

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.

In the Area 2 production area, there are approximately 285 producers of Colorado potatoes, and 118 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000 and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of the producers and handlers may be classified as small entities.

The Colorado Potato Administrative Committee, San Luis Valley Office (Area 2 Committee), met December 16, 1992, and unanimously recommended that producer membership on the Area 2 Committee be reapportioned. This is authorized by § 948.53. Reestablishment, which allows the Secretary, upon recommendation of area committees, to make changes in the distribution of membership among subdivisions of areas, when properly justified.

The Area 2 Committee consists of 12 members, each with an alternate. Seven members represent producers and five members represent handlers. Prior to the publication of the interim final rule on February 16, 1993, Rio Grande County was represented by three producer members. Three counties, Alamosa, Saguache, and Conejos, were represented by one member each. All other counties in Area 2 also were represented by one member. The Area 2 Committee recommended that one member and alternate position be moved from Rio Grande County to Alamosa County, which would give Rio Grande County two members instead of three, and Alamosa County two members instead of one.

In the San Luis Valley, virtually all arable land in Rio Grande County is now in use. Any increase in potato acreage must be at the expense of other crops. However, Alamosa County has unused land available for expansion. It is this land that has provided the steady increase in potato acreage for Area 2 over the last seven years. Nearly all of the increased production is due to land being cleared of sagebrush, flushed of alkali, and planted for the first time.

Statistical information provided by the Area 2 Committee was furnished by the Colorado Department of Agriculture, and indicates that the Area 2 Committee's request for

reapportionment is valid. Harvested acreage for the 1988 through 1992 seasons indicates that Rio Grande County, with three members, averaged 38 percent of Area 2's production, while Alamosa County, with 1 member, averaged 32 percent. During the same season, Saguache County averaged 21 percent of the total, Costilla County, 5 percent, and Conejos County, 3 percent.

The statistical data also indicate that potato production closely follows harvested acreage. In 1991-92, the most recent season for which production data are available, Rio Grande County produced nearly 8.6 million hundredweight, or 37 percent of Area 2's total production. During the same season, Alamosa County produced 7.2 million hundredweight, or 30 percent of the total, while Saguache County produced 5.2 million hundredweight, or 22 percent. Conejos and Costilla Counties produced 0.9 and 1.7 million hundredweight, 4 and 7 percent, respectively.

Continuation of the reapportionment (two members each for Rio Grande and Alamosa Counties) is consistent with balanced committee representation. The Area 2 Committee discussed redistricting to combine Conejos and Costilla Counties with the lowest production, and decided not to recommend such action at this time. The production areas of Costilla and Conejos Counties are separated by 25 miles, and each has its own unique characteristics, including different soil types and different cultural and irrigation techniques. The Area 2 Committee members believe that merging these two disparate groups of producers under one representative could leave producers in one of the counties without representation.

The interim final rule became effective February 16, 1993, upon publication in the *Federal Register* (58 FR 8539). The rule afforded interested persons until March 18, 1993, to file comments prior to finalization. None were filed.

Based on the above, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of the Area 2 Committee's recommendations and other relevant information presented, it is found that this final rule will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

#### PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. For the reasons set forth in the preamble, the interim final rule amending 7 CFR part 948 by revising § 948.150(a), which was published at 58 FR 8541 on February 16, 1993, is adopted as a final rule without change.

Dated: June 23, 1993.

Robert C. Keeney,  
Deputy Director, Fruit and Vegetable Division.  
(FR Doc. 93-15197 Filed 6-28-93; 8:45 am)

BILLING CODE 3410-02-M

#### 7 CFR Part 953

[Docket No. FV93-953-11FR]

#### Southeastern Potatoes; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

**SUMMARY:** This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 953 for the 1993-94 fiscal period. Authorization of this budget enables the Southeastern Potato Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers. **DATES:** Effective June 1, 1993, through May 31, 1994. Comments received by July 29, 1993, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, FAX 202-720-5698. Comments should reference the docket number and the date and page number of this issue of the *Federal Register* and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement

No. 104 and Order No. 953, both as amended [7 CFR part 953], regulating the handling of Irish potatoes grown in Southeastern States (Virginia and North Carolina). 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.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect, Virginia-North Carolina potato handlers are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes during the 1993-94 fiscal period, beginning June 1, 1993, through May 31, 1994. This interim final 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 8c(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 requesting a modification of the order or to be exempted therefrom. Such 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/her 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 date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule 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 the 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 150 producers of Southeastern potatoes under this marketing order, and approximately 60 handlers. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of Southeastern potato producers and handlers may be classified as small entities.

The budget of expenses for the 1993-94 fiscal period was prepared by the Southeastern Potato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Southeastern potatoes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Southeastern potatoes, based on last season's crop of 1,488,000 hundredweight. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met April 21, 1993, and unanimously recommended a 1993-94 budget of \$11,000, the same as last year. Major expense items include committee staff salaries and travel expenses.

The Committee also recommended an assessment rate of \$0.01 per hundredweight, \$0.0050 more than last season's rate. As planting for the 1993-94 crop season has not been completed, the Committee based its estimate of production on the 1993-94 crop season. The \$12,426 reserve will be adequate to cover the expenses incurred. Funds remaining at the end of the 1992-93 fiscal period should be within the maximum permitted by the order of one fiscal period's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers.

However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

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

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 action until 30 days after publication in the *Federal Register* because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period begins on June 1, 1993, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable Irish potatoes handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

#### List of Subjects in 7 CFR Part 953

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 953 is amended as follows:

Note: This section will not appear in the Code of Federal Regulations.

#### PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

1. The authority citation for 7 CFR part 953 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. A new § 953.250 is added to read as follows:

#### § 953.250 Expenses and assessment rate.

Expenses of \$11,000 by the Southeastern Potato Committee are authorized, and an assessment rate of \$0.01 per hundredweight of assessable potatoes is established for the fiscal period ending May 31, 1994.

