

packed in 50-pound mesh sacks, ranged from early season, high returns of \$14.00 per sack down to a low at the season's conclusion of \$6.00 per sack. Handlers have stated that packing costs average between \$4.00 and \$5.00 per 50-pound carton, and around \$3.00 per 50-pound sack. Committee records indicate that individual farms currently have acreage dedicated to the production of Walla Walla Sweet Onions ranging from 1 to 160 acres.

About 25 of the 35 regulated handlers of Walla Walla Sweet Onions are also producers and generally pack their own onions in the field while harvesting them. These onions are usually marketed direct to consumers through road-side stands and farmers' markets or through mail order sales. Only about 10 of these handlers own and operate commercially sized packing facilities and market the majority of their onions through large wholesale and retail outlets. Based on current information the majority of Walla Walla Sweet Onion handlers and producers may be classified as small entities.

The only alternative to this proposal discussed at the meetings was to not recommend the additions at all. The Committee determined that such an alternative would not be acceptable to the industry because of the significant benefits expected as a result of the proposed regulations. Without container marking requirements, the Committee believes the current marketing and compliance problems, basic reasons behind the promulgation of the marketing order, would not be alleviated. As for the foregoing special purpose shipment exemptions, the Committee concluded that the absence of a list of shipments exempt from assessments and container marking requirements would perpetuate confusion and compliance problems, as well as increase the economic, reporting and recordkeeping burden on handlers.

This proposed rule would provide that containers of Walla Walla Sweet Onions for shipment to fresh markets be marked with the Committee's registered logo, and that specified shipments of Walla Walla Sweet Onions be exempt from such container marking requirements and from assessments. This action would not impose any additional reporting or recordkeeping requirements on either small or large handlers of Walla Walla Sweet Onions. Additionally, the benefits of this rule are not expected to be disproportionately greater or less for small handlers or producers than for larger entities.

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 proposed rule.

The Committee's meetings were widely publicized throughout the production area. All interested persons were invited to attend the meetings. The Committee actively seeks participation in its deliberations at all of its meetings. Both the October 8 and November 12, 1996, meetings were open to the public and representatives of both large and small entities expressed their views on these and related issues. The majority of the Committee, composed of six producers, three handlers, and a public member, represent small entities. Additionally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments received within the comment period will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 956

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 956 be amended as follows:

PART 956—SWEET ONIONS GROWN IN THE WALLA WALLA VALLEY OF SOUTHEAST WASHINGTON AND NORTHEAST OREGON

1. The authority citation for 7 CFR Part 956 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In part 956, new §§ 956.162 and 956.163 are added to read as follows:

§ 956.162 Container markings.

Effective (*Insert date one date after day of publication of the final rule in the Federal Register*), no handler shall ship any container of Walla Walla Sweet Onions except in accordance with the following terms and provisions:

(a) Each container of Walla Walla Sweet Onions shall be conspicuously marked with the "Genuine Walla Walla Sweet Onion" logo. The marking may be in the form of a decal or a stamped imprint of any color and size: *Provided*, That the decal or stamped imprint must be placed in plain sight and easy to read.

(b) Walla Walla Sweet Onions may be handled not subject to the marking

requirements of this section when handlers ship such onions pursuant to § 956.163, or ship such onions in field packed bulk bins containing more than 500 pounds net weight for sale to roadside stands and farmers' market operators for repacking and direct consumer sale: *Provided*, That subject to Committee verification of handler container inventories, handlers may use their existing inventories of unmarked containers until (*Insert date two years after publication after the effective date of the final rule*).

§ 956.163 Handling for specified purposes.

(a) Assessment and container marking requirements specified in this part shall not be applicable to shipments of onions for any of the following purposes:

(1) Shipments of Walla Walla Sweet Onions for relief or to charitable institutions: *Provided*, That such shipments must be donated and not sold in order for this exemption to apply;

(2) Shipments of Walla Walla Sweet Onions for livestock feed;

(3) Shipments of Walla Walla Sweet Onions for planting and for plants;

(4) Shipments of Walla Walla Sweet Onions as salad onions;

(5) Shipments of Walla Walla Sweet Onions for all processing uses including, pickling, peeling, dehydration, juicing, or other processing;

(6) Shipments of Walla Walla Sweet Onions for disposal;

(7) Shipments of Walla Walla Sweet Onions for seed.

Dated: February 4, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–3137 Filed 2–7–97; 8:45 am]

BILLING CODE 3410–02–P

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

RIN 0580–AA51

Regulations Issued under the Packers and Stockyards Act: Poultry Grower Contracts, Scales, Weighing

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Agency is considering the need for issuing substantive regulations to address concerns in the poultry industry with respect to contract payment provisions tied to the performance of other growers, with respect to feed deliveries to contract

growers, and with respect to practices and procedures related to weighing of live birds delivered to processors. This notice requests comments on the need for regulations and the content of such regulations.

DATES: Comments are due on or before May 12, 1997.

ADDRESSES: Comments may be mailed to the Acting Deputy Administrator, GIPSA, Packers and Stockyards Programs, Stop 3641, 1400 Independence Avenue, SW., Washington, DC 20250-3641.

FOR FURTHER INFORMATION CONTACT: Tommy Morris, Director, Packer and Poultry Division, (202) 720-7363.

