

For the reasons set forth in the preamble, 7 CFR part 959 is amended as follows:

#### **PART 959—ONIONS GROWN IN SOUTH TEXAS**

1. The authority citation for 7 CFR part 959 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 959.237 is revised to read as follows:

##### **§ 959.237 Assessment rate.**

On and after August 1, 2000, an assessment rate of \$0.03 per 50-pound container or equivalent is established for South Texas onions.

Dated: March 21, 2001.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 01–7531 Filed 3–26–01; 8:45 am]

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## **DEPARTMENT OF AGRICULTURE**

### **Agricultural Marketing Service**

#### **7 CFR Part 989**

[Docket No. FV01–989–1 FIRA]

#### **Raisins Produced from Grapes Grown in California; Reduction in Production Cap for 2001 Diversion Program**

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

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule reducing the production cap for the 2001 diversion program (RDP) for Natural (sun-dried) Seedless (NS) raisins from 2.75 to 2.5 tons per acre. The cap is specified under the Federal marketing order for California raisins (order). The order regulates the handling of raisins produced from grapes grown in California and is administered locally by the Raisin Administrative Committee (RAC). Under an RDP, producers receive certificates from the RAC for curtailing their production to reduce burdensome supplies. The certificates represent diverted tonnage. Producers sell the certificates to handlers who, in turn, redeem the certificates for reserve raisins from the RAC. The production cap limits the yield per acre that a producer can claim in an RDP. Reducing the cap brings the figure in line with anticipated 2001 crop yields.

**EFFECTIVE DATE:** April 26, 2001.

**FOR FURTHER INFORMATION CONTACT:** Maureen T. Pello, Senior Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: [Jay.Guerber@usda.gov](mailto:Jay.Guerber@usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the “order.” 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 is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule 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 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. 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 to review the Secretary’s ruling on the

petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues to reduce the production cap for the 2001 RDP for NS raisins from 2.75 to 2.5 tons per acre. The cap is specified in the order. Under an RDP, producers receive certificates from the RAC for curtailing their production to reduce burdensome supplies. The certificates represent diverted tonnage. Producers sell the certificates to handlers who, in turn, redeem the certificates for reserve raisins from the RAC. The production cap limits the yield per acre that a producer can claim in an RDP. Reducing the cap for the 2001 RDP brings the figure in line with anticipated 2001 crop yields. This action was recommended by the RAC at a meeting on November 29, 2000.

#### **Volume Regulation Provisions**

The order provides authority for volume regulation designed to promote orderly marketing conditions, stabilize prices and supplies, and improve producer returns. When volume regulation is in effect, a certain percentage of the California raisin crop may be sold by handlers to any market (free tonnage) while the remaining percentage must be held by handlers in a reserve pool (reserve) for the account of the RAC. Reserve raisins are disposed of through various programs authorized under the order. For example, reserve raisins may be sold by the RAC to handlers for free use or to replace part of the free tonnage they exported; carried over as a hedge against a short crop the following year; or may be disposed of in other outlets not competitive with those for free tonnage raisins, such as government purchase, distilleries, or animal feed. Net proceeds from sales of reserve raisins are ultimately distributed to producers.

#### **Raisin Diversion Program**

The RDP is another program concerning reserve raisins authorized under the order and may be used as a means for controlling overproduction. Authority for the program is provided in § 989.56 of the order, and additional procedures are specified in § 989.156 of the order’s administrative rules and regulations.

Pursuant to these sections, the RAC must meet by November 30 each crop year to review raisin data, including information on production, supplies, market demand, and inventories. If the RAC determines that the available supply of raisins, including those in the reserve pool, exceeds projected market needs, it can decide to implement a

diversion program, and announce the amount of tonnage eligible for diversion during the subsequent crop year. Producers who wish to participate in the RDP must submit an application to the RAC. Such producers curtail their production by vine removal or some other means established by the RAC and receive a certificate from the RAC which represents the quantity of raisins diverted. Producers sell these certificates to handlers who pay producers for the free tonnage applicable to the diversion certificate minus the established harvest cost for the diverted tonnage. Handlers redeem the certificates by presenting them to the RAC and paying an amount equal to the established harvest cost plus payment for receiving, storing, fumigating, handling, and inspecting the tonnage represented on the certificate. The RAC then gives the handler raisins from the reserve pool in an amount equal to the tonnage represented on the diversion certificate.