Unexpended funds may be carried over as a reserve.

Dated: June 23, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93-15201 Filed 6-28-93; 8:45 am]

BILLING CODE 3410-02-P

## 7 CFR Part 981

[Docket No. FV92-981-1IFR]

### Almonds Grown in California; Revision of the Administrative Rules and Regulations Concerning Handler Reporting Requirements

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule revises the administrative rules and regulations established under the Federal marketing order for California almonds. This action will streamline the reporting process for handlers in order to provide a more efficient process of collection and dissemination of information. This action is based on a unanimous recommendation of the Almond Board of California (Board), which is responsible for local administration of the order.

**DATES:** Interim final rule effective July 1, 1993. Comments received by September 27, 1993, will be considered prior to any finalization of this interim final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Marketing Order Administration Branch, F&V, AMS, USDA, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456, FAX Number (202) 720-5698. Comments should reference the date and page number of this issue of the *Federal Register* and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-1509 or FAX (202) 720-5698; or Martin Engeler, Assistant Officer-in-Charge, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102-B, Fresno, California 93721; (209) 487-5901 or FAX (209) 487-5906.

**SUPPLEMENTARY INFORMATION:** This interim final rule is issued under Marketing Agreement and Order No. 981 [7 CFR part 981], both as amended, regulating the handling of almonds grown in California. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the Act.

This interim final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This interim final 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 8(c)(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 requesting a modification of the order or to be exempted therefrom. 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 his or her 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 date of entry of the ruling.

The information collection requirements contained in these regulations have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB Control Number 0581-0071. The requirements in this interim final rule are as follows:

(1) The interim final rule contains a requirement that each first handler of almonds grown in California must file a Summary Report of Almonds Received For Our Own Account (ABC Form 1). The Department and the Board need this information to determine the obligations of each handler concerning assessments, reserves, and inventory. The estimated number of handlers filing this report is 115, each submitting seven reports per year (a decrease from the current regulation which requires ten reports

per year). The estimated average reporting burden is 15 minutes per report, or 201.25 hours per year.

(2) The interim final rule contains a requirement that each first handler of almonds grown in California must file a Redetermination report (ABC Form 2). This information is used by the Board to redetermine the kernelweight of almonds that the handler has received. This information allows the Board to make any necessary adjustments to a handler's assessment and reserve obligations. The estimated number of handlers filing this report is 115 handlers. Each handler will submit three reports per year. The estimated average reporting burden is 30 minutes per report, or 172.5 hours per year.

(3) The interim final rule allows handlers to file a shortened form in lieu of completing ABC-Form 2, which will be known as ABC Form 2-A. The information on Form 2-A will be used by the Board to complete ABC Form 2 for each handler's approval. Each handler will submit three reports per year. The estimated average reporting burden is 3 minutes per report, or 17.25 hours per year.

(4) The interim final rule contains a requirement that each first handler of almonds grown in California must file a Report of Shipments and Commitments (ABC Form 25-1). This information is necessary for the Board to determine trade demand and monitor compliance with the reserve requirement. Each handler will submit twelve reports per year. The estimated average reporting burden is 60 minutes per report, or 1,380 hours per year.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this interim final rule 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 7,000 producers of almonds in the regulated area and approximately 115 handlers who are subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than \$500,000, and small

agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of the almond producers and handlers may be classified as small entities.

This action revises §§ 981.472, 981.473 and 981.474 of Subpart—Administrative Rules and Regulations and is based on a unanimous recommendation of the Almond Board of California (Board) and other available information.

In August 1992, the Board directed its staff to review current reporting requirements under the marketing order. The staff was asked to determine if changes could be made to decrease the reporting burden on handlers by simplifying the process, eliminating unnecessary and duplicative reporting by handlers, and still provide the Board with the information it needs to properly administer the order. As a result of this review, the Board unanimously recommended at its December 14, 1992, meeting, revisions to several existing forms, the elimination of others, and the establishment of one new form. The Board also recommended reducing the frequency of submitting certain forms to the Board. Some of the recommended changes require corresponding changes to the aforementioned sections of the rules and regulations.

The recommended changes are authorized pursuant to § 981.74 which provides authority for the Board, with approval of the Secretary, to request information from handlers that will enable the Board to perform its duties and exercise its powers.

The Board recommended three changes to the reporting requirements under § 981.472. Currently, § 981.472 requires handlers to report the quantity of almonds received from growers on ABC Form 1 (Summary Report of Almonds Received for Our Own Account) during 10 prescribed periods. One change will reduce the number of reporting periods to seven. The Board has determined that, despite the reduction in reporting periods, the statistical information from these reports will still be available to the industry on a timely basis due to increased data processing capabilities. The change will reduce the burden on handlers through less frequent reporting.

Another recommended change to § 981.472 will provide that ABC Form 1 is due in the Board office by the fifth calendar day after the close of the applicable reporting period. Currently, handlers are required to submit ABC Form 1 within five "business" days after the close of the applicable reporting

period. This change will allow the Board more time to compile the information to use as a cross-reference for other reports.

A final change to § 981.472 will eliminate the requirement that handlers submit summary reports of almonds received by county of origin (ABC Form 26-1 and 26-2). The Board is able to acquire this information from other sources. Therefore, the requirement that handlers report this information should be ended.

The Board recommended three changes to the reporting requirements under § 981.473. Currently, § 981.473 specifies the following information required on ABC Form 2 (Redetermination Report): (1) Handler carryover; (2) reserve disposition of certain almonds; (3) delivered sales; (4) almond products; (5) transfers; and (6) exempt outlet deliveries. This information is used by the Board to redetermine the kernel weight of almonds that the handler has received. This information allows the Board to make any necessary adjustments to handlers' assessments and reserve obligations. Due to a revision in the format of ABC Form 2 by the Board staff, the Board recommended that § 981.473 be revised and certain portions of that section be removed.

