

for late payment charges under part 1403 of this title and computed from the date of disbursement of the payment to the date of the refund.

(d) Eligible owners must allow representatives of FSA to visit the site for the purposes of examining and certifying mortality and practice completion.

§ 783.10 Partial performance.

(a) Participants may elect not to replant the maximum amount of eligible trees or eligible vines because of imposition of the payment limitation in § 783.5(c) or any other reason. If owners partially complete their practices after they apply, but do not replant or rehabilitate all of their qualifying trees or vines, the county committee shall calculate payment based on the extent performed.

(b) Eligible owners who have been paid but choose not to complete the practice by the final practice expiration date shall refund their payments with interest. Interest on these refunds shall be calculated beginning on the date the payment was disbursed. Such refund amounts may be reduced, at the discretion of the Deputy Administrator, when only part of the required replanting practice is not implemented.

§ 783.11 Liens and claims of creditors; set-offs.

Any payment or portion thereof due any person under this part shall be allowed without regard to questions of title under State law, and without regard to any claim or lien in favor of any person except agencies of the U.S. Government. The regulations governing set-offs and withholdings found at part 792 of this chapter shall be applicable to this part.

§ 783.12 Appeals.

Any person who is dissatisfied with a determination made with respect to this part may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at part 11 of this title and part 780 of this chapter.

§ 783.13 Misrepresentation and scheme or device.

(a) A person shall be ineligible to receive assistance under this program if such person is determined by the State committee or the county committee to have:

- (1) Adopted any scheme or device which tends to defeat the purpose of this program;
- (2) Made any fraudulent representation; or
- (3) Misrepresented any fact affecting a program determination.

(b) All moneys paid by CCC under this part to any such person or to any other person as a result of such person's actions shall be refunded to CCC with interest together with such other sums as may become due. The party engaged in acts prohibited by this section and the party receiving payment shall be jointly and severally liable for any refund due under this section and for related charges. The remedies provided to CCC in this part shall be in addition to other civil, criminal, or administrative remedies which may apply.

§ 783.14 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is an otherwise eligible owner shall be eligible for assistance under this subpart only if such person meets one of the following requirements:

- (1) The minor establishes that the right of majority has been conferred on the minor by court proceedings or by statute;
- (2) A guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or
- (3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 783.15 Death, incompetency, or disappearance.

In the case of death, incompetency or disappearance of any owner who is eligible to receive assistance in accordance with this part, such person or persons specified in part 707 of this chapter may receive such assistance.

§ 783.16 Other regulations.

In addition to any other regulations as may be applicable, the following regulations shall also apply to this part:

- (a) Part 11 of this title, National Appeals Division Rules of Foreclosure;
- (b) Part 12 of this title, Highly Erodible Land and Wetland Conservation;
- (c) Part 703 of this chapter, Debt Settlements, Policies and Procedures;
- (d) Part 718 of this chapter, Provisions Applicable to Multiple Programs;
- (e) Part 780 of this chapter, Appeal Regulations;
- (f) Part 1400 of this title, Payment Limitation and Payment Eligibility; and
- (g) Part 1404 of this title, Assignments.

§ 783.17 Paperwork Reduction Act assigned numbers.

The information collection requirements of this part have been submitted to the Office of Management and Budget (OMB) for purposes of the Paperwork Reduction Act.

Signed at Washington, D.C., on September 24, 1997.

Bruce R. Weber,

*Acting Administrator, Farm Service Agency.
Acting Executive Vice President, Commodity Credit Corporation.*

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Docket No. FV96-916-3 FIR]

Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule finalizes, with a few spelling corrections, the provisions of an interim final rule that revised the handling requirements for California nectarines and peaches by modifying the grade, size, maturity, and container requirements for fresh shipments of these fruits, beginning with 1997 season shipments. This rule also corrects current grade, size and maturity requirements, primarily by restoring regulatory text that was inadvertently misnumbered or omitted during previous rulemaking actions. This rule enables handlers to continue shipping fresh nectarines and peaches meeting consumer needs in the interest of producers, handlers, and consumers of these fruits.

EFFECTIVE DATE: October 29, 1997.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487-5901; Fax: (209) 487-5906; or Anne M. Dec, 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. 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 2523-S, Washington, DC 20090-6456; telephone: (202) 720-2491; Fax: (202) 720-5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Marketing Order Nos. 916 and 917 [7 CFR Parts 916 and 917] regulating the handling of nectarines and peaches grown in California, hereinafter referred to as the "orders". The orders are 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 of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule 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 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.

