

after careful consideration of all available information, including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Based on its review, the Committee believes that the salable quantity and allotment percentage levels recommended would achieve the objectives sought.

Without any regulations in effect, the Committee believes the industry would return to the pronounced cyclical price patterns that occurred prior to the order, and that prices in 2003–2004 would decline substantially below current levels.

As stated earlier, the Committee believes that the order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year-to-year. National Agricultural Statistics Service records show that the average price paid for both classes of spearmint oil ranged from about \$4.00 per pound to about \$12.50 per pound during the period between 1968 and 1980. Prices have been consistently more stable since the marketing order's inception in 1980. For much of the 1990's, prices had stabilized at about \$13.00 per pound for Scotch spearmint oil and about \$11.00 per pound for Native spearmint oil.

Over the last four years, however, large production and carry-in inventories have contributed to declining prices, despite the Committee's efforts to balance available supplies with demand. Further, over the same period, prices have ranged from \$8.00 to \$11.00 per pound for Scotch spearmint oil and between \$9.00 to \$10.00 per pound for Native spearmint oil.

According to the Committee, the recommended salable quantities and allotment percentages are expected to achieve the goals of market and price stability.

As previously stated, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. Reporting and recordkeeping

requirements have remained the same for each year of regulation. These requirements have been approved by the Office of Management and Budget under OMB Control No. 0581–0065. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically in order to avoid unnecessary and duplicative information collection by industry and public sector agencies. The USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

The Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate on all issues. In addition, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

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.

A 20-day comment period is provided to allow interested persons the opportunity to respond to the proposal, including any regulatory and informational impacts of this action on small businesses. This comment period is deemed appropriate so that a final determination can be made prior to June 1, 2003, the beginning of the 2003–2004 marketing year. All written comments received within the comment period will be considered before a final determination is made on this matter.

#### List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR Part 985 is proposed to be amended as follows:

#### **PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST**

1. The authority citation for 7 CFR Part 985 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. A new § 985.222 is added to read as follows:

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

#### **§ 985.222 Salable quantities and allotment percentages—2003–2004 marketing year.**

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2003, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 857,444 pounds and an allotment percentage of 45 percent.

(b) Class 3 (Native) oil—a salable quantity of 808,528 pounds and an allotment percentage of 38 percent.

Dated: March 6, 2003.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 03–5842 Filed 3–11–03; 8:45 am]

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## **DEPARTMENT OF AGRICULTURE**

### **Agricultural Marketing Service**

#### **7 CFR Part 1218**

[Doc. No. FV–03–701–PR]

#### **Blueberry Promotion, Research, and Information Order; Amendment No. 2 To Change the Name of the U.S.A. Cultivated Blueberry Council and Increase Membership**

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

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The purpose of this rule is to seek comments on changing the title of the U.S.A. Cultivated Blueberry Council to the “U.S. Highbush Blueberry Council” (Council) to help avoid any further confusion in the industry regarding the specific type of blueberry and industry segment represented by the Council, and to make the name of the Council consistent with industry nomenclature and to add one member and alternate to the Council to represent the state of Washington—the sixth largestighbush blueberry producing state.

**DATES:** Comments must be received by May 12, 2003.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposed rule to: Docket Clerk, Research and Promotion Branch, Fruit and Vegetable Programs (FV), Agricultural Marketing Service (AMS), USDA, Stop 0244, Room 2535–S, 1400 Independence Avenue, SW., Washington, DC 20250–0244.

Comments should be submitted in triplicate and will be made available for public inspection at the above address during regular business hours.

Comments may also be submitted

electronically to: [malinda.farmer@usda.gov](mailto:malinda.farmer@usda.gov). All comments should reference the docket number and the date and page number of this issue of the **Federal Register**. A copy of this rule may be found at: <http://www.ams.usda.gov/fv/rpdocketlist.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Daniel Rafael Manzoni, Research and Promotion Branch, FV, AMS, USDA, Stop 0244, 1400 Independence Avenue, SW., Room 2535-S, Washington, DC 20250-0244; telephone (202) 720-5951, fax (202) 205-2800, or e-mail [daniel.manzoni@usda.gov](mailto:daniel.manzoni@usda.gov).

