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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[No. LS-97-002]

Sheep Promotion, Research, and Information

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes the Sheep and Wool Promotion, Research, Education, and Information Order (Order) and all previously published regulations authorized under the Sheep Promotion, Research, and Information Act of 1994 (Act) from the Code of Federal Regulations (CFR). Some of the implementing sections were suspended and some were postponed when the Department of Agriculture (Department) invalidated the results of the nationwide sheep referendum and announced that a second referendum would be conducted. In October 1996, producers, feeders, and importers voted again and did not approve the Order in a nationwide referendum; thus, the Order and previously published regulations associated with the program are removed.

EFFECTIVE DATE: July 22, 1997.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, Room 2606-S; Livestock and Seed Division, AMS, USDA; P.O. Box 96456, Washington, D.C. 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—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); Final Rule—Certification and Nomination Procedures published May 9, 1996 (61 FR 21049); and Final Rule—Suspension and Postponement of Sheep and Wool Promotion, Research, Education, and Information Order published June 28, 1996 (61 FR 33644).

Executive Orders 12866 and 12988 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 12988, 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 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.

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.

This action terminates all provisions of 7 CFR Part 1280.

In a final rule published on June 28, 1996, (61 FR 33644), the Department suspended indefinitely the provisions of the Order and the Certification and Nomination Regulations and postponed indefinitely the effective date for assessment collection in the Rules and Regulations and the assessment portions of the Order. That final rule was effective on June 29, 1996. Since that time, a second nationwide referendum was conducted on October 1, 1996, in which producers, feeders, and importers voted. The Order was not approved in referendum. Except for the referendum rules, the requirements of the Order and implementing rules and regulations have not been implemented. Since the Act provides for and requires approval of an Order by referendum before it can become effective, this action terminates and removes from the CFR all of the provisions of Part 1280. Accordingly, AMS has determined that this action will not have a significant economic

impact on a substantial number of small entities.

Background

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. 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; effective May 10, 1996), 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 set forth the eligibility criteria and the nomination process to be used to obtain nominations for appointment to the Board, were both published in the **Federal Register** on May 9, 1996. However, after the February 6, 1996, referendum was held, the Department received voter complaints about alleged inconsistencies in the application of the referendum rules in conducting the referendum. The Department conducted a review of these allegations. Based on findings in the review, which revealed that the referendum rules were not applied consistently, on June 28, 1996, the Department suspended indefinitely provisions of the Order and the Certification and Nomination Regulations, and postponed indefinitely the announced effective date of July 1, 1996, for assessment collection in the Rules and Regulations, and the assessment provisions of the Order. Subsequently, a second referendum was held on October 1, 1996.

Before the Order can become effective, the Act requires that it be approved either by a majority of producers, feeders, and importers voting in the referendum, or by voters who account for at least two-thirds of the production represented by persons voting in the referendum. Of the 11,880 valid ballots cast in the October 1, 1996, referendum, 5,603 (47 percent) favored implementation of the Order and 6,277 (53 percent) opposed implementation of the Order. Of those persons voting in the referendum who cast a valid ballot, those favored the Order accounted for 33 percent of the total production voted and those who opposed it accounted for 67 percent of the production voted.

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 in the **Federal Register**, because: (1) In a second referendum conducted on October 1, 1996, eligible sheep producers, sheep feeders, and importers voting did not approve the Order; (2) previously suspended and postponed provisions of 7 CFR 1280 must now be terminated; and (3) no useful purpose would be served in delaying the effective date of the termination Order.

It is therefore ordered that 7 CFR 1280 is hereby terminated effective on July 22, 1997. This termination includes all previously published regulations authorized under the Act.

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.

PART 1280—[REMOVED]

For the reasons set forth in the preamble and under the authority of 7 U.S.C. 7101–7111, 7 CFR part 1280 is removed.

Dated: July 15, 1997.

Barry L. Carpenter,

*Director, Livestock and Seed Division,
Agricultural Marketing Service.*

[FR Doc. 97–19024 Filed 7–18–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–CE–34–AD; Amendment 39–10073; AD 97–14–15]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company (Formerly Known as Beech Aircraft Corporation) Models E33, F33, G33, E33A, F33A, E33C, F33C, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, V35TC, V35ATC, V35BTC, 36, A36, A36TC, B36TC, 50, B50, C50, 95–55, 95A55, 95B55, 95C55, D55, E55, 56TC, A56TC, 58, 58TC, 95, B95, B95A, D95A, and E95 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Raytheon Aircraft Company

(formerly known as Beech Aircraft Corporation) Models E33, F33, G33, E33A, F33A, E33C, F33C, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, V35TC, V35ATC, V35BTC, 36, A36, A36TC, B36TC, 50, B50, C50, 95–55, 95A55, 95B55, 95C55, D55, E55, 56TC, A56TC, 58, 58TC, 95, B95, B95A, D95A, and E95 airplanes. This action requires checking the cabin side door handle and the utility door handle from the interior of the airplane for proper locking. If the door handles do not lock, the proposed AD would require reinstalling the door handles correctly for the lock to engage. Nine reports of the utility and cabin door handle opening from the interior of the airplane without depressing the lock release button prompted this action. The actions specified by this AD are intended to prevent unintentional opening of the cabin side door and the utility door from the interior of the airplane, which, if not detected and corrected, could result in loss of control of the airplane.

DATES: Effective September 2, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 2, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96–CE–34–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Larry Engler, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Rd., Rm. 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4122; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Raytheon Aircraft Company (Raytheon) (formerly known as Beech Aircraft Corporation) Models E33, F33, G33, E33A, F33A, E33C, F33C, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, V35TC, V35ATC, V35BTC, 36, A36, A36TC, B36TC, 50, B50, C50, 95–55,