box, or equivalent. This represents a $0.025 decrease in the assessment rate recommended for this fiscal year. The Committee did not recommend a supplemental assessment rate for Anjou variety pears this fiscal year.

This rate, when applied to anticipated winter pear shipments of 16,171,000 boxes or equivalent, will yield a total of $6,549,296 in assessment income. Assessment income, along with $340,000 from other income sources, and $645,144 from the Committee's authorized reserve, will be adequate to cover budgeted expenses.

Major expense categories for the 1995–96 fiscal year include $6,064,163 for advertising, $417,934 for contingency, $323,422 for winter pear improvement, and $147,152 for salaries.

An interim final rule was issued on August 11, 1995, and published in the Federal Register [60 FR 42771, August 17, 1995] and provided a 30-day comment period for interested persons. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs should be significantly offset by the benefits derived from 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 hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register [5 U.S.C. 553] because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1995–96 fiscal year for the program began July 1, 1995. The marketing order requires that the rate of assessment apply to all assessable winter pears handled during the fiscal year. In addition, handlers are aware of this action which was recommended by the Committee at a public meeting and published in the Federal Register as an interim final rule. No comments were received concerning the interim final rule that is adopted in this action as a final rule without change.

List of Subjects in 7 CFR Part 927

Marketing agreements and orders, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 927 is amended as follows:

PART 927—WINTER PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 927 which was published at 60 FR 42771 on August 17, 1995, is adopted as a final rule without change.

Dated: November 3, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–27815 Filed 11–8–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Parts 932 and 944

[Docket No. FV95–932–1FIR]

Olives Grown in California and Imported Olives; Establishment of Limited Use Olive Grade and Size Requirements During the 1995–96 Crop Year

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 which authorized the use of smaller sized olives in the production of limited use styles for California olives during the 1995–96 crop year. This final rule allows more olives into fresh market channels and is consistent with current market demand for olives. As required under section 8e of the Agricultural Marketing Agreement Act of 1937, this final rule also changes the olive import regulation so that it conforms with the requirements established under the California olive marketing order.

EFFECTIVE DATE: December 11, 1995.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102–B, Fresno, CA 93721, telephone (209) 487–5901; or Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, DC 20090–6456; telephone (202) 720–5127.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement No. 148 and Order No. 932 (7 CFR Part 932), as amended, regulating the handling of olives grown in California, hereinafter referred to as the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This final rule is also issued under section 8e of the Act, which requires the Secretary of Agriculture to issue grade, size, quality, or maturity requirements for certain listed commodities, including olives, imported into the United States that are the same as, or comparable to, those imposed upon the domestic commodities regulated under the Federal marketing orders.

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

This rule has been reviewed under Executive Order 12778, 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 608(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 requesting 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 date of the entry of the ruling.

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

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. Import regulations issued under the Act are based on those established under Federal marketing orders.

There are 5 handlers of California olives who are subject to regulation under the order during the current season, and there are about 1,200 olive producers in California. There are approximately 25 importers of olives subject to the olive import regulation. Small agricultural producers have been defined by the Small Business Administration (913 CFR 121.601) as those whose annual receipts are less than $500,000; and small agricultural service firms, which includes handlers and importers, have been defined by the Small Business Administration as those having annual receipts of less than $5,000,000. None of the domestic olive handlers may be classified as small entities. The majority of olive producers and importers may be classified as small entities.

An interim final rule was issued on August 11, 1995, and published in the Federal Register (60 FR 42772, August 17, 1995), with an effective date of August 21, 1995. That rule authorized the use of smaller-sized limited use olives under the order and for importation into the U.S. during the 1995–96 crop year. That rule provided a 30-day comment period which ended September 18, 1995. No comments were received.

Nearly all of the olives grown in the United States are produced in California. California olives are primarily used for canned black ripe whole and whole pitted olives which are eaten out of hand as hors d'oeuvres or used as an ingredient in cooking and in salads. The canned ripe olive market is essentially a domestic market. A few shipments of California olives are exported.

