreements, Cranberries, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 929 is amended as follows:

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

1. The authority citation for 7 CFR part 929 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 929.105 is amended by revising paragraph (b) to read as follows:

§ 929.105 Reporting.

* * * * *

(b) Certified reports shall be filed with the committee, on a form provided by the committee, by each handler not later than January 5, May 5, and August 5 of each fiscal period and by September 5 of the succeeding fiscal period showing:

(1) The total quantity of cranberries the handler acquired and the total quantity of cranberries the handler handled from the beginning of the reporting period indicated through December 31, April 30, July 31, and August 31, respectively, and

(2) The respective quantities of cranberries and cranberry products held by the handler on January 1, May 1, August 1, and August 31 of each fiscal period.

Dated: June 10, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–15093 Filed 6–14–96; 8:45 am]

BILLING CODE 3410–02–P

---

7 CFR Part 1208

[FV–95–702FR]

Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order—Postponement of Payment of Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes a rules and regulations subpart under the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order (Order). The Order is authorized under the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993. This rule implements a provision of the Order concerning the postponement of the payment of assessments. This action establishes procedures for the postponement of the payment of assessments to the National PromoFlor Council.

EFFECTIVE DATE: June 18, 1996.

FOR FURTHER INFORMATION CONTACT: Sonia N. Jimenez, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535–S, Washington, DC 20090–6456, telephone (202) 720–9916.

SUPPLEMENTARY INFORMATION: This rule is issued under the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993 [7 U.S.C. 6801 *et seq.*], hereinafter referred to as the Act, and the Order.

This rule has been issued in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This 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 § 8 of the Act, a person subject to the order may file a petition with the Secretary stating that the order or any provision of the order, or any obligation imposed in connection with the order, is not in accordance with law and requesting a modification of the order or an exemption from the order. The petitioner is afforded the opportunity for a hearing on the petition. After such hearing, the Secretary will make a ruling on the petition. The Act provides that the district courts of the United States in any district in which a person who is a petitioner resides or carries on business are vested with jurisdiction to review the Secretary's ruling on the petition, if a complaint for that purpose is filed within 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), 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.

Only those wholesale handlers, retail distribution centers, producers, and importers who have annual sales of $750,000 or more of cut flowers and greens and who sell those products to exempt handlers, retailers, or consumers are considered qualified handlers and

assessed under the Order. There are approximately 900 wholesaler handlers, 150 importers, and 200 domestic producers who are qualified handlers.

The majority of these qualified handlers would be classified as small businesses. Small agricultural service firms have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $5 million. Statistics reported by the National Agricultural Statistics Service show that 1994 sales at wholesale of domestic cut flowers and greens total approximately $559.6 million while the value of imports during 1994 was approximately $382 million. The leading States in the United States producing cut flowers and greens, by wholesale value, are California, which produces approximately 49 percent of the domestic crop, followed by Florida, Colorado, and Hawaii. Major countries exporting cut flowers and greens into the United States, by value, are Colombia, which accounts for approximately 60 percent, followed by The Netherlands, Mexico, and Costa Rica.

The Act and the Order provide for the postponement of assessments. This rule establishes procedures for the postponement of the payment of assessments to the Council, which lessens the regulatory impact of the Order on large and small businesses alike. Therefore, AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], the information collection requirements contained in the Order have been approved by the Office of Management and Budget (OMB) under OMB number 0581–0093 and have an expiration date of January 31, 1997.

Background

The Act authorized the Secretary of Agriculture (Secretary) to establish a national cut flowers and greens promotion and consumer information program. The program is funded by an assessment of ½ percent of gross sales of cut flowers and greens which is levied on qualified handlers. The program is administered by the National PromoFlor Council (Council) under the supervision of the Department of Agriculture (Department). Section 1208.55 of the Order provides for the postponement of assessments.