Under the orders, grade, size, maturity, container and pack requirements are established for fresh shipments of California nectarines and peaches. Such requirements are in effect on a continuing basis. The Nectarine Administrative Committee (NAC) and the Peach Commodity Committee (PCC) met December 4, 1996, and unanimously recommended that these handling requirements be revised prior to the 1997 season, which began April 1. The changes (1) authorize continued use of a container first used in 1996; (2)

authorize shipments of "CA Utility" quality fruit during the 1997 season; (3) clarify container tolerances for all nectarines and peaches; and (4) revise varietal maturity and size requirements to reflect recent changes in growing conditions.

The committees meet prior to and during each season to review the rules and regulations effective on a continuous basis for California nectarines and peaches under the orders. Committee meetings are open to the public, and interested persons may express their views at these meetings. The Department reviews committee recommendations and information, as well as information from other sources, and determines whether modification, suspension, or termination of the rules and regulations would tend to effectuate the declared policy of the Act.

Container Requirements (Nectarines and Peaches)

Sections 916.52 and 917.41 of the nectarine and peach orders, respectively, provide authority to fix the size, capacity, weight, dimensions, markings, or pack of the container or containers that may be used in the packaging and handling of these fruits. Section 916.350 specifies container and pack requirements for fresh nectarine shipments and section 917.442 specifies container and pack requirements for fresh peach shipments. Included in these sections are requirements that all containers be marked with specific information (e.g., the name of the handler, and the maturity, size, and variety of the fruit) and that such markings be applied to the outside ends of the container.

Prior to the 1996 season, the NAC and PCC recommended that a new container, permitted to be marked on its lid, be approved for nectarine and peach shipments during the 1996 season only. The revised requirements became effective on April 1, 1996. The NAC and PCC then reviewed the impact of the use of this container at the conclusion of the 1996 season.

The new container is plastic, rather than wood and paper. It is also recyclable and reusable. The design of some styles of the container, which has cooling slots on all of its sides, discourages placement of markings on the outside ends. Furthermore, in order to ensure and facilitate its reuse, container markings on the permanent outside ends of the new container are not desirable. Instead, placement of markings on the disposable lid is preferable. Thus, markings on the new container have been permitted for either the lid or the outside ends.

In the 1996 season, approximately 450,000 recyclable, reusable boxes were used by nectarine and peach handlers. This represents approximately 1 percent each of the total number of packages of nectarines and peaches shipped in that season. Users of the recyclable, reusable plastic boxes reported good acceptance by retailers and expect increased demand for their use in the coming years. Industry sources reported the boxes will likely be used for other commodities as awareness and acceptance of the boxes increase. It was also noted that the nectarine and peach industries could improve their competitive edge by continued and increased use of the new recyclable, reusable plastic box.

The NAC and PCC believe that continuing to permit container markings to be placed either on the container lid or the outside ends will continue to facilitate the use of this plastic, reusable, and recyclable container. Authorizing the continued use of this container will allow handlers to reduce their container costs through the continued reuse of the container. Such reduced container costs could result in increased returns to producers as well.

When the container requirements for nectarines and peaches were changed on April 1, 1996, the revised provisions did not specify that the change was effective only for the 1996 season. Thus, no changes in the regulatory text of §§ 916.350 and 917.442 are necessary. The use of the recyclable, reusable plastic container is authorized for the 1997 season and beyond.

Quality Requirements (Nectarines and Peaches)

Sections 916.52 and 917.41 authorize the establishment of grade and quality requirements for nectarines and peaches. Prior to the 1996 season, § 916.356 required nectarines to meet a modified U.S. No. 1 grade. Specifically, nectarines were required to meet U.S. No. 1 grade requirements, except there was a slightly tighter requirement for scarring and a more liberal allowance for misshapened fruit. Under § 917.459, peaches were also required to meet the requirements of a U.S. No. 1 grade, except there was a more liberal allowance for open sutures which are damaged but not seriously damaged.

This rule continues the revision in the interim rule to paragraph (a)(1) of § 916.356 and paragraph (a)(1) of § 917.459 to permit shipments of nectarines and peaches meeting "CA Utility" quality requirements during the 1997 season. ("CA Utility" fruit is lower in quality than fruit meeting the modified U.S. No. 1 grade

requirements.) Shipments of nectarines and peaches meeting "CA Utility" quality requirements were first permitted during the 1996 season for that season only. By unanimous vote, the NAC and PCC recommended that fruit meeting "CA Utility" quality requirements be permitted to be shipped for an additional year. The NAC and PCC will continue to monitor retailer and consumer perceptions of "CA Utility" nectarines and peaches to determine whether such fruit should continue to be marketed.