Information regarding reserve almond dispositions and almond products dispositions are currently reported separately on ABC Form 2. The language changes to § 981.473 will require such information to be reported as part of delivered sales (shipments) on the same form. Specific information regarding reserve dispositions will be reported on ABC Form 25 under another recommendation covered in this action. These changes will eliminate the redundancy of reporting this information twice.

Exempt outlet deliveries are currently reported on ABC Form 2. Due to a change in mathematical calculations used to derive the redetermination weight, the change will require handlers to report the quantity remaining to be delivered to exempt outlets (inedible disposition) instead of the exempt outlet deliveries. This change will simplify the data processing and calculations conducted by the Board, and provide the same result as the calculation procedure currently used. The Board has also recommended an alternative method of collecting data on handler inventory. Under this action, a new form, ABC Form 2-A (Current inventory for next redetermination report), will be used to collect inventory data for reporting and calculating information on the ABC Form 2. If the handler

chooses to submit the ABC Form 2-A with the handler's period end inventory amount, the Board will calculate the other information on ABC Form 2, based on information submitted by the handler, to obtain the redetermination weight. The handler will then receive a completed copy of ABC Form 2 for approval. Handlers will be given the option of providing the inventory amount on the ABC Form 2-A or completing the ABC Form 2 and submit it to the Board. This change will allow the Board to process data in a more timely manner and decrease the reporting burden on handlers.

Section 981.474 requires handlers to file several reports with the Board. Three of the reports required under this section will be eliminated and another report changed.

The Board recommended to eliminate the requirement for collecting export information on ABC Forms 18 and 19. This information has not been collected for several years and is not expected to be needed in the future. Therefore, this information collection provision should be removed from the regulations.

Handlers are required to report information concerning custom processed almonds on ABC Form 48. The Board believes that the information currently being collected is serving no useful purpose. Such information is not expected to be needed in the future, therefore this information collection provision will be removed from the regulations.

Handlers are currently required to report actual shipments on ABC Form 25-1 (Report of shipments and commitments). Information concerning shipments of almonds for products will be shifted from ABC Form 2, as previously mentioned, to ABC Form 25-1. This will allow all types of shipments to be reported on one form. In addition, language changes will clarify that these forms will be due in the Board office five calendar days after the close of each month of the crop year.

In addition to the aforementioned changes, Board forms will be revised to accommodate new data processing procedures being implemented by the Board. As part of this procedure, the Board will perform many of the mathematical calculations on the forms for the handlers.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is also found and determined that it is impractical, 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 action until 30 days after publication in the **Federal Register** because: (1) This action relaxes restrictions on handlers by reducing the overall burden in the filing of forms to the Board, thereby reducing handler costs; (2) this action should be implemented before the beginning of the crop year, July 1, 1993, so that the Board can give handlers ample notice regarding the new forms so that handlers may plan their operations accordingly; (3) if this action cannot be effective by the beginning of the crop year, it will be necessary for the Board to wait until the next crop year to use the new forms because it will be difficult and confusing to the industry to change forms and reporting requirements after the crop year has begun; (4) this action was discussed at a public meeting and was unanimously recommended by the Board; (5) this action provides for a 90-day comment period so that handlers may use the forms for part of the crop year and provide comments accordingly; and (6) the Board is restructuring its automation system and it will be cost effective to coordinate the new forms with the installation of the new computer system and software.

#### List of Subjects in 7 CFR Part 981

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

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

#### PART 981—ALMONDS GROWN IN CALIFORNIA

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

**Authority:** Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 981.472 is amended by revising paragraph (a) and removing and reserving paragraph (b) to read as follows:

#### § 981.472 Report of almonds received.

(a) Each handler shall report to the Board on ABC Form 1 the total adjusted kernel weight of almonds, by varieties, received by it for its own account within any of the hereinafter prescribed reporting periods. Each such report shall be received by the Board within five (5) calendar days after the close of the applicable one of the following reporting periods: July 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 June 30.

#### (b) [Reserved]

3. Section 981.473 is amended by revising paragraph (a); removing paragraph (b); redesignating paragraph (c) as paragraph (b) and revising it; removing paragraph (d); redesignating paragraph (e) as paragraph (c); adding a new paragraph (d); and removing paragraph (f) to read as follows:

#### § 981.473 Redetermination reports.

(a) *Handler carryover.* Report the weight of all almonds, whether unshelled or shelled, wherever located, held by the handler for the handler's own account, whether or not sold.

(b) *Delivered sales.* Report the weight of salable almonds sold and delivered (shipments), showing the weight, and whether unshelled or shelled, including those disposed of pursuant to the requirements for reserve disposition, or used in almond products.

(c) *Transfers.* A report of almonds transferred to another handler showing the weight of each lot transferred and whether unshelled or shelled.

(d) *Remaining inedible obligation.* Report the quantity of almonds the handler intends to deliver to Board approved outlets to meet the disposition obligation pursuant to § 981.42(a).

4. Section 981.474 is amended by revising paragraph (a); removing paragraphs (b) and (c); and redesignating paragraphs (d) and (e) as paragraphs (b) and (c) respectively to read as follows:

#### § 981.474 Other reports.

(a) *Report of shipments and commitments.* Each handler shall report on ABC Form 25-1 all shipments of almonds, inshell, shelled, and products by classification (domestic and export by countries of destination); and on ABC Form 25-2 all commitments (almonds not shipped, but sold or otherwise obligated) whether domestic contract, export contract, or non-contract. If the destination of any export is unknown to the handler, such handler shall have the broker/exporter furnish this information to the Board. In support of this report, the handler shall keep invoices on the shipments, or such other documentation as may be acceptable to the Board. The reports shall be received by the Board within five calendar days after the close of each month of the crop year.

Dated: June 23, 1993.

