

Dated: April 16, 1996.

Michael V. Dunn,

*Assistant Secretary, Marketing and
Regulatory Programs.*

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7 CFR Part 1131

[DA-96-03]

Milk in the Central Arizona Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service,
USDA.

ACTION: Suspension of rule.

SUMMARY: This document continues to suspend certain provisions of the Central Arizona Federal milk marketing order during April 1, 1996, through March 31, 1997. The continued suspension eliminates the requirement that a cooperative association ship at least 50 percent of its receipts to other handler pool plants to maintain pool status of a manufacturing plant operated by the cooperative. United Dairymen of Arizona, a cooperative association that represents nearly all of the producers who supply milk to the market, requested the suspension. The suspension is necessary to prevent uneconomical and inefficient movements of milk.

EFFECTIVE DATE: April 1, 1996, through March 31, 1997.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, PO Box 96456, Washington, DC 20090-6456, (202) 720-9368.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:
Notice of Proposed Suspension:
Issued March 7, 1996; published March 13, 1996 (61 FR 10288).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. This rule lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a 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 Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), 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 provisions of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a 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 its 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.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Central Arizona marketing area.

Notice of proposed rulemaking was published in the Federal Register on March 13, 1995 (61 FR 10288) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. No comments were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of April 1, 1996, through March 31, 1997, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1131.7(c), the words "50 percent or more of", "(including the skim milk and butterfat in fluid milk products transferred from its own plant pursuant to this paragraph that is not in excess of the skim milk and butterfat contained in member producer milk actually received at such plant)" and "or the previous 12-month period ending with the current month."

Statement of Consideration

This rule continues to suspend certain provisions of the Central Arizona order for the months of April 1996 through March 1997. The suspension removes the requirement that a cooperative association that operates a manufacturing plant in the marketing area must ship at least 50 percent of its milk supply during the current month or the previous 12-month period ending with the current month to other handlers' pool plants to maintain the pool status of its manufacturing plant.

The order permits a cooperative association's manufacturing plant, located in the marketing area, to be a pool plant if at least 50 percent of the producer milk of members of the cooperative association is physically received at pool plants of other handlers during the current month or the previous 12-month period ending with the current month.

Continuation of the current suspension of this shipping requirement was requested by United Dairymen of Arizona (UDA), a cooperative association that represents nearly all of the dairy farmers who supply the Central Arizona market. UDA states that the continued pool status of their manufacturing plant is threatened if the suspension is not continued. UDA contends that the same marketing conditions that warranted the suspension last year still exist. UDA maintains that members who increased their milk production to meet the projected demands of fluid handlers for distribution into Mexico continue to suffer the adverse impact of the collapse of the Mexican peso.

During the past year, there has been an increase in producer milk while handler requirements for bulk milk deliveries has decreased. This decrease is primarily a result of reduced Class I sales by Central Arizona handlers in Mexico because of the continued devaluation of the Mexican peso. Pool status of UDA's manufacturing plant will not be maintained absent continuation of the suspension. Thus, costly and inefficient movements of milk would have to be made to maintain pool status of producers who have historically supplied the market and to prevent disorderly marketing in the Central Arizona marketing area.

UDA again requested that the suspension be granted for an indefinite period beginning in April 1996. After reviewing the marketing conditions of the Central Arizona marketing area and their relationship with the uncertain value of the Mexican peso, this

suspension will be for a one-year period.

Accordingly, it is appropriate to suspend the aforesaid provisions beginning April 1, 1996, through March 31, 1997.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such rule is necessary to permit the continued pooling of the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No comments were received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the Federal Register.

List of Subjects in 7 CFR Part 1131

Milk marketing orders.

For the reasons set forth in the preamble, the following provisions in title 7, part 1131, are amended as follows:

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. The authority citation for 7 CFR Part 1131 continues to read as follows:

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

§ 1131.7 [Temporarily Suspended in Part]

2. In § 1131.7(c), the words "50 percent or more of", "(including the skim milk and butterfat in fluid milk products transferred from its own plant pursuant to this paragraph that is not in excess of the skim milk and butterfat contained in member producer milk actually received at such plant)" and "or the previous 12-month period ending with the current month." are suspended for the months of April 1, 1996, through March 31, 1997.

Dated: April 16, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96-9826 Filed 4-19-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-102-AD; Amendment 39-9575; AD 95-26-16 R1]

Airworthiness Directives; Mooney Aircraft Corporation Model M20J Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) 95-26-16 R1, which was sent previously to all known U.S. owners and operators of certain Mooney Aircraft Corporation (Mooney) Model M20J airplanes. This AD requires repetitively inspecting the alternate air door assembly to ensure a cotter pin exists and is secure, and replacing the cotter pin if it does not exist or is not secure. It also provides the option of incorporating an alternate air door plate assembly of improved design as terminating action for the repetitive inspections. Priority letter AD 95-26-16 R1 was prompted by a fatal accident involving one of the affected airplanes where the alternate air door became lodged in the air intake of the fuel injector causing engine failure. The actions specified by this AD are intended to prevent the alternate air door from separating from the airplane and restricting air flow to the engine. **DATES:** Effective May 16, 1996, to all persons except those to whom it was made immediately effective by priority letter AD 95-26-16 R1, issued January 5, 1996, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 1996.

Comments for inclusion in the Rules Docket must be received on or before June 17, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-102-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information related to this AD may be obtained from the Mooney Aircraft Corporation, Box 72, Kerrville, Texas 78028; or may be examined at the Rules Docket at the address above, or at

the Office of the Federal Register, 800 North Capitol Street NW., 7th Floor, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Alma Ramirez-Hodge, Aerospace Engineer, FAA, Fort Worth ACO, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5147; facsimile (817) 222-5960.

SUPPLEMENTARY INFORMATION:

On December 22, 1995, the FAA issued priority letter AD 95-26-16 to require repetitively inspecting the alternate air door assembly to ensure a cotter pin exists and is secure on certain Mooney Model M20J airplanes, and replacing the cotter pin with a part number MS 24665-132 if it does not exist or is not secure. A fatal accident involving a Mooney Model M20J airplane with reported engine failure in flight at 6,000 feet prompted the FAA to issue priority letter AD 95-26-16.

After the reported engine failure, the pilot attempted to vector the airplane to the nearest airport and crashed into a wooded lot. Investigation of the accident revealed that the alternate air door bolt separated from its fastener, which allowed the alternate air door to lodge in the air intake of the fuel injector, resulting in restricted air flow to the engine.

An FAA review of service history on Mooney Model M20J airplanes revealed four other incidents involving the alternate air door separating and becoming lodged in the intake of the fuel injector. These include two reports of rough engine operation while in flight with emergency landing, an aborted take-off because of engine power loss, and a service difficulty report found during a 100-hour time-in-service (TIS) inspection.

After the issuance of priority letter AD 95-26-16, Mooney developed an alternate air door plate assembly of improved design that, when incorporated on Mooney Model M20J airplanes, prevents the alternate air door assembly from separating from the airplane and restricting air flow to the engine. Mooney Service Bulletin (SB) M20-250B and SB M20-253A, both dated December 1995, specify procedures for modifying the alternate air door assembly on Mooney Model M20J airplanes. This modification consists of incorporating the following parts of improved design:

- Plate assembly, part number (P/N) 600355-507;
- Four rivets, P/N MS20426AD3;
- A cotter pin, P/N MS24665-132;
- A self-locking castellated nut, P/N MS17825-4; and
- A washer, P/N AN960-416.