

will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996-97 marketing year began on July 1, 1996, and the marketing order requires that the rate of assessment for each marketing year apply to all assessable hazelnuts handled during such marketing year; (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and is similar to other assessment rate actions issued in past years; and (4) an interim final rule was published on this action and provided for a 30-day comment period, and no comments were received.

List of Subjects in 7 CFR Part 982

Filberts, Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

Note: This section will appear in the Code of Federal Regulations.

PART 982—HAZELNUTS GROWN IN OREGON AND WASHINGTON

Accordingly, the interim final rule which was published at 61 FR 29924 on June 13, 1996, is adopted as a final rule without change.

Dated: August 13, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-21119 Filed 8-19-96; 8:45 am]

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7 CFR Parts 997 and 998

[Docket No. FV96-998-1 FIR]

Increased Assessment Rate for Domestically Produced Peanuts Handled By Persons Not Subject to Peanut Marketing Agreement No. 146 and for Marketing Agreement No. 146; Regulating the Quality of Domestically Produced Peanuts

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 that increased the administrative assessment rate under Marketing Agreement 146 (agreement) for the 1995-96 crop year. Authorization of the increase in the

administrative assessment rate enabled the Peanut Administrative Committee (Committee) to collect sufficient funds to pay expenses for the remainder of the year. Funds to administer this program are derived from assessments on handlers who have signed the agreement. Public Law 103-66 requires the Department to impose an administrative assessment on farmers' stock peanuts received or acquired by handlers who are not signatory (non-signatory handlers) to the agreement. Therefore, the increase in the assessment rate under the agreement must be applied to all non-signatory handlers.

EFFECTIVE DATE: Effective July 1, 1995, through June 30, 1996.

FOR FURTHER INFORMATION CONTACT:

Martha Sue Clark, Program Assistant, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918, FAX 202-720-5698, or William G. Pimental, Marketing Specialist, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883-2276, telephone 941-299-4770, FAX 941-299-5169. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-2491, FAX 202-720-5698.

SUPPLEMENTARY INFORMATION: This rule is issued pursuant to the requirements of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and as further amended December 12, 1989, hereinafter referred to as the "Act"; Pub. L. 101-220, section 4 (1), (2), 103 Stat. 1878, December 12, 1989; Pub. L. 103-66, section 8b(b)(1), 107 Stat. 312, August 10, 1993; and under Marketing Agreement 146 (7 CFR part 998) regulating the quality of domestically produced peanuts.

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. The Department established a 1995-96 crop year assessment rate applicable to non-signatory and signatory handlers effective July 1, 1995, through June 30, 1996. This rule increases the administrative assessment rates for the crop year which began July 1, 1995. Farmers' stock peanuts received

or acquired by non-signatory handlers and farmers' stock peanuts received or acquired by handlers signatory to the agreement, other than from those described in §§ 998.31 (c) and (d), are subject to the assessments. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), 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.

The interim final rule incorrectly stated that there are approximately 45 non-signers and 76 signatory handlers subject to the two regulations. Also, there are approximately 47,000 producers of peanuts in the 16 States covered under the agreement. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. A majority of the producers and the non-signatory handlers may be classified as small entities, and some of the handlers covered under the agreement are small entities.

Under the agreement, the assessment rate for a particular crop year applies to all assessable tonnage handled from the beginning of such year (i.e., July 1). Funds to administer the peanut agreement program are paid to the Committee and are derived from signatory handler assessments. An annual budget of expenses is prepared by the Committee and submitted to the Department for approval. The members of the Committee are handlers and producers of peanuts. They are familiar with the Committee's needs and with the costs for goods and services, and personnel for program operations and, thus, are in a position to formulate appropriate budgets. The budgets are formulated and discussed at industry-wide meetings. Thus, all directly affected persons have an opportunity to provide input in recommending the budget and assessment rate. The handlers of peanuts who are directly affected have signed the marketing agreement authorizing the expenses that

may be incurred and the imposition of assessments.

