(b) Expedited processing of a request for records, or an appeal of a denial of a request for expedited processing, shall be provided when the requester demonstrates a compelling need for the information and in other cases as determined by the officer processing the request. A requester seeking expedited processing can demonstrate a compelling need by submitting a statement certified by the requester to be true and correct to the best of such person's knowledge and belief and that satisfies the statutory and regulatory definitions of compelling need. Requesters shall be notified within ten (10) calendar days after receipt of such a request whether expedited processing, or an appeal of a denial of a request for expedited processing, was granted. As used in this section, ''compelling need'' means:

(1) That a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(2) With respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

Dated: April 13, 1999.

Solly Thomas,

Executive Director.

[FR Doc. 99–9622 Filed 4–15–99; 8:45 am]

BILLING CODE 6727–01–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Docket No. FV99–981–1 FR]

Almonds Grown in California; Revision of Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the administrative rules and regulations of the California almond marketing order (order) pertaining to reporting requirements. The almond marketing order regulates the handling of almonds grown in California and is administered locally by the Almond Board of California (Board). Under the terms of the order, almond handlers are required to report to the Board, on ABC Form 1, the total adjusted kernel weight of almonds received by them for their own account within seven prescribed reporting periods per year. This rule changes the reporting procedures to require handlers to report this information to the Board monthly, or 12 times per year. Additional, more accurate and timely information will thus be available to the Board and industry, facilitating improved decision making and program administration.

EFFECTIVE DATE: April 19, 1999.

FOR FURTHER INFORMATION CONTACT: Martin Engeler, Assistant Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, 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) 720–5698. Small businesses may request information on complying with this regulation, or obtain a guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay__N__Guerber@usda.gov. You may view the marketing agreement and order small business compliance guide at the following web site: http://www.ams.usda.gov/fv/moab.html.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 981, as amended (7 CFR part 981), regulating the handling of almonds grown in California, hereinafter referred to as the ''order.'' The marketing order is 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 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 date of the entry of the ruling.

This final rule revises the administrative rules and regulations pertaining to reporting requirements under the California almond order. This rule changes the reporting procedures to require handlers to report their receipts of almonds from growers on a monthly basis rather than seven times per year as currently prescribed. This change was unanimously recommended by the Board at a meeting on September 16, 1998.

Section 981.72 of the order provides authority for the Board to require handlers to report to the Board their receipts of almonds from growers. Section 981.472 of the order's administrative rules and regulations currently requires that each handler report to the Board, on ABC Form 1, the total adjusted kernel weight of almonds, by variety, received by it for its own account within seven prescribed reporting periods per year. The report must be submitted to the Board by the 5th calendar day after the close of the following applicable periods—August 1 to August 31; September 1 to September 30; October 1 to October 31; November 1 to November 30; December 1 to December 31; January 1 to March 31; and April 1 to July 31.

The crop year under the almond order runs from August 1 through July 31 of the following year. Most almonds are harvested by growers and received by handlers during the fall months. Thus, handlers have been required to report their almond receipts to the Board on a monthly basis from August through December, and then just twice for the remainder of the crop year.

California almond production has increased significantly in recent years. Between 1983 and 1992, the average size of the almond crop was about 465 million pounds. Since 1992, the average size of the almond crop has grown to about 570 million pounds. With the increase in crop size, more almonds than anticipated are being received by handlers from January through July. Information collected from handlers on

the amount of almonds received reflects crop size which provides a basis for the industry's marketing decisions. Thus, the Board recommended that handlers be required to report the amount of almonds received on a monthly basis, or 12 times per year. This reporting change will provide the Board with additional, more accurate and timely information which will facilitate improved decision making and program administration. Appropriate changes will be made to § 981.472 of the order's administrative rules and regulations.

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 115 handlers of California almonds who are subject to regulation under the order and approximately 7,000 almond producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) 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.

Currently, about 58 percent of the handlers ship under $5,000,000 worth of almonds and 42 percent ship over $5,000,000 worth on an annual basis. In addition, based on acreage, production, and grower prices reported by the National Agricultural Statistics Service, and the total number of almond growers, the average annual grower revenue is approximately $156,000. In view of the foregoing, it can be concluded that the majority of handlers and producers of California almonds may be classified as small entities.

This rule revises § 981.472 of the order's administrative rules and regulations to specify that handlers must submit reports concerning receipts of almonds, on ABC Form 1, on a monthly basis, as opposed to seven times per year. Additional, more accurate and timely information will thus be available to the Board and industry, facilitating improved decision making and program administration.

Requiring handlers to submit this information monthly imposes an additional reporting burden on both small and large handlers. It is estimated that it takes a handler 15 minutes to complete a receipt report, or ABC Form 1. Currently, handlers must submit seven such reports annually creating an estimated total burden per handler of 1.75 hours per year, or a total industry burden of approximately 201.25 hours per year. Requiring handlers to submit five additional reports per year will create an additional burden per handler of 1.25 hours per year, or an additional total industry burden of approximately 143.75 hours per year. Although this action creates an additional burden on California almond handlers, the benefits of collecting additional, more accurate and timely information far outweigh the estimated increased reporting burden. The Board will be able to utilize this information to make improved marketing decisions. This rule places no additional burden on almond growers. Finally, 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.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are contained in this rule have been approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0071. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

Other alternatives to this action include not changing the reporting requirement concerning almond receipts. However, this alternative would leave the Board with less timely information. Another alternative would be to revert back to the reporting requirement prior to 1993 when handlers were required to report almond receipts twice a month during harvest (July through November), once during December, and then twice for the remainder of the crop year. However, the Board believes that requiring handlers to submit the receipt report monthly best meets the industry's informational needs at this time.