The Council met on September 11, 1995, and recommended that, in order for a request for the postponement of assessments to be granted, the requester should comply with the following: (1) Submit a written opinion from a Certified Public Accountant stating that the handler making the request is insolvent or will be unable to continue to operate if the handler is required to pay the assessment when due and (2) submit copies of the last three (3) years' federal tax returns. The Council stated that these two requirements are needed to verify that the qualified handler is financially unable to make the payment of the assessments due and that the postponement of payment, if granted, complies with the requirements set forth in the Order. In addition, the requester should submit to the Council a completed application form (''Application for Postponement of Payment of PromoFlor Assessments'').

A proposed rule regarding the Council's recommendation was published in the Federal Register on November 27, 1995 [60 FR 58253]. That rule contained a proposed new subpart for rules and regulations under the Order. In addition, it proposed the establishment of procedures for the postponement of the payment of assessments to the Council.

The deadline for comments on the proposed rule was January 26, 1996. Two comments were received. One comment was received from the Council, and another comment was received from a greenhouse operator.

The Council commented that the proposal did not address the consequences if a qualified handler does not meet the 30-day deadline for requesting the postponement of the payment of assessments. The Council stated that it should not be required to consider requests that are made after the deadline. However, the rule already states that, for a request for postponement of assessments to be granted, the request must be in writing no later than 30 days after the assessments were due. Therefore, the Council can not consider any late requests.

The Council also commented that the qualified handler should be required to complete and sign a handler report for each month the assessments are owed or to list sales and assessments due for each month in the form of a signed statement. The second commentor also commented that the reporting requirement needs to be met so that the Council can track what is owed. The Department agrees that the qualified handler should file a qualified handler report for each month assessments are due even though the postponement of the payment of assessment has been granted and has revised the procedures accordingly.

In addition, the Council commented that it should not be required to audit a qualified handler who has gone through the postponement process. Section 1208.71 of the Order requires qualified handlers to maintain and make records available for inspection by agents of the Council or the Secretary. The Department believes that an audit of the books of the qualified handler requesting the postponement of the payment of assessments may be necessary in order to verify any information provided and, if necessary, pursue collection of past-due assessments. Therefore, the Department disagrees with this comment.

The Council further commented that the number of extensions for the postponement of the payment of assessments be limited to one. The second commentor stated that the postponement should be open ended. He commented that the business should not have to pay until it recovers or goes bankrupt.

The Department agrees that the postponement of the payment of assessments should not be indefinite. It is the purpose of these procedures to bring qualified handlers into compliance as soon as practicable after giving them the opportunity to recover from a financial difficulty. Accordingly, the comment recommending that the postponement period be open ended is denied, and the Council's comment on limiting extensions of the postponement periods is granted.

The proposal has been revised to state that one extension of the postponement of the payment of assessments may be granted covering the same period previously requested. The extension of the postponement may not exceed six (6) months. If an individual requests that another period be postponed, that person must file another application for the postponement of the payment of assessments of the second period. The qualified handler may request the postponement of the payment of assessments for a maximum of two periods only. Each period postponed could include a maximum of six (6) months. The payment of assessments for the second period of postponement, if granted, may not be extended. The payment period must not exceed the length of the postponement period. The payment period for the total assessments due, when an extension and a second period are granted, must begin within one (1) year after the first postponed month's assessments were originally due. However, these procedures are not intended to be

retroactive for those individuals who requested postponement of the payment of assessments before this rule becomes effective.

The Council will have the right to audit the records of those requesting an extension or those requesting more than one postponement period to verify the validity of the request(s). If it is determined that the qualified handler is capable of meeting the obligations of payment of assessments, the qualified handler will be given the opportunity to start paying the assessments. If the qualified handler refuses to pay the assessments due, the Council will refer the debt to the Department for collection after notifying the qualified handler.

The second commentor stated that the requirements for requesting the postponement of the payment of assessments should be simple, such as an officer of the company certifying that the company is not able to meet the terms of the payment of his vendors and that dividends are not being paid. Such statement could be provided by a Certified Public Accountant.

The Department believes that the procedures established by this final rule are reasonable and are not burdensome to a qualified handler that requests a postponement of the payment of assessments. Therefore, this comment is denied.

In addition, the second commentor stated that the Department should address producers' financial hardship due to imports of certain flowers. Although this issue may be cause of concern to certain producers and handlers, it is not relevant to this rulemaking.

