

TABLE 2.—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY ^{1 2}—Continued

(j) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1.	
(iii) Review of weighing (per hour per service representative)	65.40
(3) Stowage examination (service-on-request) ³	
(i) Ship (per stowage space) (minimum \$250 per ship)	50.00
(ii) Subsequent ship examinations (same as original) (minimum \$150 per ship)
(iii) Barge (per examination)	40.00
(iv) All other carriers (per examination)	15.00

¹ Fees apply for original inspection and weighing, reinspection, and appeal inspection service include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72 (a).

² An additional charge will be assessed when the revenue from the services in Schedule A, Table 2, does not cover what would have been collected at the applicable hourly rate as provided in § 800.72 (b).

³ If performed outside of normal business, 1–1/2 times the applicable unit fee will be charged.

⁴ If, at the request of the Service, a file sample is located and forwarded by the Agency for an official agency, the Agency may, upon request, be reimbursed at the rate of \$2.50 per sample by the Service.

TABLE 3.—MISCELLANEOUS SERVICES ¹

(1) Grain grading seminars (per hour per service representative) ²	\$45.00
(2) Certification of diverter-type mechanical samplers (per hour per service representative) ²	45.00
(3) Special weighing services (per hour per service representative) ²	
(i) Scale testing and certification	45.00
(ii) Evaluation of weighing and material handling systems	45.00
(iii) NTEP Prototype evaluation (other than Railroad Track Scales)	45.00
(iv) NTEP Prototype evaluation of Railroad Track Scales (plus usage fee per day for test car)
	45.00
(v) Mass standards calibration and reverification	100.00
(vi) Special projects	45.00
(4) Foreign travel (per day per service representative)	45.00
(5) Online customized data EGIS service	420.00
(i) One data file per week for 1 year	500.00
(ii) One data file per month for 1 year	300.00
(6) Samples provided to interested parties (per sample)	2.50
(7) Divided-lot certificates (per certificate)	1.50
(8) Extra copies of certificates (per certificate)	1.50
(9) Faxing (per page)	1.50
(10) Special mailing (actual cost)
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1)

¹ Any requested service that is not listed will be performed at \$45.00 per hour.

² Regular business hours—Monday thru Friday—service provided at other than regular hours charged at the applicable overtime hourly rate.

Dated: June 6–5, 1997.

David R. Shipman,

Acting Administrator.

[FR Doc. 97–15267 Filed 6–10–97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[FV96–985–3 FIR]

Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1996–97 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, an interim

final rule increasing the quantity of Class 3 (Native) spearmint oil produced in the Far West that handlers may purchase from, or handle for, producers during the 1996–97 marketing year. This rule was recommended by the Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West. The Committee recommended this rule to avoid extreme fluctuations in supplies and prices and thus help to maintain stability in the Far West spearmint oil market.

EFFECTIVE DATE: June 11, 1997.

FOR FURTHER INFORMATION CONTACT:

Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204–2807; telephone: (503) 326–2043; Fax: (503) 326–7440; or Caroline C. Thorpe, Marketing Order

Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–8139; Fax: (202) 720–5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090–6456; telephone (202) 720–2491; Fax: (202) 720–5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 985 (7 CFR part 985), regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, designated parts of Nevada, and Utah), hereinafter referred to as the “order.” This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.”

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the provisions of the marketing order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This rule continues an increase in the quantity of Native spearmint oil produced in the Far West that may be purchased from or handled for producers by handlers during the 1996–97 marketing year, which ended on May 31, 1997. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity and whose income from farming operations is not exclusively dependent on the production of spearmint oil. The U.S. production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (part of the area covered by the order). Spearmint oil is also produced in the Midwest. The production area covered by the order normally accounts for approximately 75 percent of the annual U.S. production of spearmint oil.

This rule finalizes an interim final rule that increased the quantity of Native spearmint oil that handlers may purchase from, or handle for, producers during the 1996–97 marketing year, which ends on May 31, 1997. Thus, this rule finalizes the increase in the salable quantity from 1,074,902 pounds to 1,213,692 pounds and the allotment percentage from 54 percent to 61

percent for Native spearmint oil for the 1996–97 marketing year.

