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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

Common Crop Insurance Regulations; Basic Provisions; and Various Crop Insurance Provisions; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to the final regulation which was published in the **Federal Register** on Wednesday, December 10, 1997 (62 FR 65130-65177). The regulation revised the late and prevented planting provisions in the Common Crop Insurance Policy Basic Provisions and added definitions common to most crops.

EFFECTIVE DATE: October 15, 1998.

FOR FURTHER INFORMATION CONTACT: Stephen Hoy, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction was intended to provide policy changes that meet the needs of the insured, are easier to administer, and delete repetitive provisions contained in various Crop Provisions.

Need For Correction

As published, the regulations for cotton and extra long staple (ELS) cotton, in the final rule for the "Common Crop Insurance Regulations; and Various Crop Insurance Provisions," contained errors which

may prove misleading and need to be clarified. The introductory headings in the cotton crop insurance provisions and ELS cotton crop insurance provisions state that the provisions are for the 1998 crop year; however, the intended effect of the regulations was for the 1998 and succeeding crop years. These provisions were intended to reflect that the Federal Crop Insurance Corporation (FCIC) would solicit comments for establishing the 1999 and subsequent crop years prevented planting coverage level percentage. A proposed rule has been drafted by FCIC for publication in the **Federal Register** that includes solicitation of comments on the prevented planting coverage level for cotton and ELS cotton.

List of Subjects in 7 CFR Part 457

Cotton, Crop Insurance, ELS cotton.

Accordingly, 7 CFR part 457 is corrected by making the following correcting amendments:

PART 457—COMMON CROP INSURANCE REGULATIONS

1. The authority citation for part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(p).

§ 457.104 [Corrected]

2. In § 457.104, the introductory text is corrected to read:

The cotton crop insurance provisions for the 1998 and succeeding crop years are as follows:

* * * * *

§ 457.105 [Corrected]

3. In § 457.105, the introductory text is corrected to read:

The extra long staple cotton crop insurance provisions for the 1998 and succeeding crop years are as follows:

* * * * *

Signed in Washington DC, on October 8, 1998.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 98-27780 Filed 10-15-98; 8:45 am]

BILLING CODE 3410-08-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV98-905-5 FR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Regulation of Fallglo Variety Tangerines

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adds Fallglo tangerines to the varieties of citrus fruit regulated under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida. It also establishes minimum grade and size requirements for the Fallglo variety. These actions were unanimously recommended by the Citrus administrative Committee (committee) which locally administers the marketing order. This rule is intended to assure that Fallglo tangerines entering fresh market channels are of a size and quality acceptable to consumers in the interest of producers, shippers, and consumers.

EFFECTIVE DATE: This final rule becomes effective October 19, 1998.

FOR FURTHER INFORMATION CONTACT: William G. Pimental, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883-2276; telephone: (941) 299-4770, Fax: (941) 299-5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 205-6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone (202) 720-2491, Fax: (202) 205-6632.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement No. 84 and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos

grown in Florida, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this 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 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 608c(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 request 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 to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The order provides for the establishment of grade and size requirements for Florida citrus, with the concurrence of the Secretary. The grade and size requirements now in effect are designed to provide fresh markets with citrus fruit of acceptable quality and size, and help create buyer confidence. The requirements also contribute toward stable marketing conditions and foster market growth in the interest of growers, handlers, and consumers, and help increase returns to Florida citrus growers.

This final rule adds Fallglo tangerines to the citrus varieties covered under the order. It also establishes minimum grade and size requirements for the Fallglo variety. This rule is designed to help assure that the size and quality of Fallglo tangerines entering fresh market channels are acceptable to consumers. This action was unanimously recommended by the committee at its meeting on May 22, 1998.

Section 905.5 of the order defines the varieties of fruit regulated under the

order and authorizes the addition of other varieties as specified in § 905.4, as recommended by the committee and approved by the Secretary. Section 905.105 contains the changes in varieties that have been made using this authority. This rule adds Fallglo tangerines to the varieties of citrus fruit regulated under the order by modifying § 905.105.

Fallglo tangerines are a relatively new variety coming into significant commercial production. The committee has been following the production statistics for Fallglo tangerines. During the last four years this variety has experienced rapid production growth. The committee uses a level of a million cartons of production as a measure in considering a variety's commercial significance. Another indicator of commercial significance used by the committee is the market share held by the variety.

The committee noted that fresh shipments of Fallglo tangerines had increased from 381,990 cartons ($\frac{4}{5}$ bushel) in 1994-95 to 874,076 cartons ($\frac{4}{5}$ bushel) in 1997-98. Total utilization had increased from 465,876 $\frac{4}{5}$ bushel cartons in 1994-95 to 1,157,624 $\frac{4}{5}$ bushel cartons in 1997-98. In the 1997-98 season, approximately 76 percent of the Fallglo tangerine crop was shipped in fresh market channels, representing approximately 23 percent of the early tangerine crop. As the trees of this variety reach full bearing age and additional plantings begin to bear fruit, the committee expects shipments of Fallglo tangerines to continue to increase and comprise a larger share of the early tangerine market.