Robert C. Keeney,  
Deputy Director, Fruit and Vegetable Division.  
[FR Doc. 93-15200 Filed 6-28-93; 8:45 am]  
BILLING CODE 3410-02-P

#### 7 CFR Part 1250

[Docket No. PY-91-002]

RIN 0581-AA59

#### Amendment to Egg Research and Promotion Rules and Regulations

AGENCY: Agricultural Marketing Service.  
ACTION: Final rule.

**SUMMARY:** This rule amends the Egg Research and Promotion Rules and Regulations by adding a late-payment charge on all delinquent assessments. The American Egg Board approved this change at its July 17-18, 1991, meeting and requested the Secretary amend the Rules and Regulations accordingly.

A late-payment charge of 1.5 percent per month will be levied on all assessment charges more than 30 days past due. This change will facilitate the Board's efforts to make timely collections.

**EFFECTIVE DATE:** September 1, 1993.

**FOR FURTHER INFORMATION CONTACT:** Janice L. Lockard, 202-720-3506.

#### SUPPLEMENTARY INFORMATION:

#### Executive Orders 12291 and 12778 and Regulatory Flexibility Act

This rule has been reviewed under USDA procedures implementing Executive Order 12291 and Department Regulation 1512-1 and has been classified a "non-major" rule under the criteria contained therein. It will not result in an annual effect on the economy of \$100 million or more; (ii) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions; or (iii) will not have a significant impact on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It 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 14 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, any provisions of such order, or any obligations imposed in connection with such order, are not in accordance with law; and request a modification of the order or an exemption therefrom. Such person 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 such person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling on the petition, if a complaint is filed within 20 days after date of the entry of the ruling.

The AMS Administrator has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Information collection requirements and recordkeeping provisions contained in 7 CFR part 1250 have been approved by the Office of Management and Budget and assigned OMB Control No. 0581-0093 under the Paperwork Reduction Act of 1980.

#### Background

The Rules and Regulations in 1250.517 require egg handlers to pay assessments on a monthly basis. Assessments are due and collectable on or before the 15th day after the end of the reporting period. It is incumbent upon the Board's compliance department to ensure that such payments are made. However, some handlers continually remit assessments after they are due or, in some cases, refuse to pay at all.

Since the Board relies on a predictable income to fund ongoing projects, an additional mechanism is needed to facilitate the Board's efforts with regard to the timely remittance of assessments. Other commodity research and promotion boards have found that late-payment charges have been effective in facilitating timely payment of assessments. The Board recommended the addition of such a charge and, similar to regulations governing other like programs, requested that a late-payment charge of 1.5 percent per month be incorporated into the Rules and Regulations.

#### Comments

A proposed rule was published in the *Federal Register* (57 FR 60139) on December 18, 1992. Comments on the proposed rule were solicited from interested parties until January 19, 1993.

During the 30-day comment period, the Agency received one comment in opposition to the proposed late-payment charge.

The commenter, a State egg council, expressed a concern that, since egg markets are depressed, a late-payment charge would place an additional burden on producers. However, the late-payment charge will only affect handlers who are not remitting assessments, as required by the Egg Research and Consumer Information Act.

#### List of Subjects in 7 CFR Part 1250

Egg research and promotion.

For the reasons set forth in the preamble, title 7, CFR part 1250 is amended as follows:

#### PART 1250—EGG RESEARCH AND PROMOTION

1. The authority citation of part 1250 continues to read as follows:

**Authority:** Pub. L. 93-428, 88 Stat. 1171, as amended, 7 U.S.C. 2701-2718.

2. Section 1250.519 is added to read as follows:

#### § 1250.519 Late-payment charge.

Any unpaid assessments due to the Board pursuant to § 1250.347 shall be increased by a late-payment charge of 1.5 percent each month beginning with the day following the date such assessments are 30 days past due. Any remaining amount due, which shall include any unpaid charges previously made pursuant to this section, shall be increased at the same rate on the corresponding day of each month thereafter until paid. Assessments that are not paid when due because of a person's failure to submit a handler report to the Board as required shall accrue late-payment charges from the time such assessments should have been remitted. The timeliness of a payment to the Board shall be based on the applicable postmark date or the date payment is actually received by the Board, whichever is earlier.

Dated: June 23, 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-15204 Filed 6-28-93; 8:45 am]

BILLING CODE 3410-02-P

#### Animal and Plant Health Inspection Service

#### 9 CFR Part 50

[Docket No. 92-061-2]

#### Indemnity for Additions to Tuberculosis-Reactor Herds

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the tuberculosis indemnity regulations to allow indemnity claims for cattle and bison that are destroyed because of tuberculosis after being added to a herd under quarantine for tuberculosis. This action is necessary to make it cost-effective for owners of quarantined herds to destroy cattle or bison affected with tuberculosis in a timely manner, expediting tuberculosis-eradication efforts in the United States.

**EFFECTIVE DATE:** July 29, 1993.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ronald A. Stenseng, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 734, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8715.

#### SUPPLEMENTARY INFORMATION:

#### Background

Bovine tuberculosis (referred to below as tuberculosis) is a serious communicable disease of cattle, bison, and other species, including humans, caused by *Mycobacterium bovis*. Tuberculosis causes weight loss, general debilitation, and sometimes death. The regulations in 9 CFR part 50 (referred to below as the regulations) provide for payment of Federal indemnity to owners of cattle or bison destroyed because of tuberculosis.

On November 2, 1992, we published in the *Federal Register* (57 FR 49429-49431, Docket No. 92-061-1) a proposal to amend the regulations by allowing indemnity claims for cattle and bison that are destroyed after being added to a herd quarantined for tuberculosis, if an approved herd plan is in effect at the time the claim is filed. As part of the approved herd plan, we proposed to require that cattle or bison being added to a herd quarantined for tuberculosis: (1) Be from an accredited herd; or (2) be from a herd that tested negative to an official tuberculin test no more than 12 months before the cattle or bison were added to the claimant's herd, and have been found negative to an official tuberculin test during the 60 days before the cattle or bison were added to the

claimant's herd. We proposed this change to provide owners with an incentive for promptly destroying and replacing marginal animals.