Olive production has fluctuated from a low of 24,200 tons during the 1972–73 crop year to a high of 163,023 tons during the 1992–93 crop year. The California Olive Committee (committee), the agency responsible for local administration of the order, indicated that 1994–95 production totalled about 80,925 tons. Total production for the 1995–96 crop year is estimated to be 75,500 tons. This is the first time that there have been two consecutive years of declining production. The unprecedented and unseasonal rains, poor pollination, and cool weather during the Spring of this year have resulted in a lower than normal fruit crop set on the trees.

Olive trees generally need to restore their nutrients from one season to the next, resulting in various varieties of olives produced in California having alternate bearing characteristics. This may result in high production one year and low the next, which can cause the total crop to vary greatly from year to year.

Paragraph (a)(3) of § 932.52 of the order provides that processed olives smaller than the sizes prescribed for whole and whole pitted styles may be used for limited uses styles if recommended by the committee and approved by the Secretary. The minimum sizes which can be authorized for limited uses were established in a 1971 amendment to the marketing order. Olives smaller than the prescribed minimum sizes which are authorized for limited uses must be disposed of through less profitable non-canning uses such as crushing for oil. Returns to producers are lower on fruit used for such purposes. The use of smaller sized olives for limited use styles has been authorized in all but two crop years since the order was promulgated in 1965.

This rule will help growers and handlers meet the growing market demand for limited use style olives based upon current conditions. This demand can be illustrated in the record of shipments of sliced olives in the previous three years. Shipments of one type of limited use style fruit (sliced) totalled over 29,000 tons in the 1992–93 season, 34,000 tons in the 1993–94 season, and an estimated 30,000 tons in the 1994–95 season. Permitting the use of such smaller olives for limited use styles would, therefore, improve grower returns.

Absent this action, olives which are smaller than those authorized for whole and whole pitted canning uses would have to be disposed of by handlers into non-canning uses such as crushing into oil.

The specified sizes for the different olive variety groups are the minimum sizes which are deemed desirable for use in the production of limited use styles at this time. As in past years, permitting the use of the smaller olives in the production of limited use styles allows handlers to take advantage of the strong market for halved, segmented, sliced, and chopped canned ripe olives. This rule will continue to permit handlers to market more olives than under regulations effective prior to the interim final rule.

Also, the committee estimates that production for this crop year is expected to be at 75,500 tons, which is smaller than the previous two seasons. The 1993–94 and 1994–95 crop years produced larger crops of 120,049 tons, and 80,925 tons, respectively.

During years with large olive crops, the ratio of limited use size olives to other sizes tends to be higher; there may be more limited use size olives in proportion to the other sizes. During years with small olive crops, the ratio of smaller olives to other sizes tends to be smaller; there may be fewer limited use size olives in proportion to the other sizes. The increased availability of limited use size fruit can be reflected in handler processing for the last three seasons. For example, during the 1992–93 crop year, 19 percent of the olives (31,175 tons) received by handlers were classified as limited use sizes as compared with 16 percent of the olives (19,465 tons) in 1993–94, and an estimated 9 percent of the olives (7,047 tons) in 1994–95. Thus, due to the poor pollination and sporadic fruit set of the 1995–96 crop, fewer limited use size olives are expected to be available for harvest. The percentage of limited use size olives available to handlers is, therefore, expected to be smaller.

Section 8(e) of the Act requires that whenever grade, size, quality, or maturity requirements are in effect for olives under a domestic marketing order, imported olives must meet the same or comparable requirements. This final rule finalizes an interim final rule that allowed smaller olives for limited use styles under the marketing order. Therefore, a corresponding change is needed in the olive import regulation.

Canned ripe olives, and bulk olives for processing into canned ripe olives, imported into the United States must meet certain minimum grade and size requirements specified in *Olive Regulation 1* (7 CFR 944.401). All canned ripe olives are required to be inspected and certified prior to importation (release from custody of the United States Custom Service), and all bulk olives for processing into canned ripe olives must be inspected and certified prior to canning. ''Canned ripe olives'' means olives in hermetically sealed containers and heat sterilized under pressure, of two distinct types, ''ripe'' and ''green-ripe'', as defined in the U.S. Standards for Grades of Canned Ripe Olives. The term does not include Spanish-style green olives.