The salable quantity is the total quantity of each class of oil that handlers may purchase from, or handle for, producers during a marketing year. The salable quantity calculated by the Committee is based on the estimated trade demand. The total salable quantity is divided by the total industry allotment base to determine an allotment percentage. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's individual allotment base for the applicable class of spearmint oil.

The initial salable quantity and allotment percentages for Scotch and Native spearmint oils for the 1996–97 marketing year were recommended by the Committee at its September 26, 1995, meeting. The Committee recommended salable quantities of 989,303 pounds and 1,074,902 pounds, and allotment percentages of 55 percent and 54 percent, respectively, for Scotch and Native spearmint oils. A proposed rule was published in the January 24, 1996, issue of the **Federal Register** (61 FR 1855). Comments on the proposed rule were solicited from interested persons until February 23, 1996. No comments were received. Accordingly, based upon analysis of available information, a final rule establishing the salable quantities and allotment percentages for Scotch and Native spearmint oils for the 1996–97 marketing year was published in the March 20, 1996, issue of the **Federal Register** (61 FR 11291).

Pursuant to authority contained in §§ 985.50, 985.51, and 985.52 of the order, at its November 14, 1996, meeting, the Committee unanimously recommended that the allotment percentage for Native spearmint oil for the 1996–97 marketing year be increased by 7 percent from 54 percent to 61 percent. This final rule increases the 1996–97 marketing year salable quantity of 1,074,902 pounds to 1,213,692 pounds.

However, some Native spearmint oil producers did not produce all of their individual salable quantities for the 1996–97 marketing year, or fill their deficiencies from the prior year's production. The marketing order authorizes such producers to have their deficiencies filled by other producers who have production in excess of their salable quantities. This is optional for producers, but must be done before November 1 of each marketing year.

The original total industry allotment base for Native spearmint oil for 1996–97 was established at 1,990,559 pounds and was revised to 1,989,659 pounds to

reflect loss of base due to non-production of producer's total annual allotments. This adjustment resulted in a 900 pound loss of total industry base, which is reflected in the calculations for the revised salable quantity.

This final rule finalizes the interim final rule that made an additional amount of Native spearmint oil available by increasing the salable quantity which releases oil from the reserve pool. Only producers with Native spearmint oil in the reserve pool will be able to use this increase in the salable quantity. Prior to November 1, 1996, producers without reserve pool oil or producers with an insufficient supply of reserve oil could have deficiencies in meeting their salable quantities filled by producers having excess Native spearmint oil. If all producers could use their salable quantity, this 7 percent increase in the allotment percentage would have made an additional 135,276 pounds of Native spearmint oil available ($1,989,659 \times 7$ percent). However, Native spearmint oil producers having 25,546 pounds of Native spearmint oil will not be able to use their reserve pool deficiencies this marketing year. Deficiencies usually exist because of unplanned problems that may reduce spearmint production. Thus, rather than 135,276 additional pounds being made available, this action continues to make 113,730 additional pounds of Native spearmint oil available to the market.

The following table summarizes the Committee recommendation:

Native Spearmint Oil Recommendation

- (a) Actual Carry In on June 1, 1996: 45,632 pounds
- (b) 1995–96 Salable Quantity: 1,074,902 pounds
- (c) 1995–96 Available Supply: 1,120,534 pounds (a + b)
- (d) Total Sales as of November 14, 1996: 1,036,058 pounds
- (e) Calculated Available Supply as of November 14, 1996: 84,476 pounds (c–d)
- (f) Reserve Deficiency Affecting Salable Quantity: 25,546 pounds
- (g) Revised Total Allotment Base: 1,989,659 pounds
- (h) Recommended Allotment Percentage as of November 14, 1996: 61 percent
- (i) Calculated Revised Salable Quantity: 1,213,692 pounds (g x h)
- (j) Actual Oil Available as Salable Quantity: 1,188,146 pounds (i–f)

The Department, based on its analysis of available information, has determined that an allotment percentage of 61 percent should be established for Native spearmint oil for the 1996–97 marketing year. This percentage will provide an

increased salable quantity of 1,213,692 and a new allotment percentage from 54 percent to 61 percent for Native spearmint oil for the 1996–97 marketing year.