**SUPPLEMENTARY INFORMATION:** *Legal authority.* The Blueberry Promotion, Research, and Consumer Information Order (Order) (7 CFR part 1218) became effective on August 16, 2000 (65 FR 43961, July 17, 2000). It was issued under the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. 7401-7425).

**Executive Orders 12866 and 12988**

The Office of Management and Budget has waived the review process required by Executive Order 12866 for this action.

In addition, this rule has been reviewed under E.O. 12988, Civil Justice Reform. The rule is not intended to have retroactive effect. Section 524 of the Act provides that the Act shall not affect or preempt any other Federal or state law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the Act, a person subject to the Order may file a petition with the Secretary of Agriculture (Secretary) stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not established in accordance with the law, and requesting a modification of the Order or an exemption from the Order. Any petition filed challenging the Order, any provision of the Order, or any obligation imposed in connection with the Order, shall be filed within two years after the effective date of the Order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, the Secretary will issue a ruling on a petition. The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the Secretary's final ruling.

**Regulatory Flexibility Act**

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), AMS has examined the economic impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened.

There are approximately 2,000 producers, 200 first handlers, 50 importers, and 4 exporters of blueberries subject to the program. Most of the producers would be classified as small businesses under the criteria established by the Small Business Administration (SBA) (13 CFR 121.201). Most importers and first handlers would not be classified as small businesses, and, while most exporters are large, we assume that some are small. The SBA defines small agricultural handlers as those whose annual receipts are less than \$5 million, and small agricultural producers are defined as those having annual receipts of not more than \$500,000 annually.

This proposed rule would amend the Order to change the title of the U.S.A. Cultivated Blueberry Council to the "U.S. Highbush Blueberry Council" (Council) and to add one member and alternate to the Council to represent the state of Washington.

The proposed amendments are not considered to be substantial and will not significantly impact the blueberry industry. The name change will have a positive impact on the industry. Adding a producer member and alternate representing the state of Washington means that four additional producers will be required to submit background forms to USDA in order to be considered for appointment to the Council. Four producers will be affected because two names must be submitted to the Secretary for consideration for each position on the Council. However, serving on the Council is optional, and the burden of submitting the background form would be offset by the benefits of serving on the Council. The estimated annual cost of providing the information by four producers would be \$6.00 for all four producers or \$1.50 per producer.

There are no relevant Federal rules that duplicate, overlap, or conflict with the proposed rule.

We have performed this Initial Regulatory Flexibility Analysis regarding the impact of this proposed amendment to the Order on small entities, and we invite comments concerning potential effects of the proposed amendment.

**Paperwork Reduction Act**

In accordance with the OMB regulation (5 CFR 1320) which implements the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the background form, which represents the information collection and recordkeeping requirements that may be imposed by this rule, was previously submitted to and approved by OMB under OMB Number 0505-0001.

*Title:* National Research, Promotion, and Consumer Information Programs.

*OMB Number:* 0505-0001.

*Expiration Date of Approval:* October 31, 2003.

*Type of Request:* Increase in the information collection burden for research and promotion programs.

*Abstract:* The information collection requirements in this request are essential to carry out the intent of the Act. The burden associated with this action is as follows:

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 0.5 hours per response for each producer.

*Respondents:* Producers.

*Estimated Number of Respondents:* 4.

*Estimated Number of Responses per Respondent:* 1 every 3 years (0.3).

*Estimated Total Annual Burden on Respondents:* 0.6 hours.

The estimated annual cost of providing the information by the four producers would be \$6.00 or \$1.50 per producer.

This additional burden will be included in the existing information collections approved for use under OMB Number 0505-0001.

