

On January 12, 1996, the Committee recommended final percentages of 79 percent free, 21 percent reserve for NS raisins; 70 percent free, 30 percent reserve for ZC raisins; and 51 percent free, 49 percent reserve for OS raisins.

Pursuant to section 989.54(c), the Committee may adopt interim free and reserve percentages. Interim percentages may release less than the computed trade demand for each varietal type. The Committee also computed interim free and reserve percentages at the January 12, 1996, meeting. Interim percentages were announced as 78.75 percent free, 21.25 percent reserve for NS raisins; 69.75 percent free, 30.25 percent reserve for ZC raisins; and 50.75 percent free, 49.25 percent reserve for OS raisins. That action released most, but not all, of the computed trade demand for NS, ZC, and OS raisins.

Under section 989.54(d) of the order, the Committee is required to recommend to the Secretary, no later than February 15 of each crop year, final free and reserve percentages which, when applied to the final production estimate of a varietal type, will tend to release the full trade demand for any varietal type.

The Committee's final estimate of 1995-96 production of NS raisins is 325,808 tons. Dividing the computed trade demand of 257,314 tons by the final estimate of production results in a final free percentage of 79 percent and a final reserve percentage of 21 percent for NS raisins.

The Committee's final estimate of 1995-96 production of ZC raisins is 3,158 tons. Dividing the computed trade demand of 2,208 tons by the final estimate of production results in a final free percentage of 70 percent and a final reserve percentage of 30 percent for ZC raisins.

The Committee's final estimate of 1995-96 production of OS raisins is 2,048 tons. Dividing the computed trade demand of 1,047 tons by the final estimate of production results in a final free percentage of 51 percent and a final reserve percentage of 49 percent for OS raisins.

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.

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 20 handlers of California raisins who are subject to regulation under the raisin marketing order, and approximately 4,500 producers in the production area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts (from all sources) are less than \$5,000,000, and small agricultural producers are defined as those having annual receipts of less than \$500,000. No more than eight handlers, and a majority of producers, of California raisins may be classified as small entities. Twelve of the 20 handlers subject to regulation have annual sales estimated to be at least \$5,000,000, and the remaining eight handlers have sales less than \$5,000,000, excluding receipts from any other sources.

In recent years, the California raisin industry has been faced with a burdensome oversupply. A major reason for its oversupply problem is that wineries have not been purchasing as many raisin variety grapes. Raisin variety grapes which wineries will not buy generally are dried into raisins. The volume control procedures specified in the order provide a means of lessening the impact of year-to-year variations in raisin supplies on producer prices. The percentages contribute toward orderly marketing and market stability.

The free and reserve percentages established by the interim final rule, and continued in effect, without change, by this rule, apply uniformly to all handlers in the industry, whether small or large, and release the full trade demand. There are no known additional costs incurred by small handlers that are not incurred by large handlers. As the season progressed, additional quantities of the trade demand were released. For some varieties of raisins, no volume control was implemented.

Although raisin markets are limited, they are available to all handlers, regardless of size. While the level of benefits of this action are difficult to quantify, the stabilizing effects of the percentages impact both small and large handlers positively by helping them maintain and expand markets even though raisin supplies fluctuate from season to season. Between the 1989-90 and 1994-95 crop years, total California raisin shipments increased by three percent, which benefitted both small and large handlers.

Accordingly, the Agricultural Marketing Service has determined that the issuance of this final rule will not have a significant economic impact on

a substantial number of small entities in the California raisin industry.

After consideration of all relevant information presented, including the Committee's recommendations and other information, it is found that finalizing the interim final rule, without change, as published in the Federal Register on February 26, 1996 (61 FR 7067), will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

### **PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA**

Accordingly, the interim final rule amending 7 CFR part 989 which was published at 61 FR 7067 on February 26, 1996, is adopted as a final rule without change.

Dated: July 8, 1996.  
Robert C. Keeney,  
*Director, Fruit and Vegetable Division.*  
[FR Doc. 96-17869 Filed 7-12-96; 8:45 am]

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### **Animal and Plant Health Inspection Service**

#### **9 CFR Part 92**

[Docket No. 91-101-2]

### **Goats Imported From Mexico for Immediate Slaughter; Horse Quarantine Facilities**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the animal importation regulations to clarify the quarantine requirements for horses imported into the United States. We are not taking final action in this document to remove the requirements for a health certificate for goats imported into the United States from Mexico for immediate slaughter.