This rule relaxes the regulation of Native spearmint oil and will allow growers to meet market needs and improved returns. In conjunction with the issuance of this rule, the Department has reviewed the Committee's revised marketing policy statement for the 1996–97 marketing year. The Committee's marketing policy statement has been reviewed under the provisions as set forth in 7 CFR 985.50 and with other USDA guidelines.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 8 spearmint oil handlers subject to regulation under the marketing order and approximately 250 producers of spearmint oil in the regulated production area. Of the 250 producers, approximately 135 producers hold Class 1 (Scotch) oil allotment base, and approximately 115 producers hold Class 3 (Native) oil allotment base. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers have been defined as those whose annual receipts are less than \$500,000.

Based on the SBA's definition of small entities, it is estimated that none of the eight handlers regulated by the order would be considered small entities. All of the handlers are large corporations involved in the international trading of essential oils and the products of such essential oils. It is also estimated that 20 of the 135 Scotch spearmint oil producers and 10 of the 115 Native spearmint oil producers would be classified as small entities under the SBA definition. This is based on production information gathered from assessments. Thus, a majority of handlers and producers of

Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. Crop rotation is an essential cultural practice in the production of spearmint for weed, insect, and disease control. A normal spearmint producing operation would have enough acreage for rotation such that the total acreage required to produce the crop would be about one-third spearmint and two-thirds rotational crops. An average spearmint producing farm would thus have to have considerably more acreage than would be planted to spearmint during any given season. To remain economically viable with the added costs associated with spearmint production, most spearmint producing farms would fall into the category of large businesses.

Small spearmint oil producers represent a minority of farming operations and are more vulnerable to market fluctuations. Such small farmers generally need to market their entire annual crop and do not have the resources to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because of stronger incomes from alternate crops which could support the operation for a period of time. Despite the advantage of larger producers, increasing the Native salable quantity and allotment percentage will help both large and small producers by improving returns. In addition, this change may potentially benefit the small producer more than large producers. This is because the change ensures that small producers are more likely to maintain a profitable cash flow and meet annual expenses.

In making this latest recommendation, the Committee considered all available information on supply and demand. The 1996–97 marketing year began on June 1, 1996. As required under § 985.50, the Committee reviewed at a public meeting and submitted to the Department, a marketing policy that included the following Native spearmint oil information: estimated quantity; estimated demand; prospective production; estimated total allotment base; quantity of reserve oil; oil prices; market conditions; and whether the average price was expected to exceed parity. Handlers have indicated that with this action, the available supply of both Scotch and Native spearmint oils

appears adequate to meet anticipated demand through May 31, 1997.

Without the increase in Native spearmint oil, the Committee believes the industry would not be able to meet market needs. As of November 14, 1996, 84,476 pounds of Native spearmint oil was available for market. Demand for Native spearmint oil from December 1 to May 31 over the past five years has ranged from a high of 245,661 pounds in 1991–92 to a low of 92,658 pounds in 1992–93. The five year average is 157,531 pounds. Therefore, given this past history the industry would be unlikely to meet market demand without this change. When the Committee made its initial recommendation for the establishment of the Native spearmint oil salable quantity and allotment percentage for the 1996–97 marketing year, it had anticipated that the year would end with an ample available supply. This revision adds 113,730 pounds of Native spearmint oil to the amount available for market during the remainder of the 1996–97 marketing year.

Alternatives to this rule included not to increase the available supply of Native spearmint oil, which could potentially hurt small producers. The Committee believes that the level recommended will meet market needs.

Annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. Reporting and recordkeeping requirements have remained the same for each year of regulation. Accordingly, this action will not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically in order to avoid unnecessary and duplicative information collection by industry and public sector agencies. The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Finally, the Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate on all issues. Interested persons were also invited to submit information on the regulatory and informational impacts of this action on small businesses.

The interim final rule regarding this action was issued on January 3, 1997, and published in the **Federal Register** (62 FR 1246, January 9, 1997), with an effective date of January 9, 1997. That rule amended § 985.215 of the rules and regulations in effect under the order.

That rule provided a 30-day comment period which ended February 10, 1997. No comments were received.