The committee believes that the current market share and shipment levels justify adding this variety to those regulated under the order and establishing minimum grade and size requirements for Fallglo tangerines, and that these requirements will become increasingly important in helping assure and maintain acceptable shipments as production and market share increase. The establishment of such requirements for this tangerine variety is expected to help ensure that only fresh Fallglos of acceptable size and quality reach consumers in the interest of producers, handlers, and consumers. Experience has shown that providing uniform quality and size acceptable to consumers helps stabilize the market, improves grower returns, and fosters market growth.

Section 905.52 of the order, in part, authorizes the committee to recommend minimum grade and size regulations to the Secretary. Section 905.306 of the order's rules and regulations specifies

minimum grade and size requirements for different varieties of fresh Florida citrus. Such requirements for domestic shipments are specified in § 905.306 in Table I of paragraph (a), and for export shipments in Table II of paragraph (b).

This rule amends § 905.306 by adding the Fallglo tangerine variety to the list of entries in Table I of paragraph (a), and in Table II of paragraph (b). A minimum grade of U. S. No. 1 as specified in the U.S. Standards for Grades of Florida Tangerines (7 CFR 51.1810 through 51.1837), and a minimum size of $2\frac{9}{16}$ inches diameter are established for Fallglo tangerines for both domestic and export shipments.

The committee recommended a minimum size of $2\frac{9}{16}$ inches diameter for Fallglo tangerines because this variety of tangerine tends to grow larger than the other tangerine varieties regulated at the $2\frac{4}{16}$ inch minimum diameter, and it can easily attain the larger size. The minimum grade of U. S. No. 1 was recommended by the committee for this variety because tangerines meeting the requirements of this grade are mature, and, while having more cosmetic defects than the higher grades specified in the standards, the defects do not materially detract from the appearance, or the edible or marketing quality of the fruit. All regulated varieties of Florida tangerines, except Honey tangerines, have a minimum U. S. No. 1 grade. Honey tangerines are not regulated at U.S. No. 1 because their skin possesses excessive amounts of green coloring which causes them to exceed the tolerances for that grade defect. Honey tangerines must be at least Florida No. 1 grade, which permits more green coloring than U.S. No. 1. According to the committee, almost all of the Fallglo tangerines shipped fresh in 1997-98 would have met these requirements had they been in effect.

Minimum grade and size requirements for domestic and export shipments of tangerines are designed to prevent shipments of low grade, immature, small-sized, or otherwise unsatisfactory fruit from entering fresh market channels. Preventing such shipments helps create buyer confidence in the marketplace and helps foster stable marketing conditions in the interest of producers.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

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.

There are approximately 75 tangerine handlers subject to regulation under the order and approximately 11,000 growers of citrus in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (SBA) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those having annual receipts of less than \$500,000 (13 CFR 121.601).

Based on industry and committee data for the 1997-98 season, the average annual free-on-board price for fresh Florida tangerines during the 1997-98 season was around \$12.51 per $\frac{1}{2}$ bushel carton, and total fresh shipments of early tangerines for the 1997-98 season are estimated at 3.8 million cartons.

Approximately 40 percent of all handlers handled 80 percent of Florida tangerine shipments. In addition, many of these handlers ship other citrus fruit and products that contribute further to handler receipts. About 80 percent of citrus handlers could be considered small businesses under SBA's definition and about 20 percent of the handlers could be considered large businesses. The majority of Florida citrus handlers and growers may be classified as small entities.

Under § 905.5, the committee has the authority to recommend to the Secretary the addition of other citrus varieties to those covered under the order. Section 905.52 of the order, in part, authorizes the committee to recommend minimum grade and size regulations to the Secretary. Pursuant to this authority, minimum grade and size requirements for domestic and export shipments are specified for numerous citrus varieties covered under the order. Currently, Fallglo tangerines are not included under the order and no minimum grade and size requirements are established for this variety.

This rule makes changes to §§ 905.105 and 905.306 of the rules and regulations concerning covered varieties and minimum grade and size requirements, respectively. This rule adds Fallglo tangerines to the varieties covered under the order. It also establishes a minimum grade and size requirement for Fallglo tangerines. The establishment of such requirements for this variety will help stabilize the market and improve grower

returns by providing uniform quality and size acceptable to consumers.