#### **Production Cap**

Section 989.56(a) of the order specifies a production cap of 2.75 tons per acre for any production unit of a producer approved for participation in an RDP. When the diversion tonnage is announced, the RAC may recommend, subject to approval by the Secretary, reducing the 2.75 tons per acre production cap. The production cap limits the yield that a producer can claim. Producers who historically produce yields above the production cap can choose to produce a crop rather than participate in the diversion program. No producer is required to participate in an RDP.

Pursuant to § 989.156, producers who wish to participate in a program must submit an application to the RAC by December 20. Producers must specify, among other things, the raisin production and the acreage covered by the application. RAC staff verifies producers' production claims using handler acquisition reports and other available information. However, a producer could misrepresent production by claiming that some raisins produced on one ranch were produced on another, and use an inflated yield on the RDP application. Thus, the production cap limits the amount of raisins for which a producer participating in an RDP may be credited, and protects the program from overstated yields.

#### **RAC Recommendation**

On November 29, 2000, the RAC met and reviewed data relating to the quantity of reserve raisins and anticipated market needs. With a 2000–

01 NS crop estimated to be the largest on record at 427,394 tons, and a computed trade demand of 233,344 tons (comparable to market needs), the RAC projected a reserve pool of 194,050 tons of NS raisins. With such a large anticipated reserve, the RAC announced that 25,000 tons of NS raisins would be eligible for diversion under the 2001 RDP. In January 2001, the RAC revised its crop estimate to 440,000 tons, which, if realized, would yield a 206,656-ton reserve. The amount of tonnage towards the RDP was increased to 96,532 tons.

At the November meeting, RAC members evaluated the 2.75 tons per acre production cap. With this year's record crop and high yields per acre, the RAC believes that the grapevines will likely produce a smaller crop next year. In addition, RAC historical data indicates that the production cap under NS raisin diversion programs has averaged 2.24 tons per acre. Thus, the RAC recommended reducing the production cap from 2.75 to 2.5 tons per acre to more accurately reflect next year's anticipated yields. Accordingly, a new paragraph (t) was added to § 989.156 of the order's rules and regulations.

#### **Final Regulatory Flexibility Analysis**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

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 approximately 20 handlers of California raisins who are subject to regulation under the order and approximately 4,500 raisin producers in the regulated area. Small agricultural firms are defined by the Small Business Administration (13 CFR 121.201) 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. Thirteen of the 20 handlers subject to regulation have annual sales estimated to be at least \$5,000,000, and the remaining 7 handlers have sales less than \$5,000,000, excluding receipts from any other sources. No more than 7

handlers, and a majority of producers, of California raisins may be classified as small entities, excluding receipts from other sources.

This rule continues to add a new paragraph (t) to § 989.156 of the order's rules and regulations regarding the RDP. Under an RDP, producers receive certificates from the RAC for curtailing their production to reduce burdensome supplies. The certificates represent diverted tonnage. Producers sell the certificates to handlers who, in turn, redeem the certificates for reserve raisins from the RAC. The order specifies a production cap limiting the yield per acre that a producer can claim in an RDP. This rule continues to reduce the cap from 2.75 to 2.5 tons per acre to accurately reflect next year's anticipated yields. Authority for this action is provided in § 989.56(a) of the order.

Regarding the impact of this action on affected entities, producers who participate in the 2001 RDP will have the opportunity to earn some income for not harvesting a 2001–02 crop. Producers will sell the certificates to handlers next fall for the free tonnage applicable to the diversion certificate minus the harvest cost for the diverted tonnage. Applicable harvest costs for the 2001 RDP were established by the RAC at \$340 per ton.

Reducing the production cap has no impact on raisin handlers. Handlers will pay producers for the free tonnage applicable to the diversion certificate minus the \$340 per ton harvest cost. Handlers will redeem the certificates for 2000–01 crop NS reserve raisins and pay the RAC the \$340 per ton harvest cost plus payment for receiving, storing, fumigating, handling (currently totaling \$46 per ton), and inspecting (currently \$9.00 per ton) the tonnage represented on the certificate. Reducing the production cap does not impact handler payments for reserve raisins under the 2001 RDP.

