on the number of pieces of fruit per pound. The Committee did not adopt this suggestion because it believes such marking practices would continue to cause inconsistencies in the marketplace. The Committee considered a suggestion to lower the minimum maturity requirement, but determined that the current minimum maturity requirement of 6.5 percent soluble solids was appropriate and should remain unchanged.

Another suggestion presented was to reduce the number of size designations. Some Committee members thought that fewer size designations might lessen confusion in the marketplace. The Committee did not adopt this suggestion because retailers are familiar with the various size designations utilized by handlers and have not expressed concerns with the number of size designations.

After considering these alternatives, the Committee recommended increasing the size variation tolerance for Size 42 kiwifruit, increasing the maximum number of fruit per 8-pound sample for Sizes 42 through 30, and suspending, for the 1998–99 season, the minimum tray weight requirements for kiwifruit packed in cell compartments, cardboard fillers, or molded trays. The Committee expects these relaxations to pack requirements to reduce handler packing costs, increase producer returns, and enable handlers to compete more effectively in the marketplace.

These changes address the marketing and shipping needs of the kiwifruit industry and are in the interest of handlers, producers, buyers, and consumers. The impact of these changes on producers and handlers is expected to be beneficial for all levels of business.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large kiwifruit handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the kiwifruit industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the July 8, 1998, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. The Committee itself is composed of 12 members. Three of these members are handlers and producers, eight are producers only, and one is a public member. The majority of the Committee members are small entities.

Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This rule invites comments on a relaxation of two pack requirements and the suspension of the minimum net weight requirements currently prescribed under the California kiwifruit marketing order. Any comments received will be considered prior to finalization of this rule.

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 rule until 30 days after publication in the **Federal Register** because: (1) This rule relaxes pack requirements; (2) the 1998–99 harvest is expected to begin the end of September, and this rule should be in effect before that time so producers and handlers can make plans to operate under the relaxed requirements; (3) the Committee unanimously recommended these changes at a public meeting and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 920.302 is amended by suspending paragraph (a)(4)(iii) effective September 4, 1998, through July 31, 1999, and revising the last sentence of paragraph (a)(4)(ii), and the table in paragraph (a)(4)(iv) to read as follows:

§ 920.302 Grade, size, pack, and container regulations.

(a)* * *

(4)* * *

(ii)* * * Not more than 10 percent, by count of the containers in any lot and not more than 5 percent, by count, of kiwifruit in any container, (except that for Sizes 42 and 45 kiwifruit, the tolerance, by count, in any one container, may not be more than 25 percent) may fail to meet the requirements of this paragraph.

* * * * *

(iv) * * *

Column 1 numerical count size designation	Column 2 maximum number of fruit per 8–pound sample
21	22
25	27
27/28	30
30	33
33	36
36	42
39	48
42	53
45	55

* * * * *

Dated: August 28, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–23711 Filed 9–2–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1106

[DA–98–08]

Milk in the Southwest Plains Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; suspension.

SUMMARY: This document suspends certain sections of the Southwest Plains Federal milk marketing order. The suspension removes portions of the supply plant shipping standard and the producer milk delivery requirement. The suspension, which was requested by Kraft Foods, Inc. (Kraft), is necessary to prevent uneconomic and inefficient movements of milk and to ensure that producers historically associated with the market will continue to have their milk pooled under the Southwest Plains order.

EFFECTIVE DATE: September 1, 1998, through August 31, 1999.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1932, e-mail address Nicholas__Memoli@usda.gov.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued August 6, 1998; published August 12, 1998 (63 FR 43125).

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

This final rule has been reviewed under Executive Order 12988, 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 request modification or exemption from such order by filing 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 the law. 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.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees. For the purposes of determining which dairy farms are ''small businesses,'' the $500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of June 1998, 2,187 dairy farmers were producers under Order 106. Of these producers, 2,138 producers (i.e., 98%) were considered small businesses. For the same month, 16 handlers were pooled under Order 106. Two of these handlers were considered small businesses.

The supply plant shipping standard and the producer milk delivery requirement are designed to attract an adequate supply of milk to the market to meet fluid needs. This final rule will allow a supply plant that has been associated with the Southwest Plains market during the months of September 1997 through January 1998 to qualify as a pool plant without shipping any milk to a pool distributing plant during the following months of September 1998 through August 1999. The rule will also suspend the requirement that producers deliver at least one day's production of milk to a pool distributing plant during the month before their milk is eligible to be diverted to nonpool plants.

Marketing conditions in the Southwest Plains order indicate that there should be a sufficient amount of local milk available during the requested suspension period to supply the fluid needs of the market. Therefore, supplemental milk supplies should not be needed. Thus, 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.

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 Southwest Plains marketing area.