**Background**

During the rulemaking process to implement the Order in 2000, members of the wild blueberry industry in Maine raised objections to the original name of the U.S.A. Blueberry Council. However, USDA did not change the name at that time, and the wild blueberry industry continued to have concerns to the generic name of the Council. Therefore, USDA issued a proposed rule to change the name of the Council to the U.S.A. Cultivated Blueberry Council on September 21, 2000 (65 FR 57104). The new name became effective on August 16, 2001, with the publication of a final rule published in the **Federal Register** on July 17, 2001 (66 FR 37117).

Subsequently, the Council was appointed and decided that the term "cultivated" in its name should be changed to "highbush" because cultivated blueberries are commonly called highbush blueberries, and wild blueberries are commonly called

lowbush blueberries. In addition, horticultural publications use the nomenclature of highbush and lowbush for blueberries. Using the terms highbush and lowbush provides a simple means for the consumer to differentiate between these two types of blueberries and for industry members to determine whether or not they owe assessments to the Council. Accordingly, the Council recommends that the term highbush should be used to distinguish their blueberries from lowbush (wild).

Therefore, the Council voted unanimously on October 5, 2002, to change the Council's name to the U.S. Highbush Blueberry Council.

At the same meeting, the Council voted unanimously to add one member and alternate to the Council to represent the state of Washington.

The Council currently consists of nine producers, one importer, one exporter from a foreign production area, one handler, and one public member. Each member has an alternate. The nine producer members are allocated as follows: one producer member for each of the top five producing states and one producer member from each of the four regions. The states that currently have representation on the Council are Georgia, Michigan, New Jersey, North Carolina, and Oregon. In recent years, highbush blueberry production in the state of Washington has increased. In 2001, Washington represented 8 percent of U.S. production, and the estimated production for that state in 2002 is 12.5 million pounds of highbush blueberries. In addition, the five additional states producing highbush blueberries (Alabama, Arkansas, Florida, Indiana, and New York) together represent only 7 percent of U.S. production, and the seventh highest producing state—Indiana—is expected to produce a total of 3 million pounds. Therefore, the Council determined that it was appropriate for Washington producers to have a state member and alternate on the Council.

Therefore, this proposed rule would change all references in the Order from the U.S.A. Cultivated Blueberry Council to the U.S. Highbush Blueberry Council and change all references to the USACBC to the Council. In addition, this rule would revise § 1216.40(a)(2) to specify that there will be one producer member and alternate from each of the top six (rather than five) blueberry producing states. If this rule is adopted, the Council would have 14 members and alternates. Therefore, a conforming change would be made in § 1216.40(a) to remove the Council member limit of

13. USDA has also removed obsolete language from §§ 1218.40 and 1218.41.

#### List of Subjects in 7 CFR Part 1218

Administrative practice and procedure, Advertising, Blueberries, Consumer information, Marketing agreements, Blueberry promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1218 is proposed to be amended as follows:

1. The authority citation for part 1218 continues to read as follows:

**Authority:** 7 U.S.C. 7401–7425.

#### PART 1218—BLUEBERRY PROMOTION, RESEARCH, AND INFORMATION

##### Subpart A—Blueberry Promotion, Research, and Information Order

2. In § 1218.3, the words “U.S.A. Cultivated Blueberry Council” are removed and the words “U.S. Highbush Blueberry Council” are added in its place, and “USACBC” is removed, and “Council” is added in its place.

3. Revise § 1216.23 to read as follows:

##### § 1216.23 U.S. Highbush Blueberry Council.

*U.S. Highbush Blueberry Council* or the *Council* means the administrative body established pursuant to § 1218.40.

4. The undesignated center heading preceding § 1218.40 is revised to read as follows:

##### U.S. Highbush Blueberry Council

5. In § 1218.40, the introductory text of paragraph (a) and paragraphs (a)(2) and (b) are revised to read as follows:

##### § 1218.40 Establishment and membership.

(a) Establishment of the U.S. Highbush Blueberry Council. There is hereby established a U.S. Highbush Blueberry Council, hereinafter called the Council, appointed by the Secretary from nominations as follows:

\* \* \* \* \*

(2) One producer member and alternate from each of the top six blueberry producing states, based upon the average of the total tons produced over the previous three years. Average tonnage will be based upon production and assessment figures generated by the Council.