Alternatives to the recommended action include leaving the production cap at 2.75 tons per acre or reducing it to another figure besides 2.5 tons per acre. However, the majority of RAC members believe that a cap of 2.5 tons per acre will more accurately reflect next year's yields.

There was some discussion at the RAC's meeting that the 2.5 tons per acre production cap was too low and would discriminate against producers with high yields. In recent years, cultural practices have evolved to where some producers' yield per acre is reportedly as high as 4 tons. However, as previously stated, the program is voluntary and producers whose vines

can produce 4 tons per acre have the option to produce a raisin crop rather than apply for the RDP and be subject to the production cap.

This rule imposes no additional reporting or recordkeeping requirements on either small or large raisin handlers. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirement referred to in this rule (i.e., the application) has been approved by the Office of Management and Budget (OMB) under OMB Control No. 0581-0178. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors agencies. Finally, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the RAC's meeting on November 29, 2000, and the RAC's Administrative Issues Subcommittee meeting on that same day but prior to the RAC meeting where this action was deliberated were public meetings widely publicized throughout the raisin industry. All interested persons were invited to attend the meetings and participate in the industry's deliberations.

An interim final rule concerning this action was published in the **Federal Register** on January 4, 2001 (66 FR 705). Copies of the rule were mailed by the RAC's staff to all RAC members and alternates, the Raisin Bargaining Association, handlers, and dehydrators. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided for a 15-day comment period that ended January 19, 2001. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the RAC 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 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

#### PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 989 which was published at 66 FR 705 on January 4, 2001, is adopted as a final rule without change.

Dated: March 21, 2001.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 01-7530 Filed 3-26-01; 8:45 am]

**BILLING CODE 3410-02-U**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NE-35-AD; Amendment 39-12156, AD 2001-06-09]

RIN 2120-AA64

#### Airworthiness Directives; General Electric Company CF6-80A3 Series Turbofan Engines

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to General Electric Company (GE) CF6-80A3 series turbofan engines, that currently requires initial and repetitive on-wing borescope inspections of the left hand aft engine mount link assembly for cracks, bearing migration, and bearing race rotation, and if necessary, replacement with serviceable parts. This AD requires initial and repetitive visual inspections of both left hand and right hand aft engine mount link assemblies for separations, cracks, and bearing race migration. Cracked or separated parts will have to be replaced prior to further flight. If spherical bearing race migration is discovered, a borescope inspection for cracks is also required. If no cracks are discovered by the additional borescope inspection, assemblies would have a 75-cycle grace period for remaining in service before replacement. Finally, installation of improved aft engine mount link assemblies will constitute terminating action to the inspections of this AD. This amendment is prompted by a recent analysis of internal bearing friction and bearing migration and inspections, which revealed migrated spherical bearing races on two CF6-80A3 series and ten CF6-80C2 series aft

engine mount links. The actions specified by this AD are intended to prevent aft engine mount link failure, which can result in adverse redistribution of the aft engine mount loads and possible aft engine mount system failure.

**DATES:** Effective May 1, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 1, 2001.

**ADDRESSES:** The service information referenced in this AD may be obtained from Rohr, Inc., 850 Lagoon Dr., Chula Vista, CA 91910-2098; telephone 619-691-3102, fax 619-498-7215. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Ann Mollica, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone 781-238-7740, fax 781-238-7199.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98-15-17, Amendment 39-10668 (63 FR 39489, July 23, 1998), which is applicable to GE Company CF6-80A3 series turbofan engines, was published in the **Federal Register** on July 20, 2000 (65 FR 44997). That action proposed to require initial and repetitive visual inspections of both left hand and right hand aft engine mount link assemblies for separations, cracks, and bearing race migration. Cracked or separated parts would have to be replaced prior to further flight. If spherical bearing race migration is discovered, a borescope inspection for cracks is also proposed. If no cracks are discovered by the additional borescope inspection, assemblies would have a 75-cycle grace period for remaining in service before replacement. Finally, installation of improved aft engine mount link assemblies would constitute terminating action to the inspections.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

#### Comments

The sole commenter agrees with the technical intent and content of the proposed AD. However, the commenter