

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 rule 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 the 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 raisin marketing order, and approximately 4,500 producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts (from all sources) are less than \$5,000,000, and small agricultural producers are defined as those having annual receipts of less than \$500,000. No more than eight handlers, and a majority of producers, of California raisins may be classified as small entities. Twelve of the 20 handlers subject to regulation have annual sales estimated to be at least \$5,000,000, and the remaining eight handlers have sales less than \$5,000,000, excluding receipts from any other sources.

The budget of expenses for the 1995-96 crop year was prepared by the Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of California raisins. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected acquisitions of California raisins. Because that rate will be applied to

actual acquisitions, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met August 15, 1995, and unanimously recommended a 1995-96 budget of \$1,500,000, which is \$176,000 more than the previous year. Budget items for 1995-96 which have increased compared to those budgeted for 1994-95 (in parentheses) are: Office salaries, \$226,000 (\$123,000), field and compliance salaries, \$75,000 (\$44,000), Payroll taxes, \$32,000 (\$30,000), group retirement, \$23,000 (\$20,000), employee benefit expense, \$6,000 (\$2,500), general insurance, \$16,000 (\$8,000), group medical insurance, \$48,000 (\$40,000), Committee members insurance, \$385 (\$350), equipment expense, \$20,000 (\$10,000), office travel, \$20,000 (\$14,000), objective measurement survey, \$15,500 (\$14,750), and export program foreign administration, \$385,000 (\$357,000). The Committee also recommended \$35,000 for export program trade activities and \$23,000 for research and communications, for which no funding was recommended last year. Items which have decreased compared to those budgeted for 1994-95 (in parentheses) are: Executive salaries, \$170,000 (\$230,000), Committee travel, \$50,000 (\$75,000), and reserve for contingencies, \$142,115 (\$142,400).

The Committee unanimously recommended an assessment rate of \$5.00 per ton, which is \$1.00 more than last year. This rate, when applied to anticipated acquisitions of 300,000 tons, will yield \$1,500,000 in assessment income, which will be adequate to cover anticipated administrative expenses. Any unexpended assessment funds from the crop year are required to be credited or refunded to the handlers from whom collected.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, 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 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.

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 action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis, (2) the crop year began on August 1, 1995, and the marketing order requires that the rate of assessment for the crop year apply to all assessable raisins handled during the crop year; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and it is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 989

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

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

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

2. A new § 989.346 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 989.346 Expenses and assessment rate.

Expenses of \$1,500,000 by the Raisin Administrative Committee are authorized, and an assessment rate of \$5.00 per ton of assessable California raisins is established for the crop year ending July 31, 1996. Any unexpended funds from that crop year shall be credited or refunded to the handler from whom collected.

Dated: September 11, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.
[FR Doc. 95-22946 Filed 9-14-95; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Part 1211

[FV-94-701]

Pecan Promotion and Research Plan; Termination Order**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule; termination order.

SUMMARY: This document terminates the Pecan Promotion and Research Plan (Plan) in its entirety. This action is necessary because the promotion and research program for pecans is no longer in operation, the assets of the Pecan Marketing Board have been liquidated, and a final audit of the Board's books has been conducted.

EFFECTIVE DATE: October 16, 1995.

FOR FURTHER INFORMATION: Richard H. Mathews, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, AG Code 0244, PO Box 96456, Room 2535-S, Washington, DC 20090-6456, telephone (202) 720-9915.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Referendum Order issued on July 28, 1993, and published on August 3, 1993 (58 FR 41203); Termination Order issued on March 10, 1994, and published on March 15, 1994 (59 FR 11897).

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This termination order 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 termination order.

This action is governed by section 1917(b) of the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001-6013). The Act authorizes a national pecan promotion, research, and information program. In accordance with the Act, the Department utilized notice and comment rulemaking in developing and implementing the Plan (7 CFR 1211.1-1211.78), which provides the framework for the program. The Plan became effective on May 1, 1992.

Section 1916(a) of the Act required that the Secretary conduct a continuance referendum within 24 months of the effective date of the Plan for the purpose of ascertaining whether growers, grower-shellers, and importers favor continuation, termination, or suspension of the Plan. The order directing that a referendum be conducted was issued on July 28, 1993,

and published August 3, 1993 (58 FR 41203). A referendum was conducted with registration of voters from September 27 through October 1, 1993, and mail balloting during October 4-6, 1993.

Termination of the Plan was favored by 62.3 percent of the growers, grower-shellers, and importers casting valid ballots in the referendum. Therefore, pursuant to section 1917(b) of the Act and section 1211.73 of the Plan, it was found and determined that termination of the Plan was favored by a majority of the growers, grower-shellers, and importers voting in the referendum and that the Plan should therefore be terminated. A termination order was issued on March 10, 1994, and published on March 15, 1994 (59 FR 11897) which terminated provisions dealing with establishment and membership of the Pecan Marketing Board (Board), nomination procedures, powers, duties, policies, programs and projects, contracts, budgets, and assessments.

Certain administrative provisions of subpart A of the Plan, such as those relating to refunds, books and records, and the termination of the Plan, remained in effect to facilitate the orderly termination of activities under the Plan. Now, however, all refunds have been paid, all projects have been completed, the Board's assets have been liquidated, and there has been a final audit of the Board's books.

Therefore, it is hereby found and determined that the remaining terms and provisions of 7 CFR part 1211, i.e., Subpart A—Pecan Promotion and Research Plan and Subpart D—Procedure for the Conduct of Referenda in Connection With the Pecan Promotion and Research Plan, do not tend to effectuate the declared policy of the Act. For that reason, this order will terminate 7 CFR part 1211 in its entirety.

Order

It is, therefore, ordered, That 7 CFR part 1211 is hereby terminated effective on October 16, 1995.

List of Subjects in 7 CFR Part 1211

Administrative practice and procedure, Advertising, Agricultural research, Imports, Marketing agreements, Pecans, Promotion, Reporting and recordkeeping requirements.

PART 1211—PECAN PROMOTION AND RESEARCH PLAN [REMOVED]

For the reasons set forth in the preamble, and under the authority of 7

U.S.C. 6001 *et seq.*, 7 CFR Part 1211 is removed.

Dated: September 11, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95-22948 Filed 9-14-95; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 95-CE-52-AD; Amendment 39-9353; AD 95-18-05]

Airworthiness Directives; Fairchild Aircraft Models SA226-AT and SA226-TC Airplanes**AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Fairchild Aircraft Models SA226-AT and SA226-TC airplanes. This action requires replacing the two lower aluminum cargo door receptacles with steel receptacles. A report of cargo door failure on one of the affected airplanes prompted this action. Fatigue of the two bottom cargo door receptacles caused the bottom third of the cargo door to bend outward and upward, causing damage to the fuselage door frame. The actions specified by this AD are intended to prevent decompression injuries and the cargo door from breaking off and striking the empennage or the elevator, which could cause substantial structural failure and loss of control of the airplane.

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.

Comments for inclusion in the Rules Docket must be received on or before October 26, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-52-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490. This information may also be examined at the Federal