

million but no more than \$5 million. The State agency shall request prior FCS approval by submitting the Planning APD, the Implementation APD or the justification for the sole source acquisition signed by the appropriate State official to the FCS Regional Office. However, a State agency shall obtain prior written approval from FCS for the acquisition of ADP equipment or services to be utilized in an EBT system regardless of the cost of the acquisition.

(2) *Specific prior approval requirements.* * * *

(ii) * * *

(A) * * * However, RFPs costing up to \$5 million for competitive procurements and up to \$1 million for noncompetitive acquisitions from non-governmental sources and which are an integral part of the approved APD need not be submitted to FCS. States will be required to submit RFPs under this threshold amount on an exception basis or if the procurement strategy is not adequately described and justified in an APD. * * *

(B) * * * However, contracts costing up to \$5 million for competitive procurements and up to \$1 million for noncompetitive acquisitions from nongovernmental sources, and which are an integral part of the approved APD need not be submitted to FCS. States will be required to submit contracts under this threshold amount on an exception basis or if the procurement strategy is not adequately described and justified in an APD. * * *

(C) * * * However, contract amendments involving cost increases of up to \$1 million or time extensions of up to 120 days, and which are an integral part of the approved APD need not be submitted to FCS. States will be required to submit contract amendments under these threshold amounts on an exception basis or if the contract amendment is not adequately described and justified in an APD. * * *

* * * * *

(5) *Prompt action on requests for prior approval.* FCS will reply promptly to State requests for prior approval. If FCS has not provided written approval, disapproval or a request for additional information within 60 days of FCS' letter acknowledging receipt of the State's request, the request will be deemed to have provisionally met the prior approval requirement in paragraph (c) of this section. However, provisional approval will not exempt a State from having to meet all other Federal requirements which pertain to the acquisition of ADP equipment and

services. Such requirements remain subject to Federal audit and review.

* * * * *

(p) * * *

(3) * * * State agencies shall maintain reports of their biennial ADP system security reviews, together with pertinent supporting documentation, for Federal on-site review.

* * * * *

Dated: June 24, 1996.

Ellen Haas,

Under Secretary, Food, Nutrition, and Consumer Services.

[FR Doc. 96-16596 Filed 6-27-96; 8:45 am]

BILLING CODE 3410-30-P

Agricultural Marketing Service

7 CFR Part 1280

[Docket Number LS-96-004]

Sheep Promotion, Research, and Information Program

AGENCY: Agricultural Marketing Service; USDA.

ACTION: Final rule.

SUMMARY: This rule suspends indefinitely provisions of the Order and the Certification and Nomination Regulations, and postpones indefinitely the announced effective date of July 1, 1996, for assessment collection in the Rules and Regulations, and the assessment provisions of the Order. The Department of Agriculture (Department) conducted a review and evaluated the conduct and results of the February 6, 1996, nationwide sheep referendum. The Department discovered inconsistencies in the application of the referendum rules, and this action is the result of the discovery of these inconsistencies. A second nationwide referendum will be conducted among eligible sheep producers, sheep feeders, and importers of sheep and sheep products on a date to be announced by the Department.

EFFECTIVE DATE: This document is effective June 29, 1996.

The effective date of July 1, 1996 for Subpart A, §§ 1280.224 through 1280.228 in Subpart A, and Subpart B, §§ 1280.301 through 1280.318 is postponed indefinitely.

Additionally, in Subpart A, §§ 1280.101 through 1280.126, §§ 1280.201 through 1280.223, §§ 1280.229 through 1280.235 and §§ 1280.240 through 1280.246, and Subpart C, §§ 1280.400 through 1280.414 are suspended indefinitely.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing

Programs Branch, Room 2606-S; Livestock and Seed Division, AMS, USDA; PO Box 96456, Washington, DC 20090-6456. Telephone number 202/720-1115.

SUPPLEMENTARY INFORMATION: Prior documents: Notice—Invitation to submit proposals published January 4, 1995 (60 FR 381); Proposed Rule—Sheep and Wool Promotion, Research, Education, and Information Order published June 2, 1995 (60 FR 28747); Proposed Rule—Procedures for Conduct of Referendum published August 8, 1995 (60 FR 40313); Notice—Certification of Organizations for Eligibility to Make Nominations to the Proposed Board published August 8, 1995 (60 FR 40343); Proposed Rule—Rules and Regulations published October 3, 1995 (60 FR 51737); Proposed Rule—Sheep and Wool Promotion, Research, Education, and Information Order published December 5, 1995 (60 FR 62298); Final Rule and Referendum Order—Procedures for the Conduct of Referendum published December 15, 1995 (60 FR 64297); Final Rule—Sheep and Wool Promotion, Research, Education, and Information Order published May 2, 1996 (61 FR 19514); Final Rule—Rules and Regulations published May 9, 1996, (61 FR 21053); and Final Rule—Certification and Nomination Procedures published May 9, 1996 (61 FR 21049).