We solicited comments concerning our proposal for a 60-day comment period ending January 4, 1993. We received 24 comments by that date. All responses were in favor of our proposal. One commenter, however, suggested that we modify the proposed requirements.

This commenter recommended that all cattle or bison be tested and found negative to an official tuberculin test during the 30 days before being added to a herd quarantined because of tuberculosis. The commenter contended that this would reduce the disease risk associated with herd additions. We have found no epidemiological data supporting the commenter's contention. We believe the health requirement that herd additions be from a tested herd and be tested during the 60 days before being added, or be from an accredited herd, are adequate to ensure that the herd additions will not spread the disease to the claimant's herd. Therefore, we are making no change to the requirement that herd additions be from an accredited herd or be tested, as discussed above, before being added to a claimant's herd.

The commenter further recommended that "the tuberculosis program requirements concerning the origins for cattle and bison being added to herds quarantined because of tuberculosis should be specified in the approved herd plan and not in the regulations," to "empower" the State animal health official and the veterinarian in charge. While the precise meaning of the recommendation is unclear, the commenter seems concerned that the regulations will not give animal health officials sufficient flexibility in designing individual herd plans. As stated in the proposed rule, each approved herd plan is "a herd management and testing plan based on the disease history and movement patterns of the individual herd," designed by the herd owner and a State representative or an Animal and Plant Health Inspection Service (APHIS) representative. Common to all herd plans are the health requirements as set forth in revised § 50.14(e). These requirements are necessary to ensure, to the extent possible, that any cattle or bison added to a quarantined herd would not spread tuberculosis. We believe the approved herd plan, as defined, affords sufficient flexibility to the animal health officials involved, and we are making no change as a result of this comment.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposed rule as a final rule, without change.

#### Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Of the 10 herds currently under quarantine for tuberculosis, 6 are dairy herds, 1 is a bison herd, and 3 are beef cattle herds. Exact figures for 1993 are not available, but in 1992, the total number of animals in 16 quarantined herds was approximately 18,200. Roughly 18,000 were in dairy herds.

As a rule, dairy herd owners cull between 25 and 30 percent of their herd animals each year. They purchase about 40 percent of their replacement cattle, raising the remaining 60 percent themselves. Owners of beef cattle herds cull at a rate of between 5 and 8 percent, purchasing only about 10 percent of their replacements. Bison herd owners tend to raise all of their own replacements.

Approximately 1.67 percent of the cattle and bison tested for tuberculosis and designated as exposed in 1991 were found to be reactors.

Based on the above figures, and noting that the number of quarantined herds has declined since 1992, we expect the total cost of allowing indemnity payments for dairy herd additions to be less than \$27,000 (of the 30 percent of 18,000 animals culled in 1992 (5400), 40 percent of their replacements would be added from other herds; of this 40 percent of 30 percent (2160), 1.67 percent (36) would be reactors eligible for indemnity (\$750)). The cost of allowing indemnity payments for beef cattle herd additions will be marginal.

The total number of herds (10) affected by this rule is insubstantial compared to the total number of herds in the United States (approximately 1.6

million). The 6 dairies affected are small entities, with a gross value of approximately \$2.7 million. This represents an extremely small fraction of the \$40 billion cattle industry.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### 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

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule will be submitted for approval to the Office of Management and Budget.

#### List of Subjects in 9 CFR Part 50

Animal diseases, Bison, Cattle, Hogs, Indemnity payments, Reporting and recordkeeping requirements, Tuberculosis.

Accordingly, 9 CFR part 50 is amended as follows:

#### PART 50—ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS

1. The authority citation for part 50 continues to read as follows:

**Authority:** 21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, 134b; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 50.1, the following definitions are added, in alphabetical order, to read as follows:

#### § 50.1 Definitions.

\* \* \* \* \*

*Approved herd plan.* A herd management and testing plan based on the disease history and movement patterns of an individual herd, designed by the herd owner and a State representative or APHIS representative

to determine the disease status of animals in the herd and to eradicate tuberculosis within the herd. The plan must be jointly approved by the State animal health official and the Veterinarian in Charge.

**Reactor cattle and bison.** Cattle are classified as reactors for tuberculosis in accordance with the "Uniform Methods and Rules—Bovine Tuberculosis Eradication," based on a positive response to an official tuberculin test. Bison are classified as reactors for tuberculosis in the same manner as cattle.

3. In § 50.14, paragraph (e) is revised to read as follows:

**§ 50.14 Claims not allowed.**

(e) If the cattle or bison were added to the herd while the herd was quarantined for tuberculosis, unless an approved herd plan was in effect for the herd at the time the claim was filed. As part of the approved herd plan, cattle or bison added to a herd quarantined for tuberculosis must:

- (1) Be from an accredited herd, as defined in § 77.1 of this chapter; or
- (2)(i) Be from a herd that tested negative to an official tuberculin test (complete herd test), as defined in § 77.1 of this chapter, no more than 12 months before the cattle or bison were added to the claimant's herd; and
- (ii) Have been found negative to an official tuberculin test, as defined in § 77.1 of this chapter, during the 60 days before the cattle or bison were added to the claimant's herd.

Done in Washington, DC, this 23rd day of June 1993.

Eugene Branstool,  
Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-15277 Filed 6-28-93; 8:45 am]

BILLING CODE 3410-34-P

**9 CFR Part 77**

[Docket No. 93-062-1]

**Tuberculosis in Cattle and Bison; State Designation**

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

**SUMMARY:** We are amending the tuberculosis regulations concerning the interstate movement of cattle and bison by raising the designation of Hawaii from a modified accredited State to an

accredited-free State. We have determined that Hawaii meets the criteria for designation as an accredited-free State.

**DATES:** Interim rule effective June 29, 1993. Consideration will be given only to comments received on or before August 30, 1993.