SUPPLEMENTARY INFORMATION: Currently, the predominant method utilized to pay growers for flocks grown under a poultry growing arrangement is based on a system which compares a grower's results to that of other growers during a specified time period. Many poultry growers have repeatedly expressed concern to the Agency that comparison of their production costs against production costs of other growers in determining their payment is unfair. Others in the industry have suggested that a comparison of the growout results of a group of growers that have grown birds during the same time period and weather conditions is the most equitable way to determine grower performance and payment. Some growers are opposed to a system that bases their payment on how well or how poorly their neighbor performs, asserting that a bias is being created because the initial quality of production inputs are exclusively under the control of the live poultry dealer. Under this system of determining grower payment, consecutive flocks grown by the same grower having similar production costs could receive substantially different payment amounts because of the results of other growers in the settlement group. Growers have expressed exasperation over this form of settlement because they have no way of estimating in advance how much to expect in payment.

Concern has also been expressed about the disproportionate effect a small flock may have under a flock comparison payment system. Growers have suggested, to ensure fairness in their flock's compensation, that all results should be weighted. They feel that by weighting results in any flock compensation program, smaller growers, who might have an advantage in smaller flock numbers, would not have an undue influence on results.

The Agency is considering the need for a regulation that would prohibit

poultry grower settlements that base payment on a comparison of other growers' results and is seeking public comment on whether such a regulation is needed and, if so, the content of such a regulation. Comments are also being sought addressing the concept of weighting the results of relatively small flock settlements. Those opposing such a regulation are encouraged to provide information explaining their position. In particular, the Agency is interested in comments as to why this settlement method is, or is not, a fair, equitable way of determining grower payment.

The weight of feed delivered to a poultry grower during the course of a growout cycle is an integral part in determining ultimate payment to the grower under most growing contracts. While many of the scales used to weigh feed deliveries to contract growers are regularly tested for accuracy and are equipped with printing devices, there are currently no regulations under the Packers and Stockyards Act requiring feed scale testing or the mechanical printing of feed tickets. Likewise, there are no Packers and Stockyards regulations related to the information required to be shown on feed scale tickets, nor are there requirements pertaining to other feed delivery or weighing documentation.

A number of poultry growers have expressed concern over the lack of regulatory requirements relative to the weighing of feed delivered during the course of a growout cycle. Growers assert that feed is at times weighed on scales that are not certified as accurate, that weighing is seldom performed by certified weighmasters, and that scale tickets sometimes contain weights that are hand printed rather than printed by a scale integrated printing device.

The Agency is considering the need for regulations requiring periodic testing of feed scales, mechanical printing of feed tickets, and more complete feed weighing and delivery documentation. Comments are being sought from the public regarding the need for feed weighing regulations and, if needed, the content of such regulations to help assure the accuracy of feed weights. Comments suggesting that feed weighing regulations are not needed should include information regarding safeguards currently in place that help assure the accuracy of feed deliveries and feed returns at the end of the growout cycle.

Essentially all poultry growing arrangements include live poultry weight as a key element in determining grower payment. Live poultry weight is determined by weighing the birds while loaded in coops on flat bed trailers

(gross weight) and subtracting the weight of the trailer and empty coops (tare weight) to determine the net or grower pay weight. In order to determine an accurate weight of poultry for grower payment, both the gross weight and tare weight must be accurate. The weight of the trailer, coops, and often the tractor is included in the process of determining both the gross and tare weights that result in the live poultry weight. It is critical in ascertaining an accurate live weight that the weight of the vehicle remain unchanged between the gross and tare weighings.

The weight of live poultry begins to decrease when feed is removed from birds at the grower's farm and continues to decline during loading, transporting, and while being held at the plant prior to processing. Loads of poultry are held for various lengths of time prior to processing and at times are not processed in the order in which they arrived at the plant. Because of these variables, the Agency believes that prompt transporting of birds after loading and immediate weighing of the loads on arrival at the processing plant or holding area provides the most accurate weight for grower payment.

The Agency is considering the need for promulgating regulations relative to the weighing of live poultry for grower payment. Comments are being sought concerning the need for such regulations and, if needed, the content of such regulations. In particular, the Agency is interested in knowing how such regulations could help assure the accuracy of the live poultry weighing process.

Many poultry growers are concerned that they are in an unequal bargaining position vis-a-vis integrated poultry companies and believe rulemaking is necessary to provide growers with a level of assurance that their settlements will be equitable. Regulations involving live poultry weighing and feed weighing and delivery documentation may provide poultry growers with increased assurance that deliveries are weighed accurately. The Agency believes that such rules would place little increased burden on live poultry dealers. The Agency also believes that there would be little increased burden on live poultry dealers resulting from new regulations prohibiting grower flock comparison for settlement purposes. However, the Agency is seeking comments from all segments of the industry regarding anticipated benefits and/or burdens, and the cost, especially to smaller operations involving less than \$500,000 in poultry annually, that may

result from the rulemaking under consideration.

Dated: February 4, 1997.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 97-3217 Filed 2-7-97; 8:45 am]

BILLING CODE 3410-EN-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-AGL-38]

Modification of Class E Airspace; Mineral Point, WI, Iowa County Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify Class E airspace at Mineral Point, WI. A Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 04 has been developed for Iowa County Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before March 15, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL-7, Rules Docket No. 96-AGL-38, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT:

John A. Clayborn, Air Traffic Division, Operations Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 96-AGL-38." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E airspace at Mineral Point, WI; this proposal would provide

adequate Class E airspace for operators executing the GPS Runway 04 SIAP at Iowa County Airport. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g) 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.