In addition, to the changes described above, the Department has made a few editorial changes to the proposal in order to simplify the regulatory text.

This final rule provides the following:

Section 1208.100 will provide that the definitions for this subpart are the same as those prescribed in § 1208.1 through 1208.24 of the Order.

Section 1208.150 will provide for the postponement of the payment of assessments under certain circumstances. Section 1208.55 of the Order states that ''The Council may grant a postponement of an assessment under this subpart for any qualified handler that establishes that it is financially unable to make the payment * * *'' In addition, the Order establishes that the Council shall develop forms and procedures for a qualified handler to request and for the Council to grant the postponement of the payment of assessments.

Under these regulations, the period for which the initial postponement of the payment of assessments is requested may not exceed six (6) months. If the postponement is granted, the qualified handler will be exempt from paying assessments beginning with the first month for which the request for postponement is filed with the Council and for no more than six (6) months unless an extension is requested and granted by the Council. Only one extension may be granted for the postponement period. The qualified handler will be required to file monthly reports during the postponement period and any extension. The handler must provide a reason for the request as well as detailed information concerning the handler's name, address, telephone and fax numbers, the month(s) for which the request is made, the amount of assessments due or gross sales per month, the percent or amount of the outstanding debt to be paid by month after the postponement of payment is granted, and the starting and ending date for the payment.

The request must be made no later than 30 days after the first month's assessment of the requested postponement period is due. Applications postmarked after the 30-day deadline will not be considered by the Council. In addition, after the postponement period has concluded, the handler must pay the percentage or amount of the outstanding assessments agreed upon each month as well as any other assessments which are due. Assessments due after the initial postponement period is over will not be postponed further unless an extension of time to pay such assessment is granted. If an extension of time is requested, new documentation must be provided for the Council to determine whether to grant the request. The same procedures used for the initial postponement request must be followed in requesting an extension. The extension may not exceed six (6) months. In addition, a qualified handler may request a second period of postponement of the payment of the assessments of no more than six (6) months. The same procedures followed for requesting the first postponement period must be used. However, the second postponement period may not be extended. The qualified handler may request the postponement of the payment of the assessments for a maximum of two periods only. No additional postponements would be considered by the Council until the assessments owed for the first two periods have been paid.

The following example will serve to further explain and clarify this rule. If a qualified handler wants to postpone the payment of assessments due on cut flowers and greens handled during the months of January through June 1997, the request for the postponement must be filed with the Council's office no later than April 30, 1997. April 30 is 30 days after the assessments on cut flowers and greens handled during January 1997 would be due (March 31, 1997). If the request is granted, the handler would not have to pay assessments to the Council in the months of March through August 1997. The first payment on handlings during January through June 1997 would be due no later than September 30, 1997. Payments would be made pursuant to a schedule agreed upon between the handler and the Council.

If the same handler wants to extend the postponement period for an additional six (6) months, the request must be submitted to the Council's office no later than the date the first payment was due or, in this case, no later than September 30, 1997. If the extension is granted, the deadline for the first payment of the assessments on January through June 1997 handlings would be on March 31, 1998. Therefore, in March 1998, the qualified handler would be required to pay (1) the agreed upon amount of the assessments due on cut flowers and greens handled in January 1997 as well as (2) the total amount due in March 1998 for cut flowers and greens handled in January 1998.

If the qualified handler also wants to postpone the assessments due on cut flowers and greens handled during the months of July through December 1997, the handler must make that request no later than October 31, 1997, the date 30 days after the assessments on cut flowers and greens handled in July 1997 would be due. If the request is granted, the deadline for the first payment of the assessments on cut flowers and greens handled in July through December 1997 would be March 31, 1998. And, during March 1998, the handler would be required to pay (1) at least 50 percent of the assessments on cut flowers and greens handled in January 1997; (2) the entire assessments due on cut flowers and greens handled in July 1997; and (3) the total assessments due for cut flowers and greens handled in January 1998.

The Council may conduct an audit of the qualified handler's books and records at any time to determine whether the qualified handler will be unable to continue to operate if the handler is required to pay the assessments when due.