Any lot of olives failing to meet the import requirements may be exported, disposed of, or shipped for exempt uses. Exportation or disposal of such olives would be accomplished under the

supervision of the Processed Products Branch of the Fruit and Vegetable Division, with the costs of certifying the disposal of the olives borne by the importer. Exempt olives are those imported for processing into oil or donation to charity. Any person may also import up to 100 pounds (drained weight) of canned ripe olives or bulk olives exempt from these grade and size requirements.

This final rule modifies paragraph (b)(12) of the olive import regulation to authorize the importation of bulk olives which do not meet the minimum size requirements established for olives for whole and whole pitted uses to be used in the production of limited use styles during the 1995–96 crop year.

Permitting the use of smaller olives in the production of limited use styles will allow importers to better take advantage of the strong market for halved, segmented, sliced, and chopped canned ripe olives. Importers will be able to import and market more olives than would be permitted in the absence of this relaxation in size requirements. This additional opportunity is provided to maximize the use of the available olive supply and facilitate market expansion. In the absence of this rule, the smaller fruit could not be imported for limited uses, and would have to be disposed of through less profitable, non-canning uses under the supervision of the inspection service, exported, or utilized in exempt outlets.

Based on these considerations, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

In accordance with section 8e of the Act, the U.S. Trade Representative has concurred with the issuance of this final rule.

After consideration of all relevant material presented, including the committee's recommendations and other information, it is found that finalizing the interim final rule, without change, as published in the Federal Register on August 17, 1995 (60 FR 42772), will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR parts 932 and 944 are amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 932, which was published at 60 FR 42772 on August 17, 1995, is adopted as a final rule without change.

PART 944—FRUITS; IMPORT REGULATIONS

Accordingly, the interim final rule amending 7 CFR part 944, which was published at 60 FR 42772 on August 17, 1995, is adopted as a final rule without change.

Dated: November 3, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–27814 Filed 11–8–95; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL ELECTION COMMISSION

11 CFR Parts 104, 110, and 114

[Notice 1995–18]

Repeal of Obsolete Rules

AGENCY: Federal Election Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: On June 15, 1995 (60 FR 31381), the Commission published the text of revised regulations repealing three obsolete provisions of the Commission's rules. The repealed provisions addressed contributions to retire pre-1975 debts; certain 1976 payroll deductions for separate segregated funds; and an alternative reporting option for candidates in presidential elections held prior to January 1, 1981. The Commission announces that these rules are repealed as of November 9, 1995.

EFFECTIVE DATE: November 9, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219–3690 or toll free (800) 424–9530.

SUPPLEMENTARY INFORMATION: Section 438(d) of Title 2, United States Code, requires that any rule or regulation prescribed by the Commission to implement Title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate thirty legislative days prior to final promulgation. The revisions to 11 CFR Parts 104, 110 and 114 were transmitted to Congress on July 19, 1995. Thirty legislative days expired in the Senate on September 14, 1995, and in the House of Representatives on October 11, 1995.

This rulemaking marks the Commission's first use of ''direct final rules,'' under which proposed rules that are not expected to receive any adverse comments are sent to Congress for the legislative review period at the close of the public comment period, if in fact no negative comments are received. This eliminates the need to publish the final rules as a separate document, while still giving the public adequate notice of the proposed revisions. No adverse comments were received in response to the June 15, 1995, proposal.

The repealed rules include 11 CFR 104.17, which established alternative filing procedures for authorized committees of candidates for President and Vice President for elections that occurred prior to January 1, 1981; 11 CFR 110.1(g), which exempted certain contributions made to retire debts resulting from elections held prior to January 1, 1975, from the 11 CFR part 110 contribution limits; and 11 CFR 114.12(d), which allowed a corporation that offered all of its employees a payroll deduction plan prior to May 11, 1976, for contributions made to the corporation's separate segregated fund to continue to make such deductions for those employees who were not executive or administrative personnel, or stockholders, until December 31, 1976.

Announcement of Effective Date: Accordingly, the regulations removing 11 CFR 104.17, 110.1(g), and 114.12(d) published on June 15, 1995 (60 FR 31381) are effective November 9, 1995.

Dated: November 3, 1995.

Lee Ann Elliott,

Vice Chairman.

[FR Doc. 95–27642 Filed 11–8–95; 8:45 am]

BILLING CODE 6715–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–194–AD; Amendment 39–9419; AD 95–22–11]

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.