The assessment rate recommended by the Committee for the 1995–96 crop year was derived by dividing anticipated expenses by expected receipts and acquisitions of farmers' stock peanuts. It applies to all assessable peanuts received or acquired by handlers from July 1, 1995. Farmers' stock peanuts received or acquired by handlers signatory to the agreement, other than from those described in §§ 998.31 (c) and (d), are subject to assessments. Because that rate is applied to actual receipts and acquisitions, it must be established at a rate which will produce sufficient income to pay the Committee's expenses. Approximately 95 percent of the domestically produced peanut crop is marketed by handlers who are signatory to the agreement.

Public Law 101–220 amended section 608b of the Act to require that all peanuts handled by persons who have not entered into the agreement (non-signers) be subject to quality and inspection requirements to the same extent and manner as are required under the Agreement. Approximately 5 percent of the U.S. peanut crop is marketed by non-signer handlers.

Public Law 103–66 (107 Stat. 312) provides for mandatory assessment of farmers' stock peanuts acquired by non-signatory peanut handlers. Under this law, paragraph (b) of section 1001, of the Agricultural Reconciliation Act of 1993, specified that: (1) Any assessment (except indemnification assessments) imposed under the Agreement on signatory handlers also shall apply to non-signatory handlers, and (2) such assessment shall be paid to the Secretary.

The 1995–96 Committee budget was published in the Federal Register as an interim final rule on May 17, 1995 (60 FR 26348), and finalized on July 18, 1995 (60 FR 36635). The non-signatory handler assessment rate was published in the Federal Register as an interim final rule on August 21, 1995 (60 FR 43353), and finalized on November 24, 1995 (60 FR 57907). The administrative expenses and assessment rate for the 1995–96 crop year were based on an estimated assessable tonnage of 1,525,000. The Committee now projects that total tonnage will only be about 1,300,000. In order to have sufficient revenue to cover budgeted expenses of \$1,067,500, the Committee met on March 19, 1996, and unanimously recommended that the 1995–96 crop year administrative assessment be increased from \$0.70 to \$0.83 per net ton of assessable farmers' stock peanuts.

An interim final rule regarding this action was published in the June 13, 1996, issue of the Federal Register (61 FR 29926). That interim final rule amended §§ 997.100 and 998.408 to increase the administrative assessment rate for the 1995–96 crop year for the Committee and non-signatory handlers. That rule provided that interested persons could file comments through July 15, 1996. 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 signatory to the agreement. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing agreement. This administrative assessment is required by law to be applied uniformly to all non-signatory handlers and will be of benefit to all. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material 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 that good cause exists for not postponing the effective date of this rule 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) Public Law 103–66 requires the Department to impose an administrative assessment on peanuts received or acquired for the account of non-signatory handlers; (3) the 1995–96 crop year began on July 1, 1995, and the marketing agreement and Pub. L. 103–66 require that the rate of assessment for the crop year apply to all peanuts handled during the crop year; (4) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (5) an interim final rule was published on this action and provided for a 30-day comment period, and no comments were received.

List of Subjects

7 CFR Part 997

Food grades and standards, Peanuts, Reporting and recordkeeping requirements.

7 CFR Part 998

Marketing agreements, Peanuts, Reporting and recordkeeping requirements.

PART 997—PROVISIONS REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS HANDLED BY PERSONS NOT SUBJECT TO THE PEANUT MARKETING AGREEMENT

PART 998—MARKETING AGREEMENT REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS

Accordingly, the interim final rule amending 7 CFR parts 997 and 998 to increase the administrative assessment rates which was published at 61 FR 29926 on June 13, 1996, is adopted as a final rule without change.

Dated: August 9, 1996.

Robert C. Keeney,
Director, Fruit and Vegetable Division.
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–54–AD; Amendment 39–9718; AD 96–17–09]

RIN 2120–AA64

Airworthiness Directives; Beech (Raytheon) Model Hawker 1000 and BAe 125–1000A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Beech (Raytheon) Model Hawker 1000 and BAe 125–1000A series airplanes, that currently requires inspections to detect various discrepancies of the fuel hose assemblies on the auxiliary power unit (APU), and correction of any discrepancy found. That AD was prompted by several reports of heat damage to the fuel hose assembly on the APU. This amendment adds a requirement to replace the existing conduit of the fuel feed hose with new