**ADDRESSES:** Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93-062-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ronald A. Stenseng, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8715.

**SUPPLEMENTARY INFORMATION:**

**Background**

Bovine tuberculosis is the contagious, infectious, and communicable disease caused by *Mycobacterium bovis*. The tuberculosis regulations contained in 9 CFR part 77 (referred to below as the regulations) regulate the interstate movement of cattle and bison because of tuberculosis. Cattle or bison not known to be affected with or exposed to tuberculosis are eligible for interstate movement without restriction if those cattle or bison are moved from jurisdictions designated as accredited-free States or modified accredited States. The regulations restrict the interstate movement of cattle or bison not known to be affected with or exposed to tuberculosis if those cattle or bison are moved from jurisdictions designated as nonmodified accredited States.

The status of a State is based on its freedom from evidence of tuberculosis, the effectiveness of the State's tuberculosis eradication program, and the degree of the State's compliance with the standards contained in the "Uniform Methods and Rules—Bovine Tuberculosis Eradication," which is part of the regulations via incorporation by reference in part 77. A State must have no findings of tuberculosis in any cattle or bison in the State for at least 5 years

in order to be designated as an accredited-free State.

Before publication of this interim rule, Hawaii was designated in § 77.1 of the regulations as a modified accredited State. However, Hawaii now meets the requirements for designation as an accredited-free State. Therefore, we are amending the regulations by removing Hawaii from the list of modified accredited States in § 77.1 and adding it to the list of accredited-free States in that section.

**Immediate Action**

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted, as Hawaii currently meets the criteria for designation as an accredited-free State. This action provides prospective cattle and bison buyers with accurate and up-to-date information, which may affect the marketability of cattle and bison since some prospective buyers prefer to buy cattle and bison from accredited-free States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the *Federal Register*. We will consider comments that are received within 60 days of publication of this rule in the *Federal Register*. After the comment period closes, we will publish another document in the *Federal Register*. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

**Executive Order 12291 and Regulatory Flexibility Act**

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle and bison are moved interstate for slaughter, for use as breeding stock, or for feeding. There are approximately 1700 cattle herds in Hawaii, with a total of about 200,000 cattle. An estimated 99 percent of these herds are owned by small businesses. Changing the status of Hawaii may affect the marketability of cattle and bison from the State, since some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free States. This may result in some beneficial economic impact on some small entities. However, based on our experience in similar designations of other States, the impact should not be significant. Furthermore, almost none of the owners of cattle herds in Hawaii are in the export business, and therefore will not be affected by this rule.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### 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 document contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

#### List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Quarantine, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

Accordingly, 9 CFR part 77 is amended as follows:

#### PART 77—TUBERCULOSIS

1. The authority citation for part 77 continues to read as follows:

**Authority:** 21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

#### § 77.1 [Amended]

2. In § 77.1, in the definition for "Modified accredited state", paragraph (2) is amended by removing "Hawaii,".

3. In § 77.1, in the definition for "Accredited-free state", paragraph (2) is amended by adding "Hawaii," immediately after "Georgia,".

Done in Washington, DC, this 23rd day of June 1993.

**Eugene Branstool,**  
Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-15280 Filed 6-28-93; 8:45 am]

BILLING CODE 3410-34-P

#### 9 CFR Part 78

[Docket 92-184-2]

#### Validated Brucellosis-Free States

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

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of swine by adding Mississippi and Missouri to the list of validated brucellosis-free States. We have determined that they meet the criteria for classification as validated brucellosis-free States. The action relieved certain restrictions on moving breeding swine from Mississippi and Missouri.

**EFFECTIVE DATE:** July 29, 1993.

**FOR FURTHER INFORMATION CONTACT:** Dr. Delorias M. Lenard, Senior Staff Veterinarian, Swine Health Staff, VS, APHIS, USDA, room 736, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7767.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule effective and published in the *Federal Register* on February 25, 1993 (58 FR 11364-11365, Docket No. 92-184-1), we amended the brucellosis regulations in 9 CFR part 78 by adding Mississippi and Missouri to the list of validated brucellosis-free States in § 78.43.

Comments on the interim rule were required to be received on or before

April 26, 1993. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12291 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

#### List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

#### PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 78.43 and that was published at 58 FR 11364-11365 on February 25, 1993.

**Authority:** 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 23rd day of June 1993.

**Eugene Branstool,**  
Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-15279 Filed 6-28-93; 8:45 am]

BILLING CODE 3410-34-P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 95

[Docket No. 27338; Amdt. No. 377]

#### IFR Altitudes; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**EFFECTIVE DATE:** July 22, 1993.

**FOR FURTHER INFORMATION CONTACT:**  
Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8277.

the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (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. For the same reason, the FAA certifies that this amendment 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 95**

Aircraft, Airspace.

Issued in Washington, DC on June 22, 1993.

**Thomas C. Accardi,**  
Director, Flight Standards Service.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 GMT on July 22, 1993:

1. The authority citation for part 95 continues to read as follows:

**Authority:** 49 U.S.C. 1348, 1354, and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

**PART 95—[AMENDED]**

2. Part 95 is amended as follows:

**REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS—AMENDMENT 377 EFFECTIVE DATE, JULY 22, 1993**

From	To	MEA
<b>§ 95.6006 VOR Federal Airway 6 Is Amended to Read in Part</b>		
Albin, WY FIX .....	Sidney, NE VORTAC .....	8500
<b>§ 95.6008 VOR Federal Airway 8 Is Amended to Read in Part</b>		
Akron, CO VORTAC .....	Hayes Center, NE VORTAC .....	6500
<b>§ 95.6009 VOR Federal Airway 9 Is Amended to Read in Part</b>		
Green Bay, WI VORTAC .....	Iron Mountain, MI VORTAC .....	2900
Iron Mountain, MI VORTAC .....	Hermey, MI FIX .....	3400
<b>§ 95.6010 VOR Federal Airway 10 Is Amended to Read in Part</b>		
Bradford, IL VORTAC .....	Plano, IL FIX .....	3000
Carleton, MI VORTAC .....	U.S. Canadian Border .....	*3000
<b>§ 95.6054 VOR Federal Airway 54 Is Amended to Read in Part</b>		
Fayetteville, NC VOR/DME .....	*Josch, NC FIX .....	2000
*5000-MRA		
Josch, NC FIX .....	Kinston, NC VORTAC .....	2000
<b>§ 95.6055 VOR Federal Airway 55 Is Amended to Read in Part</b>		
Giper, MI VORTAC .....	Keeler, MI VORTAC .....	*4000
*2300-MOCA		
Keeler, MI VORTAC .....	Pullman, MI VORTAC .....	4000
<b>§ 95.6061 VOR Federal Airway 61 Is Amended to Read in Part</b>		
Grand Island, NE VORTAC .....	Pawnee City, NE VORTAC .....	*4000
*3200-MOCA		
<b>§ 95.6078 VOR Federal Airway 78 Is Amended to Read in Part</b>		
Rhineland, WI VORTAC .....	Iron Mountain, MI VORTAC .....	4300
Iron Mountain, MI VORTAC .....	Gerla, MI FIX .....	3100
<b>§ 95.6080 VOR Federal Airway 80 Is Amended to Read in Part</b>		
Holyo, CO FIX .....	North Platte, NE VORTAC .....	*6500
*5000-MOCA		
<b>§ 95.6081 VOR Federal Airway 81 Is Amended to Read in Part</b>		
Albin, WY FIX .....	Scottsbluff, NE VORTAC .....	*8000

## REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES &amp; CHANGEOVER POINTS—AMENDMENT 377 EFFECTIVE DATE, JULY 22, 1993—Continued

From	To	MEA
*7000—MOCA Scottsbluff, NE VORTAC	Chadron, NE VOR/DME	7000
<b>§ 95.6084 VOR Federal Airway 84 is Amended to Read in Part</b>		
Story, IL FIX	Pivot, MI FIX	*2500
*1900—MOCA Pivot, MI FIX	*Tadds, MI FIX	**3000
*4000—MRA **1900—MOCA Tadds, MI FIX	Pullman, MI VORTAC	*2500
*1900—MOCA	<b>§ 95.6100 VOR Federal Airway 100 is Amended to Read in Part</b>	
Medicine Bow, WY VORTAC	Scottsbluff, NE VORTAC	9500
Ainsworth, NE VOR/DME	O'Neill, NE VORTAC	4500
Musky, MI FIX	Keeler, MI VORTAC	4000
Keeler, MI VORTAC	Athen, MI FIX	10000
Athen, MI FIX	Litchfield, MI VORTAC	2800
<b>§ 95.6116 VOR Federal Airway 116 is Amended to Read in Part</b>		
Nepts, MI FIX	Keeler, MI VORTAC	4000
Keeler, MI VORTAC	Jackson, MI VOR/DME	10000
<b>§ 95.6133 VOR Federal Airway 133 is Amended to Read in Part</b>		
Escanaba, MI VORTAC	Uper, MI FIX	*3000
*2300—MOCA Uper, MI FIX	Marquette, MI VOR/DME	*10000
*2800—MOCA	<b>§ 95.6148 VOR Federal Airway 148 is Amended to Read in Part</b>	
Hayes Center, NE VORTAC	North Platte, NE VORTAC	4900
Hayward, WI VOR/DME	Ironwood, MI VORTAC	*8000
*3100—MOCA	<b>§ 95.6157 VOR Federal Airway 157 is Amended to Read in Part</b>	
Florence, SC VORTAC	Fayetteville, NC VOR/DME	2200
Fayetteville, NC VOR/DME	*Josch, NC FIX	2000
*5000—MRA Josch, NC FIX	Kinston, NC VORTAC	2000
<b>§ 95.6164 VOR Federal Airway 164 is Amended to Read in Part</b>		
Bulge, NY FIX	Buffalo, NY VORTAC	*2800
*2000—MOCA	<b>§ 95.6169 VOR Federal Airway 169 is Amended to Read in Part</b>	
Sidney, NE VORTAC	Scottsbluff, NE VORTAC	*7000
*6000—MOCA Scottsbluff, NE VORTAC	Chadron, NE VOR/DME	7000
Chadron, NE VOR/DME	Waxer, NE FIX	*7000
*6000—MOCA	<b>§ 95.6170 VOR Federal Airway 170 is Amended to Read in Part</b>	
Hebel, MI FIX	Lessy, MI FIX	*4500
*3000—MOCA	<b>§ 95.6172 VOR Federal Airway 172 is Amended to Read in Part</b>	
North Platte, NE VORTAC	Wolbach, NE VORTAC	*5400
*4500—MOCA Wolbach, NE VORTAC	Columbus, NE VOR/DME	3800
<b>§ 95.6188 VOR Federal Airway 188 is Amended to Read in Part</b>		
Carleton, MI VORTAC	U.S. Canadian Border	*3000
*2200—MOCA	<b>§ 95.6191 VOR Federal Airway 191 is Amended to Read in Part</b>	
Rhineland, WI VORTAC	Ironwood, MI VORTAC	*8000
*3100—MOCA	<b>§ 95.6207 VOR Federal Airway 207 is Amended to Read in Part</b>	
Gill, CO VORTAC	Scottsbluff, NE VORTAC	7500
<b>§ 95.6218 VOR Federal Airway 218 is Amended to Read in Part</b>		
Keeler, MI VORTAC	Hebel, MI FIX	4000
<b>§ 95.6219 VOR Federal Airway 219 is Amended to Read in Part</b>		
Hayes Center, NE VORTAC	Wolbach, NE VORTAC	*5000
*4500—MOCA	<b>§ 95.6220 VOR Federal Airway 220 is Amended to Read in Part</b>	
Akron, CO VORTAC	Mcjef, NE FIX	*7000
*6000—MOCA McCook, NE VOR/DME	Sprit, NE FIX	*5000