Preliminary studies conducted by the NAC and PCC indicate that some consumers, retailers, and foreign importers found the lower quality fruit acceptable in some markets. Shipments of "CA Utility" nectarines represented 1.1 percent of all nectarine shipments, or approximately 210,000 boxes in 1996. Shipments of "CA Utility" peaches represented 1.9 percent of all peach shipments in 1996, or approximately 365,000 boxes.

Dr. Dennis Nef, California State University, Fresno, studied samples of culled fruit at handler facilities during the 1995 and 1996 seasons. Results from the 1996 season were compared to the 1995 season. Preliminary data indicate that a smaller percentage of culled nectarines and peaches met the marketing order grade (modified U.S. No. 1) and size requirements in 1996 than in 1995. In 1995, approximately 8 percent of the nectarines in the cull stream met those requirements, while in 1996, approximately 1 percent of the nectarines in the cull stream met those requirements. In 1995, approximately 7 percent of the peaches in the cull stream met the order's grade and size requirements, while in 1996, approximately 1 percent of the peaches in the cull stream met those requirements. (The "cull stream" includes all fruit which is removed from the packing line by the handler's quality control personnel and not placed in a container for shipment.) The decrease in the amount of fruit in the cull stream seems to indicate a greater utilization of available fruit rather than its disposal. With the option of packing "CA Utility" quality fruit, it appears that the handlers' quality control personnel were less inclined to be overly critical and to exclude acceptable modified U.S. No. 1 fruit. However, not all of this increased utilization can be attributed to the implementation of "CA Utility" quality requirements. The 1995 season, which was the first in which cull data were obtained, was plagued by adverse weather and hail storms. The damage inflicted by the storms created conditions which decreased the quality

of available nectarines and peaches and increased somewhat the percentage of fruit in the cull stream which would have met marketing order requirements. It is probable that the implementation of "CA Utility" quality requirements increased the utilization of some fruit which might have been disposed of otherwise. Such utilization benefitted producers, handlers, and consumers. For that reason, the NAC and PCC recommended that "CA Utility" quality requirements be continued for the 1997 season. The NAC and PCC will continue to monitor the impact of shipping "CA Utility" nectarines and peaches to determine whether such shipments continue to be in the interests of producers, handlers, and consumers.

In conforming changes, paragraph (d) of § 916.350 and paragraph (d) of § 917.442 continue to be revised to require that "CA Utility" quality fruit be labeled as such. This marking requirement was in effect during the 1996 season, and is intended to enable customers to differentiate between the different qualities of available fruit.

Clarification of Container Tolerances (Nectarines and Peaches)

For those grade factors included in the U.S. Standards for Grades of Nectarines or Peaches (standards), tolerances are provided for fruit that fails to meet those factors to allow for variations incidental to proper grading and handling. Tolerances are specified for both entire lots of fruit and for individual containers within the lot.

The container tolerances in the standards are applicable to all nectarines and peaches since those tolerances are not modified by the order's rules and regulations. However, last fall, the NAC and PCC voted to clarify the requirements for affected parties. Clarifying these container tolerances will not have a regulatory impact on nectarine and peach handlers because these tolerances are the same as those applied in the standards.

Maturity Requirements (Nectarines and Peaches)

Both orders provide (in §§ 916.52 and 917.41) authority to establish maturity requirements. The minimum maturity level currently specified for nectarines and peaches is "mature" as defined in the standards. Additionally, both orders' rules and regulations provide for a higher, "well matured" classification. For most varieties, "well matured" fruit determinations are made using maturity guides (e.g., color chips). These maturity guides are reviewed each year by the Shipping Point Inspection Service (SPI) to determine whether they need to be

changed based on the most recent information available on the characteristics of each variety.

Nectarines

Requirements for "well matured" nectarines are specified in paragraph (a)(1) of § 916.356. This rule continues in effect the revision in the interim rule of Table 1 of paragraph (a)(1) of § 916.356 for nectarines to add maturity guides for 12 nectarine varieties. Specifically, an addition to the maturity guides was recommended for Earliglo, May Jim, Red Glo, Royal Glo, and Zee Grand nectarine varieties at a maturity guide of I; Big Jim, Early Red Jim, Late Red Jim, May Lion, and Red Fred nectarine varieties at a maturity guide of J; and Kay Diamond and Ruby Diamond nectarine varieties at a maturity guide of L.