Statement of Consideration

This rule suspends portions of the supply plant shipping standard and producer milk diversion rules of the Southwest Plains order for the period of September 1998 through August 1999. The suspension will allow a supply plant that has been associated with the Southwest Plains order during the months of September 1997 through January 1998 to qualify as a pool plant without shipping any milk to a pool distributing plant during the months of September 1998 through August 1999. Without the suspension, a supply plant would be required to ship 50 percent of its producer receipts to pool distributing plants during the months of September through January and 20 percent of its producer receipts to pool distributing plants during the months of February through August to qualify as a pool plant under the order.

The rule also suspends the requirement that producers deliver at least one day's production during the month to a pool plant before their milk is eligible for diversion to a nonpool plant. By suspending this provision, producer milk will not be required to be delivered to pool plants before going to unregulated manufacturing plants.

According to Kraft's letter requesting the suspension, supplemental milk supplies will not be needed to meet the fluid needs of distributing plants. Kraft anticipates that there will be an adequate supply of producer milk available directly from producers' farms in the general area of distributing plants to meet the Class I needs of the market. The handler notes that the supply plant shipping provision and the producer milk delivery requirement have been suspended since 1993 and 1992, respectively.

Kraft states there is no need to require producers located some distance from pool distributing plants to deliver their milk to a pool distributing plant when their milk can more economically be diverted directly to manufacturing plants in the production area. Thus, the handler contends the suspension is necessary to prevent the uneconomic movements of milk and to ensure producers historically associated with the Order 106 market will continue to have their milk pooled under the order.

A notice of proposed rulemaking was published in the **Federal Register** on August 12, 1998 (63 FR 43125), concerning the proposed suspension. Interested persons were afforded an opportunity to file written data, views and arguments thereon. One comment was received supporting the proposed suspension.

Kraft filed a comment reiterating its support for the suspension. No comments were filed in opposition to the suspension.

As noted by Kraft in its letter requesting the suspension, the supply plant shipping standard and the producer milk delivery requirement

have been suspended for a number of years. Market conditions in the Order 106 marketing area indicate that there should be sufficient amounts of milk available in the local area to meet the fluid needs of the order for the requested time period. Therefore, supplemental milk supplies should not be needed.

Accordingly, the suspension is found to be necessary for the purposes of assuring that producers' milk will not have to be moved in an inefficient manner and to assure that producers whose milk has long been associated with the Southwest Plains marketing area will continue to benefit from pooling and pricing under the order.

After consideration of all relevant material, including the proposal in the notice, the comment received, and other available information, it is hereby found and determined that for the months of September 1, 1998, through August 31, 1999, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1106.6, the words ''during the month''.

In § 1106.7(b)(1), beginning with the words ''of February through August'' and continuing to the end of the paragraph.

In § 1106.13, paragraph (d)(1) in its entirety.

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. One comment supporting the suspension was 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 1106

Milk marketing orders.

For the reasons set forth in the preamble, 7 CFR part 1106 is amended as follows:

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

1. The authority citation for 7 CFR part 1106 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 1106.6 [Suspended in part]

2. In § 1106.6, the words ''during the month'' are suspended.

§ 1106.7 [Suspended in part]

3. In § 1106.7 paragraph (b)(1), the words beginning with ''of February through August'' and continuing to the end of the paragraph are suspended.

§ 1106.13 [Suspended in part]

4. In § 1106.13, paragraph (d)(1) is suspended in its entirety.

Dated: August 27, 1998.

Richard M. McKee,

Deputy Administrator, Dairy Programs.

[FR Doc. 98–23710 Filed 9–2–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–64–AD; Amendment 39–10729; AD 98–18–13]

RIN 2120–AA64

Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models TB20 and TB21 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain SOCATA—Groupe AEROSPATIALE (Socata) Models TB20 and TB21 airplanes. This AD requires repetitively inspecting the main landing gear (MLG) attachment bearing (using a dye penetrant method) for cracks, and if cracks are found, replacing the bearing. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to detect and correct cracks in the MLG attachment bearing, which could result in collapse of the main landing gear during taxi and landing operations.

DATES: Effective October 24, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 24, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from the SOCATA—Groupe AEROSPATIALE, Socata Product Support, Aerodrome Tarbes-Ossun-Lourdes, B P 930—F65009 Tarbes Cedex, France; telephone: 33.5.62.41.76.52; facsimile: 33.5.62.41.76.54; or the Product Support Manager, SOCATA—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023; telephone: (954) 964–6877; facsimile: (954) 964–1668. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 95–CE–64–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut Street, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Socata Models TB20 and TB21 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 26, 1998 (63 FR 34830). The NPRM proposed to require repetitively inspecting (using a dye penetrant method) for cracks on the MLG attachment bearing. If cracks are found, the NPRM proposed to require replacing the cracked attachment bearing. Accomplishment of the proposed actions as specified in the NPRM would be in accordance with Socata Service Bulletin No. SB 10–080 57, Amdt. 2, dated November 1995.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the