After consideration of all relevant matter presented, including that contained in the prior proposed, interim final, and final rules in connection with the establishment of the salable quantities and allotment percentages for Scotch and Native spearmint oils for the 1996–97 marketing year, the Committee's recommendation and other available information, it is found that to revise § 985.215 (61 FR 11291) to change the salable quantity and allotment percentage for Native spearmint oil as effective in the interim final rule (62 FR 1246), as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because this rule applies to spearmint produced during the 1996–97 marketing year, which ended May 31, 1997. Further, handlers are aware of this rule, which was recommended at a public meeting. Also, a 30-day comment period was provided in the interim final rule and no comments were received.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

Accordingly, the interim final rule amending 7 CFR part 985 which was published at 61 FR 1246 on January 9, 1997, is adopted as a final rule without change.

Dated: June 4, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–15253 Filed 6–10–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM–131, Special Conditions No. 25–ANM–128]

Special Conditions: LET Aeronautical Works Model L610G Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These final special conditions are issued for the LET Aeronautical

Works Model L610G airplane. This airplane will have a novel or unusual design feature associated with the use of the landing gear fairing as an assist means during an emergency evacuation. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the airworthiness standards of 14 CFR part 25.

EFFECTIVE DATE: July 11, 1997.

FOR FURTHER INFORMATION CONTACT: Frank Tiangsing, Regulations Branch, ANM–114, Transport Airplane Directorate, Aircraft Certification Service, FAA 1601 Lind Avenue SW, Renton WA 98055–4056, (425) 227–121.

SUPPLEMENTARY INFORMATION:

Background

On April 25, 1990, LET Aeronautical Works applied for a type certificate for the Model L610G airplane. On March 28, 1995, they applied for an extension of the original application in accordance with 14 CFR 21.17(d)(2). The L610G is a twin-engine, 40 passenger, high-wing airplane with a passenger emergency exit configuration consisting of one pair of Type I exits located at the aft end of the cabin and a pair of Type III exits under the wing near the middle of the cabin.

Type III exits are typically installed over the wings of the airplane. The are allowed by part 25 to have a 27-inch step-down from the exit sill to the wing. Additionally, if the escape route on the wing terminates at a point more than six feet above the ground, means must be provided to assist evacuees to reach the ground. If the termination point is less than six feet above the ground, then the assist means is not required.

Since this airplane is of a high-wing configuration, it is not practicable to incorporate overwing Type III exits. Part 25 permits non-overwing, non-floor level exits when certain conditions are satisfied. Included in these conditions is the requirement for an assist means for passengers and crew to egress from the airplane to the ground when the exit sill height is more than six feet. This assist means must be an automatically erected escape slide or equivalent, and must be self-supporting on the ground. The sill of the Type III exits on the L610G will be more than six feet above the ground; therefore, an assist means will be necessary.

LET has positioned the Type III exits above the landing gear fairing such that the fairing will form a surface for evacuees to use in lieu of what would be provided by a wing. The evacuees would then slide or jump off the fairing

to the ground in much the same manner as they would off a wing trailing edge.

LET's use of the landing gear fairing as an assist means results in features which are characteristic of both escape slides and overwing evacuation routes; therefore, the requirements for either configuration are insufficient by themselves to assure that minimum standards are established.

These special conditions include requirements pertinent to both overwing and non-overwing exits, as well as additional criteria for this specific exit.

Type Certification Basis

Under the provisions of 14 CFR 21.17, LET must show the Model L610G meets the applicable provisions of part 25 as amended by Amendments 15–1 through 25–70 thereon, except as follows:

§ 25.365 Amendment 25–71

§ 25.571(e)(2) Amendment 25–72

§ 25.729 Amendment 25–75

§ 25.905(d) Amendment 25–72

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25 as amended) do not contain adequate or appropriate safety standards for the Model 610G because of a novel or unusual design feature, special conditions are prescribed under the provisions of 14 CFR 21.16. In addition to the applicable airworthiness regulation and special conditions, the LET Aeronautical Works Model L610G must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49 after public notice, as required by 14 CFR 11.28 and 11.29(b), and become part of the type certification basis in accordance with 14 CFR 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of 14 CFR 21.101(a)(1).

Novel or Unusual Design Features

The Model L610G will incorporate the following novel or unusual design feature: a Type III exit will be located under each wing such that an evacuee using the exit would step out onto the main landing gear fairing. The evacuee would then slide or jump from the landing gear fairing to the ground.

14 CFR 25.809(f) requires all non-overwing exits more than six feet above