Any late payment will make the postponement null and all assessments due will need to be paid in their entirety

at that time. In addition, the Council agrees to forgo any late fee charges and interest for the duration of the postponement of the payment of assessments.

After consideration of all relevant material presented, it is found that this regulation, as set forth herein, tends to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) This rule establishes rules and regulations in accordance with the provisions of the Act; (2) the Council has received requests for the postponement of the payment of assessments and needs rules to administer the postponement process; and (3) no useful purpose will be served in delaying the effective date until 30 days after publication of this final rule.

List of Subjects in 7 CFR Part 1208

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Cut flowers, Cut greens, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 1208 is amended as follows:

PART 1208—FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION ORDER

1. The authority citation for 7 CFR Part 1208 continues to read as follows:

Authority: 7 U.S.C. 6801 *et seq.*

2. In Part 1208 a new Subpart B is added to read as follows:

Subpart B—Rules and Regulations

Definitions

Sec.
1208.100 Terms defined.

Assessments

1208.150 Procedures for postponement of assessments.

Subpart B—Rules and Regulations

Definitions

§ 1208.100 Terms defined.

Unless otherwise defined in this subpart, definitions or terms used in this subpart shall have the same meaning as the definitions of such terms which appear in Subpart A—Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order of this part.

Assessments

§ 1208.150 Procedures for postponement of collections.

(a) For a request for postponement of the payment of assessments to be granted, the qualified handler requesting such postponement must: Submit a written opinion from a Certified Public Accountant stating that the handler making the request is insolvent or will be unable to continue to operate if the handler is required to pay the assessments when due; and submit copies of the handler's last three (3) years' federal tax returns. The request must be in writing no later than 30 days after the assessment for the first month of the requested postponement period is due. Applications postmarked after the 30-day due date will not be considered by the Council. The qualified handler must file handler reports with the Council for each month during the postponement period. The postponement period may not exceed six (6) months unless an extension is requested and granted by the Council. Only one extension of up to six (6) months may be granted. Within the postponement period, the qualified handler will be exempt from paying assessments beginning with the first month for which the request for postponement is filed with the Council and for no more than six (6) months unless an extension is granted. The same procedures used for the initial request will be used to grant any extension. The written request must specify:

(1) a reason for the request;

(2) detailed information concerning the qualified handler's name, address, and telephone and fax numbers;

(3) the month(s) for which the request is made;

(4) assessments due per month or gross sales per month;

(5) total assessments due;

(6) the percent or amount of the outstanding assessment to be paid each month after the postponement of payment is granted; and

(7) the starting and ending date for the payment of assessments due.

(b) At the end of the postponement period, the qualified handler must pay the percent or amount outstanding of assessments agreed upon each month as well as any other assessments which are due. An extension of time for payment of postponed assessments, if granted, will be for the same months previously requested and granted. The extension must not exceed six (6) months. If a qualified handler requests that another period be postponed, that handler must file another application for the postponement of the assessment for the second period using the same procedure which was followed in requesting the first postponement. A qualified handler may request the postponement of the payment of assessments for a maximum of two periods of up to six (6) months each. The payment applicable to the second postponement period, if granted, may not be extended, and the payment period must not exceed the length of the postponement period. Payment of the total assessments due, when an extension and a second period are granted, must begin within one (1) year after the first postponed month's assessments were originally due. No additional postponements would be considered by the Council until the assessments owed for the first two periods have been paid. The Council may conduct an audit of the qualified handler's records at any time to determine whether the qualified handler will be unable to continue to operate if the handler is required to pay the assessments due. In the event that postponed assessments are not paid when due, the Council can demand that all such assessments due be paid in their entirety.

(c) Charges for late payment of assessments as described in § 1208.52 will not be imposed on assessments for which postponement of payment has been granted.

Dated: June 7, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–15092 Filed 6–14–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–CE–54–AD; Amendment 39–9665; AD 96–12– 22]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Engine Oil Filter Adapter Assemblies Installed on Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Cessna Aircraft Company (Cessna) engine oil filter adapter assemblies installed on aircraft. This action requires inspecting the oil filter and adapter assembly (or torque putty,