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act and the Paperwork Reduction Act

This final rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

This final rule was reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect. This rule would not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Sheep Promotion, Research, and Information Act of 1994 (Act (7 U.S.C. 7101-7111)) provides that any person subject to the 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 the law, and requesting a modification of the Order or an exemption from certain provisions or obligations of the Order. The petitioner would have the opportunity for a hearing on the petition. Thereafter the Secretary would issue a decision on the petition. The Act

provides that the district court of the United States in the district in which the petitioner resides or carries on business has jurisdiction to review the Secretary's decision, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the decision. The petitioner must exhaust his or her administrative remedies before filing such a complaint in the district court.

The information collection requirements contained in the provisions of the Order and the Rules and Regulations have been previously approved by OMB under OMB control number 0581-0093.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA)(5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service (AMS) has considered the economic impact of this final action on small entities.

The purpose of RFA is to fit regulatory actions to the scale of the businesses that are subject to such actions so that small businesses would not be unduly or disproportionately burdened.

According to the January 27, 1995, issue of "Sheep and Goats," published by the Department's National Agricultural Statistics Service, there are approximately 87,350 sheep operations in the United States, nearly all of which would be classified as small businesses under the criteria established by the Small Business Administration (13 CFR § 121.601). Additionally, there are approximately 9,000 importers of sheep and sheep products, nearly all of which would be classified as small businesses.

The final Order would require that each person who makes payment to a sheep producer, feeder, or handler of sheep or sheep products will be a collecting person, and is to collect an assessment from that sheep producer, feeder, or handler of sheep or sheep products. Any person who buys domestic live sheep or greasy wool for processing would also collect the assessment and remit it to the Board. Each person who processes or causes to be processed sheep or sheep products of that person's own production and who markets the processed products would pay an assessment and remit the assessment to the National Sheep Promotion, Research, and Information Board (Board). Any person who exports live sheep or greasy wool would be required to remit an assessment to the Board. Finally, each person who imports into the United States sheep, sheep products, wool, or wool products, other than raw wool, would pay an assessment. The U.S. Customs Service (Customs) would collect the

assessments on imported sheep and sheep products (except raw wool) and forward them to AMS for disbursement to the Board.

The rate of assessment on domestic sheep producers, feeders, and exporters of live sheep and greasy wool would be 1 cent per pound on live sheep sold and 2 cents per pound on greasy wool sold. Importers would be assessed 1 cent per pound on live sheep and the equivalent of 1 cent per pound of live sheep for sheep products and 2 cents per pound of degreased wool or the equivalent of degreased wool for wool and wool products. Imported raw wool would be exempt from assessments. Each person who processes or causes to be processed sheep or sheep products of that person's own production and markets the processed products would be assessed the equivalent of 1 cent per pound of live sheep sold and 2 cents per pound of greasy wool sold. All assessment rates could be adjusted in accordance with the applicable provisions of the Act.

This action suspends or postpones the effective date of these provisions. Therefore, except for the referendum rules, the imposition of program requirements, including collection of assessments and reporting and recordkeeping requirements, will be either suspended or postponed. A second nationwide referendum will be conducted among eligible sheep producers, sheep feeders, and importers of sheep and sheep products on a date to be announced by the Department. Accordingly, AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Background

The Act, enacted October 22, 1994, authorizes the Secretary to establish a national sheep and wool promotion, research, education, and information program. The program would be funded by a mandatory assessment on domestic sheep producers, sheep feeders, and exporters of live sheep and greasy wool of 1 cent per pound on live sheep sold and 2 cents per pound on greasy wool sold. Importers would be assessed 1 cent per pound on live sheep imported and the equivalent of 1 cent per pound of live sheep for sheep products imported and 2 cents per pound of degreased wool or the equivalent of degreased wool for wool and wool products imported. Imported raw wool would be exempt from assessments. Each person who processes or causes to be processed sheep or sheep products of that person's own production, and who markets the processed products, would be assessed the equivalent of 1 cent per

pound of live sheep sold and 2 cents per pound of greasy wool sold. All assessment rates may be adjusted in accordance with applicable provisions of the Act.

AMS published the final Order (61 FR 19514) on May 2, 1996, to implement a national sheep and wool, promotion, research, education, and information program designed to strengthen the position of sheep and sheep products in the marketplace, as provided for under the Act. The effective date of the Order was May 3, 1996, except that the collection and remittance sections of the Order—§ 1280.224–§ 1280.228—were scheduled to become effective on July 1, 1996. The final Rules and Regulations (61 FR 21053), which set forth the collection and remittance procedures to be used beginning July 1, 1996, and the Certification and Nomination procedures (61 FR 21049; effective May 10, 1996), which outline the eligibility criteria and the nomination process used to obtain nominations for appointment to the Board, which would administer the program, were both published on May 9, 1996.