\* \* \* \* \*

(b) Adjustment of membership. At least once every five years, the Council will review the geographical distribution of United States production of blueberries and the quantity of imports. The review will be conducted

through an audit of state crop production figures and Council assessment records. If warranted, the Council will recommend to the Secretary that the membership on the Council be altered to reflect any changes in the geographical distribution of domestic blueberry production and the quantity of imports. If the level of imports increases, importer members and alternates may be added to the Council.

6. Section 1218.41 is revised to read as follows:

##### § 1218.41 Nominations and appointments.

(a) Voting for regional and state representatives will be made by mail ballot.

(b) When a state has a state blueberry commission or marketing order in place, the state commission or committee will nominate members to serve on the Council. At least two nominees shall be submitted to the Secretary for each member and each alternate.

(c) Nomination and election of regional and state representatives where no commission or order is in place will be handled by the Council staff. The Council staff will seek nominations for members and alternates from the specific states and/or regions. Nominations will be returned to the Council office and placed on a ballot which will then be sent to producers in the state and/or region for a vote. The final nominee for member will have received the highest number of votes cast. The person with the second highest number of votes cast will be the final nominee for alternate. The persons with the third and fourth highest number of votes cast will be designated as additional nominees for consideration by the Secretary.

(d) Nominations for the importer, exporter, first handler, and public member positions will be made by the Council. Two nominees for each member and each alternate position will be submitted to the Secretary for consideration.

(e) From the nominations, the Secretary shall select the members and alternate members of the Council.

**§§ 1218.42, 1218.43, 1218.44, 1218.45, 1218.46, 1218.47, 1218.48, 1218.50, 1218.51, 1218.52, 1218.53, 1218.54, 1218.55, 1218.56, 1218.60, 1218.62, 1218.70, 1218.73, 1218.75, and 1218.77 [Amended]**

7. In §§ 1218.42, 1218.43, 1218.44, 1218.45, 1218.46, 1218.47, 1218.48, 1218.50, 1218.51, 1218.52, 1218.53, 1218.54, 1218.55, 1218.56, 1218.60, 1218.62, 1218.70, 1218.73, 1218.75, and 1218.77, “USCABC” is removed and “Council” is added in its place.

Dated: March 6, 2003.

**Kenneth C. Clayton,**

*Acting Administrator.*

[FR Doc. 03-5844 Filed 3-11-03; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 21, 43 and 145

#### Performing Work on Products and/or Parts That Have Left a Production Approval Holder's (PAH's) Quality System

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of policy statement; request for comments.

**SUMMARY:** The Production and Airworthiness Division (AIR-200) and the Aircraft Maintenance Division (AFS-300) propose to formally adopt policy regarding who is authorized to perform work on products and/or parts that have left a PAH's quality system.

**DATES:** Comments must be received by May 12, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Barbara A. Capron, Aircraft Certification Service, Production and Airworthiness Division, Production Certification Branch, AIR-210, Room 815, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3343; fax (202) 267-5580; e-mail: [barbara.capron@faa.gov](mailto:barbara.capron@faa.gov).

**SUPPLEMENTARY INFORMATION:**

#### Comments Invited

The FAA invites interested parties to comment on this notice of policy statement. Please submit comments to the above address. The FAA will consider all comments received by the closing date before issuing a final policy statement.

#### Background

##### *Part 21 Applicability*

Title 14, Code of Federal Regulations (14 CFR) Part 21 Certification Procedures for Products and Parts (part 21) defines the regulations for the portion of the aviation industry that supports the design and manufacture of aviation products and parts. This includes the requirements for the issue of type certificates and changes to those certificates; the issue of production certificates (PCs); the issue of airworthiness certificates; the issue of export airworthiness approvals; the rules governing the holder of any of

these certificates, and procedural requirements for the approval of certain materials, parts, processes, and appliances.