**EFFECTIVE DATE:** August 14, 1996.

**FOR FURTHER INFORMATION CONTACT:** Dr. David Vogt, Senior Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1228, (301) 734-8170, or e-mail: dvogt@aphis.usda.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The regulations in 9 CFR part 92 govern the importation into the United

States of certain animals and poultry and certain animal and poultry products. Section 92.308 establishes requirements for the quarantine of certain horses imported into the United States. Section 92.308(c)(2)(ii)(B), which contains the physical requirements for a quarantine facility, provides that "Doors, windows, and other openings of the facility shall be provided with double screens which will prevent insects from entering the facility." However, the preceding paragraph, § 92.308(c)(2)(ii)(A) states that "All walls, floors and ceilings shall be constructed of solid impervious material or be screened as provided in paragraph (c)(2)(ii)(B) of this section." The last phrase of this sentence has led some readers to believe that walls, floors, and ceilings, of quarantine facilities could somehow be constructed of screening. However, our intention is that if a facility's solid and impervious walls, floor or ceiling have openings, they must be screened in accordance with § 92.308(c)(2)(ii)(B).

On March 1, 1994, we published in the Federal Register (59 FR 9679-9681, Docket No. 91-101-1) a proposal to amend the regulations by removing the last phrase of the misleading sentence in § 92.308(c)(2)(ii)(A) to make it read "All walls, floors and ceilings shall be constructed of solid impervious material."

We also proposed, in the same Federal Register document, to amend the regulations in §§ 92.428 and 92.429, concerning importation of goats by allowing goats from Mexico to be imported into the United States without a health certificate if the goats were imported for immediate slaughter.

We solicited comments concerning our proposal for 60 days ending May 2, 1994. We received one comment addressing this proposed change to § 92.308(c)(2)(ii)(A), and the comment was supportive.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the portion of the proposal that pertained to horse quarantine facilities as a final rule without change.

We received three comments on this proposed change to §§ 92.428 and 92.429 by the close of the comment period. They were from a research organization, a State agricultural department, and a goat industry representative. One was supportive; the other two expressed concern that the goats could present a disease risk.

The proposed provisions concerning goats are not adopted by this document. At this time, we are considering major revisions to the regulations for importing ruminants, including goats,

and to the regulations for importing swine and products of ruminants and swine. Interested persons should see Docket No. 94-106-1 (61 FR 16978-17105), a proposed rule published for comment on April 18, 1996. The three comments received on the proposed change to §§ 92.428 and 92.429 will be considered in conjunction with that rulemaking.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This rule is making a minor change for clarity in our regulations concerning horses subject to quarantine after importation into the United States. Since this rule change is only a clarification, there will be no economic impact on any large or small entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Accordingly, 9 CFR part 92 is amended as follows:

#### **PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON**

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

#### **§ 92.308 [Amended]**

2. In § 92.308, paragraph (c)(2)(ii)(A) is amended by removing the phrase "or be screened as provided in paragraph (c)(2)(ii)(B) of this section".

Done in Washington, DC, this 9th day of July 1996.

Terry L. Medley,  
Administrator, Animal and Plant Health  
Inspection Service.

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#### **DEPARTMENT OF TRANSPORTATION**

#### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 93-CE-35-AD; Amendment 39-9689; AD 93-15-02 R2]

RIN 2120-AA64

#### **Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment revises Airworthiness Directive (AD) 93-15-02 R1, which requires the following on Fairchild Aircraft SA226 and SA227 series airplanes that are equipped with a certain Simmonds-Precision pitch trim actuator: repetitively measuring the freeplay of the pitch trim actuator and repetitively inspecting the actuator for rod slippage; immediately replacing any actuator if certain freeplay limitations are exceeded or rod slippage is evident; and eventually replacing the actuator regardless of the inspection results. The compliance times for the first inspection of an actuator that is installed in accordance with AD 93-15-02 R1 was inadvertently referenced incorrectly. This action retains the repetitive inspection and replacement requirements of the current AD, corrects the above-referenced compliance times, and adds an additional replacement actuator option that will then require repetitive inspections and replacements of that actuator. The actions specified by this AD are intended to prevent the horizontal stabilizer from going nose-down or jamming because of pitch trim actuator failure, which could result in loss of control of the airplane.

**DATES:** Effective July 25, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director