As required by the Act, the Department conducted an up-front referendum among eligible domestic sheep producers and sheep feeders, as well as importers of sheep and sheep products, to determine if the Order, which was the subject of the referendum, would become operational. To become effective, the Order had to be approved either by a majority of producers, feeders, and importers voting in the referendum, or by voters who accounted for at least two-thirds of the production represented by persons voting in the referendum. Of the 19,801 valid ballots cast in the February 6, 1996, referendum, 10,707 (54 percent) favored implementation of the Order and 9,094 (46 percent) opposed implementation of the Order. Although the 54 percent who approved the Order accounted for only 40 percent of the sheep voted, the majority vote was sufficient to implement the Order. Steps to implement the Order were carried out.

After the referendum was held; however, the Department received a substantial number of voter complaints about alleged inconsistencies in the application of the referendum rules in conducting the referendum. The Department initiated a review of these allegations. Based on findings in the ongoing review, which revealed that the referendum rules were in fact applied inconsistently, the Department is suspending indefinitely provisions of the Order and the Certification and Nomination Regulations, and is

postponing indefinitely the original July 1, 1996, effective date for the Order provisions and the Rules and Regulations concerning the collection and remittance of assessments. Also, the Department plans to conduct a second nationwide referendum among eligible producers, feeders, and importers on a date to be announced.

It is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure prior to putting this action into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication, because: (1) producers, feeders, importers of sheep and sheep products, and other collecting persons are aware of this action because it was announced in a press release issued by the Secretary on May 17, 1996; (2) this action postpones the imposition of regulatory requirements on producers, feeders, and importers by suspending the provisions of the Order and the certification and nomination procedures, and by postponing indefinitely the effective date for the Order provisions and the Rules and Regulations for the collection and remittance of assessments; and (3) no useful purpose would be served by delaying this action.

Therefore, (1) the effective date of July 1, 1996, for the Rules and Regulations governing the assessment collection and remittance procedures, published on May 9, 1996, at 61 FR 21053, and for § 1280.224–§ 1280.228 of the Order published on May 2, 1996, at 61 FR 19514, is postponed indefinitely, and (2) all sections of the Order, except § 1280.224–§ 1280.228, published on May 2, 1996, at 61 FR 19514, and all sections of the Certification and Nomination Regulations published on May 9, 1996, at 61 FR 21049 are being suspended indefinitely.

List of Subjects in 7 CFR Part 1280

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Sheep and sheep products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 1280 is amended as follows:

PART 1280—SHEEP PROMOTION, RESEARCH, AND INFORMATION

1. The authority citation for Part 1280 continues to read as follows:

Authority: 7 U.S.C. 7101–7111.

2. In part 1280:

(A) The effective date of July 1, 1996 for §§ 1280.224 through 1280.228 in Subpart A, is postponed indefinitely, and in Subpart A, § 1280.101 through § 1280.126, §§ 1280.201 through 1280.223, §§ 1280.229 through 1280.235 and §§ 1280.240 through 1280.246, is suspended indefinitely;

(B) The effective date of July 1, 1996 for Subpart B, §§ 1280.301 through 1280.318, is postponed indefinitely; and

(C) Subpart C, §§ 1280.400 through 1280.414, is suspended indefinitely.

Dated: June 25, 1996.

James R. Baker,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–16578 Filed 6–27–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–159–AD; Amendment 39–9678; AD 96–13–10]

RIN 2120–AA64

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Jetstream Model 4101 airplanes, that requires modification of the existing diaphragms on the surround structure of the Type II emergency exit. This amendment is prompted by a report indicating that, during fatigue tests on a Model 4101 test article, fatigue-related cracking was found in the surround structure of a Type II emergency exit. The actions specified by this AD are intended to prevent such cracking in the surround structure, which could result in reduced structural integrity of the fuselage pressure vessel.

DATES: Effective August 2, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 2, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from A.I.R. American Support, Inc., 13850 McLaren Road, Herndon, Virginia 22071. This information may be examined at the Federal Aviation Administration (FAA), Transport

Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Jetstream Model 4101 airplanes was published in the Federal Register on January 19, 1996 (61 FR 1300). That action proposed to require modification of the existing diaphragms on the surround structure of the Type II emergency exit.

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

Support for the Proposal

One commenter supports the proposal.

Request to Revise Applicability of Proposal

One commenter requests that the applicability of the proposed rule be revised to eliminate airplanes on which the modification of the surround structure was accomplished during production.

The FAA concurs. Since issuance of the notice, Jetstream has issued Revision 1 of Service Bulletin J41–53–014, dated February 9, 1996. In its technical content, this revision is essentially identical to the original issue (which was referenced in the notice as the appropriate source for service information). However, the effectivity listing of Revision 1 specifies only those airplanes on which the modification was not accomplished during production. Those airplanes have serial numbers 41004 through 41044, inclusive; the modification was installed during production on airplanes beginning with serial number 41045.

Accordingly, the FAA has revised the final rule to make it applicable only to airplanes having serial numbers 41004 through 41044, inclusive. Additionally, the FAA has revised the final rule to reference Revision 1 of the Jetstream service bulletin as an additional source of service information.