##### *Part 43 Applicability*

14 CFR Part 43 Maintenance, Preventive Maintenance, Rebuilding and Alteration (part 43) defines regulations for the portion of the aviation industry that supports continued airworthiness standards, or more specifically those that maintain the airworthiness status of products and parts. It describes rules governing the maintenance, preventive maintenance, rebuilding and alteration of any aircraft having a U.S. airworthiness certificate; foreign-registered civil aircraft used in common carriage or carriage of mail under the provisions of 14 CFR part 121 or 135; and airframe, aircraft engines, propellers, appliances, and component parts of such aircraft. Part 43 does not apply to any aircraft for which an experimental airworthiness certificate has been issued, unless a different kind of airworthiness certificate had previously been issued for that aircraft.

For products and parts that have already met the applicability requirements of part 43, § 43.3(j) authorizes a manufacturer *to rebuild or alter* (emphasis added) any aircraft, aircraft engine, propeller, appliance, or part manufactured by him under a type or PC, Technical Standard Order (TSO) Authorization, an FAA Parts Manufacturer Approval (PMA), or Product and Process Specification. Any maintenance, preventive maintenance and alterations are not included in the authority of § 43.3(j).

##### *Part 145 Applicability*

Part 145, Subpart D, Limited Ratings for Manufacturers, permits certain manufacturers to obtain, without further showing, a repair station certificate with a limited rating under Part 145. The FAA considered that the standards met by a manufacturer to obtain a PC, approved production inspection system (APIS), or other approved quality control system, provided a level of safety equivalent to that achieved under the standards applicable to a certificated repair station with a limited rating. This has permitted the holder of a limited rating for manufacturers to maintain and approve for return to service any article for which it is rated, and perform preventive maintenance on that article if certificated mechanics and repairmen are employed directly in charge of the maintenance and preventive maintenance in accordance with current § 145.103.

##### *Elimination of the Limited Rating for Manufacturers*

As proposed in Notice No. 99-09 (66 FR 41117, August 6, 2001) the FAA is eliminating the limited rating for manufacturers because maintenance practices and aircraft technologies have evolved since the establishment of limited ratings for manufacturers, and the FAA has determined that all repair facilities' systems for inspection, recordkeeping, and quality control should be consistent. These regulatory changes should also ensure uniform FAA surveillance activities.

##### *Part 145 Regulatory Change*

Effective April 6, 2003, Manufacturer Maintenance Facilities will no longer be permitted. Under the revised 14 CFR part 145, existing MMFs will be required to have a limited repair station rating under § 145.61 if they choose to continue exercising similar privileges.

##### *Need To Define Part 21 vs. Part 43 Activities*

A production approval holder (PAH) is a person who holds a PC, APIS, a PMA, or a TSO authorization that controls the design and quality of a product or part thereof. For many years, products and/or parts have been shipped from suppliers to PAHs, between PAHs, and from PAHs to airlines, repair stations, distributors, etc. This notice is designed to clarify at what point a supplier or PAH may no longer perform work on its product under part 21, and when that work must be performed by an appropriately certificated person under part 43, part 93, part 145, or any of the operating rules of 14 CFR Subchapter G, Air Carriers and Operations for Compensation or Hire: Certification and Operations.

Part 21 applies to new products or parts that remain under the control of a PAH. Any work performed on those products or parts while under the control of the PAH's quality system is to be accomplished in accordance with that system. However, once the products or parts leave that quality system, any work performed would be in accordance with part 43.

Part 43 applies to: (1) Aircraft having a U.S. airworthiness certificate; (2) Foreign-registered civil aircraft used in common carriage or carriage of mail under the provisions of part 121 or 135 of this chapter; and (3) Airframe, aircraft engines, propellers, appliances, and component parts of such aircraft. This indicates that any work performed on an article before it meets the applicability requirements of part 43 would not have