The Board's meeting was widely publicized throughout the almond industry and all interested persons were invited to attend the meeting and participate in Board deliberations. Like all Board meetings, the September 16, 1998, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. The Board itself is composed of ten members, of which five are producers and five are handlers.

Also, the Board has a number of appointed committees to review certain issues and make recommendations to the Board. The Board's Administrative and Finance Committee met on September 16, 1998, prior to the Board meeting, and discussed this issue. That committee meeting was also a public meeting, and both large and small entities were able to participate and express their views.

A proposed rule concerning this action was published in the **Federal Register** on January 5, 1999 (64 FR 430). The proposal also announced AMS's intent to request a revision to the currently approved information collection requirements issued under the order. Copies of the rule were mailed to all Board members and almond handlers. The proposal was also made available through the Internet by the Office of the Federal Register. A 60-day comment period was provided for interested persons to respond to the proposal, including the additional information collection requirements. The comment period ended March 8, 1999. No comments were received.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Board 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 the Board would like to begin collecting ABC Form 1 from handlers on a monthly basis as soon as possible to facilitate program administration and decision making. Handlers are aware of this action which was unanimously recommended by the Board at a public meeting. Finally, a 60-day comment period was provided for in the proposed rule, and no comments were received.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is to be amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 981.472, paragraph (a) is revised to read as follows:

§ 981.472 Report of almonds received.

(a) Each handler shall report to the Board, on or before the 5th calendar day of each month, on ABC Form 1, the total adjusted kernel weight of almonds, by variety, received by it for its own account for the preceding month.

* * * * *

Dated: April 9, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–9515 Filed 4–15–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–197–AD; Amendment 39–11131; AD 99–08–22]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–10 series airplanes and KC–10 (military) airplanes, that requires repetitive inspections to detect fatigue cracking of the rear spar cap of the horizontal stabilizer; and repair, if necessary. The amendment also would require a preventive modification of the rear spar cap of the horizontal stabilizer, which would constitute terminating action for the repetitive inspections. This amendment is prompted by reports of fatigue cracking of the rear spar cap of the horizontal stabilizer. The actions specified by this amendment are intended to prevent fatigue cracking of the rear spar cap of the horizontal stabilizer, which could result in reduced structural integrity of the horizontal stabilizer, and consequent reduced controllability of the airplane.

DATES: Effective May 21, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 21, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ron Atmur, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5224; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–10 series airplanes and KC–10 (military) airplanes was published in the **Federal Register** on August 4, 1998 (63 FR 41479). That action proposed to require repetitive penetrant inspections or high frequency eddy current inspections to detect fatigue cracking of the rear spar cap of the horizontal stabilizer; and repair, if necessary. That action also proposed to require a preventive modification of the rear spar cap of the horizontal stabilizer, which would constitute terminating action for the repetitive inspections.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

One commenter supports the proposed rule.

Request To Revise the Compliance Time of the Terminating Action

One commenter requests that the proposed compliance time for accomplishment of the terminating modification be revised from ''within 5 years'' to ''within 5 years or prior to the accumulation of 18,000 landings after the effective date of the AD, whichever occurs later.'' The commenter contends that such a revision of the compliance time would allow the preventive modification installation on low-time DC–10 series airplanes to be consistent with the initial inspection threshold of the proposal.

The FAA concurs partially. It is appropriate to specify an 18,000-landing compliance time for accomplishment of the terminating action. However, to be consistent with the compliance time specified in paragraph (a) of this AD, that threshold must include total landings accumulated on the airplane, not just those accumulated after the effective of this AD, as requested by the commenter.

Requests for Credit for Previous Accomplishment of the AD Requirements

One commenter requests that credit be given for previous accomplishment of the proposed initial inspection. That commenter specifically requests that credit for the initial inspection be given if it was accomplished in accordance with McDonnell Douglas Comtwx DC–10–COM–0047/SFY, dated December 11, 1997. Another commenter requests that credit be given for initial inspections and installation of the preventive modification that were accomplished prior to the effective date of the AD in accordance with the service bulletin specified in the proposal.

The FAA has reviewed the referenced comtwx and concurs that credit may be given for the accomplishment of the initial inspection required by this AD if it was done in accordance with the comtwx referenced by the commenter. The FAA also notes that the comtwx is referenced in McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998, (which is the appropriate service information for this AD), as an additional source of service information. Therefore, the FAA has revised the final rule to add a new ''Note 2'' to give credit to operators that may have accomplished previously the initial inspection in accordance with McDonnell Douglas Comtwx DC–10–COM–0047/SFY, dated December 11, 1997.

The FAA also concurs with the request to allow credit for accomplishment of actions specified in McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998, that were accomplished prior to the effective date of this AD. The FAA notes that operators are generally given credit for work accomplished previously if the work is performed in accordance with the final rule by means of the phrase in the compliance section of the