This regulation is expected to have a positive impact on affected entities. This action is intended to maintain and improve quality. The purpose of this rule is to improve the quality of fruit entering fresh market channels in the interest of producers, shippers, and consumers. Minimum grade and size requirements for domestic and export shipments of tangerines are designed to prevent shipments of low grade, immature, small sized, or otherwise unsatisfactory fruit from entering fresh market channels.

While this rule establishes a minimum grade and size requirement for Fallglo tangerines, many handlers in the industry have been using these requirements voluntarily. According to the committee, almost all of the Fallglo tangerines shipped fresh in 1997-98 (874,076 $\frac{1}{2}$ bushel cartons) would have met the requirements established in this rule (i.e., U.S. No. 1 and $2\frac{9}{16}$ inches in diameter) had they been in effect. Therefore, this rule should not be overly restrictive, and the overall effect on costs is expected to be minimal in relation to the benefits expected.

Regarding expected handler inspection costs, three inspection and certification options are being used by Florida citrus handlers regulated under the order. The options are Partners in Quality (PIQ), continuous in-line, and lot inspection. The PIQ inspection option is an audit based quality assurance program between inspection officials of the Fresh Products Branch, F&V, AMS, USDA, and officials from the individual packinghouses. Under PIQ, the packinghouse and inspection officials develop a system of checks along the processing/packing line which demonstrate and document their ability to pack product that meets all applicable requirements. The effectiveness of PIQ is verified through periodic, unannounced audits of each packer's system by USDA-approved auditors. Under the latter two inspection options, the commodity is inspected by Federal or Federal-State inspection officials as packaged product, rather than before packaging by packinghouse officials as with PIQ, and the results are certified. Current costs are \$0.04 cents per carton for PIQ type inspection, \$0.07 cents per carton for continuous in-line inspection, and \$39.00 per hour for lot inspection.

By not setting minimum quality and size regulations, a quantity of poor quality, small-sized fruit may reach the retail market, resulting in consumer dissatisfaction and product substitution. Such a lapse in quality and/or size

could result in a price reduction. Preventing such shipments helps create buyer confidence in the marketplace and helps foster stable marketing conditions in the interest of producers.

A stabilized market that returns a fair price will be beneficial to both small and large growers and handlers. The opportunities and benefits of this rule are expected to be available to all Fallglo tangerine growers and handlers regardless of their size of operation.

This action will not impose any additional reporting or recordkeeping requirements on either small or large citrus handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. However, tangerines must meet the requirements as specified in the U.S. Standards for Grades of Florida Tangerines (7 CFR 51.1810 through 51.1837) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627).

In addition, the committee's meeting was widely publicized throughout the citrus industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the May 22, 1998, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

A proposed rule concerning this action was published in the **Federal Register** on September 2, 1998 (63 FR 46708). Copies of that rule were also mailed or sent via facsimile to all Florida tangerine growers and handlers. Finally, the proposed rule was made available through the Internet by the Office of the Federal Register. A 20-day comment period was provided for interested persons to respond to the proposed rule. The comment period ended on September 22, 1998, and no comments were received.

After consideration of all relevant matter presented, including the information and recommendation 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.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) Handlers are expected to begin shipping Fallglo

tangerines in early October and the changes in the regulation need to be in place as soon as possible to cover as many of the 1998 shipments as possible so producers and handlers can accrue the benefits expected; (2) handlers are aware of the changes recommended at a public meeting, and have made plans to operate thereunder; and (3) a 20-day comment period was provided for in the proposed rule, and no comments were received in response to that rule.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 905.105, paragraph (b) is revised to read as follows:

§ 905.105 Tangerine and grapefruit classifications.

* * * * *

(b) Pursuant to § 905.5(m), the term “variety” or “varieties” includes Sunburst and Fallglo tangerines.

3. Section 905.306 is amended by adding a new entry for Fallglo tangerines in paragraph (a), Table I, and in paragraph (b), Table II, to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulations.

(a) * * *

TABLE I

Variety	Regulation Period	Minimum Grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
* TANGERINES *	* *	* *	* *
* Fallglo	On and after October 19, 1998	U.S. No. 1	2 6/16
*	*	*	*

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
* TANGERINES *	* *	* *	* *
* Fallglo	On and after October 19, 1998	U.S. No.	1 2 6/16
*	*	*	*

* * * * *

Dated: October 9, 1998

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–27781 Filed 10–15–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–ANE–69; Amendment 39–10830; AD 98–21–22]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD),

applicable to Pratt & Whitney JT9D series turbofan engines, that requires initial and repetitive eddy current inspections (ECI) of 14th and 15th stage high pressure compressor (HPC) disks for cracks, and removal of cracked disks and replacement with serviceable parts. This amendment is prompted by reports of disk bore cracks found during shop inspections on both the 14th and 15th stage HPC disks. The actions specified by this AD are intended to prevent 14th and 15th stage HPC disk rupture, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Effective December 15, 1998.