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS—AMENDMENT 377 EFFECTIVE DATE, JULY 22, 1993—Continued

From	To	MEA
<b>*4100—MOCA</b>		
<b>§ 95.6224 VOR Federal Airway 224 Is Amended to Read in Part</b>		
Marquette, MI VOR/DME	Schoolcraft County, MI VOR/DME	*10000
<b>*2900—MOCA</b>		
<b>§ 95.6277 VOR Federal Airway 277 Is Amended to Read in Part</b>		
Bagel, IN FIX	Keeler, MI VORTAC	4000
<b>§ 95.6287 VOR Federal Airway 287 Is Amended to Read in Part</b>		
Malay, WA FIX	*Tonno, WA FIX	6000
<b>*5000—MRA</b>		
<b>§ 95.6316 VOR Federal Airway 316 Is Amended to Read in Part</b>		
Marquette, MI VOR/DME	Traen, MI FIX	*10000
<b>*2800—MOCA</b>		
<b>§ 95.6341 VOR Federal Airway 341 Is Amended to Read in Part</b>		
Iron Mountain, MI VORTAC	Marquette, MI VOR/DME	3400
<b>§ 95.6380 VOR Federal Airway 380 Is Amended to Read in Part</b>		
Wolbach, NE VORTAC	Grand Island, NE VORTAC	*4000
<b>*3200—MOCA</b>		
<b>§ 95.6430 VOR Federal Airway 430 Is Amended to Read in Part</b>		
Ironwood, MI VORTAC	Diner, MI FIX	8000
<b>Is Amended to Read in Part</b>		
Diner, MI FIX	Iron Mountain, MI VORTAC	3400
Iron Mountain, MI VORTAC	Gerla, MI FIX	3100
<b>§ 95.6440 VOR Federal Airway 440 Is Amended to Read in Part</b>		
Sayre, OK VORTAC	Carff, OK FIX	4000
<b>§ 95.6454 VOR Federal Airway 454 Is Amended to Read in Part</b>		
King Salmon, AK VORTAC	Dillingham, AK VOR/DME	*5000
<b>*4300—MOCA</b>		
<b>§ 95.6532 VOR Federal Airway 532 Is Amended to Read in Part</b>		
Salina, KS VORTAC	Lincoln, NE VORTAC	*5000
<b>*3000—MOCA</b>		
<b>§ 95.6412 Hawaii VOR Federal Airway 12 Is Amended to Read in Part</b>		
*Kaths, HI FIX	**Nonni, HI FIX	29000
<b>*29000—MRA</b>		
<b>**29000—MRA</b>		
Leane, HI FIX	*Keola, HI FIX	
	W BND	16000
	E BND	5000
<b>*10000—MRA</b>		
<b>§ 95.6416 Hawaii VOR Federal Airway 16 Is Amended to Read in Part</b>		
*Syvad, HI FIX	**Puppi, HI FIX	
	W BND	32000
	E BND	14000
<b>*32000—MRA</b>		
<b>**14000—MRA</b>		
Puppi, HI FIX	*Ohana, HI FIX	
	W BND	14000
	E BND	5000
<b>*5000—MRA</b>		
Ohana, HI FIX	South Kauai, HI VORTAC	
	W BND	14000
	SE BND	5000
Napua, HI FIX	*Grail, HI FIX	6000
<b>*9000—MRA</b>		
Grail, HI FIX	*Keola, HI FIX	9000
<b>*10000—MRA</b>		
Keola, HI FIX	*Gecko, HI FIX	10000
<b>*10000—MRA</b>		
Gecko, HI FIX	*Alana, HI FIX	7000
<b>*5000—MRA</b>		

From	To	MEA	MAA
<b>§ 95.7053 Jet Route No. 53 Is Amended to Read in Part</b>			
Pulaski, VA VORTAC .....	Elkns, WV FIX .....	21000	45000
Elkns, WV FIX .....	Ellwood City, PA VORTAC .....	18000	45000

**§ 95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS**

Airway segment		Changeover points	
From	To	Distance	From
<b>V-3 Is Amended by Adding</b>			
Sandhills, NC VORTAC .....	Raleigh/Durham, NC VORTAC .....	10	Sandhills
<b>V-66 Is Amended by Adding</b>			
Sandhills, NC VORTAC .....	Raleigh/Durham, NC VORTAC .....	10	Sandhills
<b>V-116 Is Amended by Adding</b>			
Keeler, MI VORTAC .....	Jackson, MI VOR/DME .....	40	Keeler.
<b>V-133 Is Amended by Adding</b>			
Escanaba, MI VORTAC .....	Marquette, MI VOR/DME .....	33	Escanaba
<b>V-155 Is Amended by Adding</b>			
Sandhills, NC VORTAC .....	Raleigh/Durham, NC VORTAC .....	10	Sandhills
<b>V-170 Is Amended by Adding</b>			
Pullman, MI VORTAC .....	Salem, MI VORTAC .....	61	Pullman.
<b>V-218 Is Amended by Adding</b>			
Keeler, MI VORTAC .....	Lansing, MI VORTAC .....	39	Keeler.
<b>V-430 Is Amended by Adding</b>			
Ironwood, MI VORTAC .....	Ironwood, MI VORTAC .....	44	Ironwood.

[FR Doc. 93-15267 Filed 6-28-93; 8:45 am]  
BILLING CODE 4910-13-M

**14 CFR Part 97**

[Docket No. 27333; Amdt. No. 1552]

**Standard Instrument Approach Procedures: Miscellaneous Amendments**

**AGENCY:** Federal Aviation Administration (FAA), DOT.  
**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**EFFECTIVE DATE:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

*For Purchase*

- Individual SIAP copies may be obtained from:
1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
  2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription*

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the

Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register