Table 1 of paragraph (a)(1) of § 916.356 continues in effect the revision changing the maturity guides for the following eight nectarine varieties: Autumn Delight, Fairlane, Moon Grand, Red Diamond, Sparkling June, Spring Diamond, Summer Diamond, and Summer Lion. The maturity guide for these eight varieties was M, which was changed to L. The M maturity guide is no longer deemed suited by SPI to nectarine varieties currently in production. The L maturity guide more accurately reflects the background color of modern nectarine varieties under production at this time. For this reason, the NAC recommended these maturity requirement changes based on SPI's continuing review of individual maturity characteristics and identification of the appropriate maturity guide corresponding to the "well matured" level of maturity for nectarine varieties in production.

Paragraph (a)(1) of § 916.356 also continues in effect the revision in the interim rule to remove 13 nectarine varieties which are no longer in production. The NAC routinely reviews the status of nectarine varieties listed in these maturity guides. The most recent review revealed that 13 of the nectarine varieties listed in the maturity guide had not been in production since the 1993 season. Typically, the NAC recommends removing a variety after non-production for three seasons or if trees of that variety are known to have been pulled out because a maturity guide for an obsolete variety is no longer needed. The varieties removed include the Clinton-Strawberry, Desert Dawn, Early Star, Gee Red, Granderli, Hi Red, Larry's Grand, Late Tina Red, Mayfair, May Red, Red June, Stan Grand, and 61-61 nectarine varieties.

Table 1 of paragraph (a)(1) of § 916.356 continues in effect the revision to correct the identification of the Red Lion nectarine variety. The name "Red Lion" has been changed to "August Lion." For that reason, all references to Red Lion have been changed to August Lion. In addition, three nectarine varieties were identified as June Glo, May Glo, and Spring Brite. The correct spelling of these three varieties is Juneglo, Mayglo, and Spring Bright, respectively.

Peaches

Paragraph (a)(1) of § 917.459 specifies maturity requirements for fresh peaches being inspected and certified as being "well matured."

This rule continues in effect the revision of Table 1 of paragraph (a)(1) of § 917.459 to add maturity guides for the Kingscrest peach variety to be regulated at the H maturity guide, the Red Dancer peach variety to be regulated at the I maturity guide, and the Early Elegant Lady peach variety to be regulated at the L maturity guide.

This rule also continues in effect the revision in the interim rule changing the maturity guide assignment on Table 1 of paragraph (a)(1) of § 917.459 for the Summer Lady peach variety from the M maturity guide to the L maturity guide. The M maturity guide is no longer deemed suited by SPI to peach varieties currently in production. The L maturity guide more accurately reflects the background color of modern peach varieties in production at this time. For this reason, the PCC recommended this maturity requirement change based on SPI's continuing review of individual maturity characteristics and identification of the appropriate maturity guide corresponding to the "well matured" level of maturity for peach varieties in production.

The maturity requirement changes for these peach varieties are based on the PCC's continuing review of their individual maturity characteristics, and the identification of the appropriate color chip corresponding to the "well matured" level of maturity for each such variety.

Table 1 of paragraph (a)(1) of § 917.459 continues in effect the revision in the interim rule removing 19 peach varieties which are no longer in production. The PCC routinely reviews the status of peach varieties listed in these maturity guides. The most recent review revealed that 19 of the peach varieties listed in the maturity guide had not been in production since the 1993 season. Typically, the PCC recommends removing a variety after non-production for three seasons or if

trees of that variety are known to have been pulled out because a maturity guide for an obsolete variety is no longer needed. The varieties removed include the Armgold, Bella Rosa, Bonjour, Desertgold, Early Fairtime, Early Royal May, Fortyniner, Jody Gaye, June Crest, Mardigras, Morning Sun, Preuss Suncrest, Prima Fire, Royal April, Sun Lady, Toreador, Treasure, Windsor, and 50-178 peach varieties.

Table 1 of paragraph (a)(1) continues in effect the revision to change the spelling of two varieties of peaches. The Judy Elberta and Mary Ann varieties appeared on Table 1. However, the spelling of these two names was corrected to read "July Elberta" and "Mary Anne."

Size Requirements (Nectarines and Peaches)

Both orders provide (in §§ 916.52 and 917.41) authority to establish size requirements. Size regulations encourage growers to leave fruit on the tree for a greater length of time. This increased growing time not only improves maturity and, therefore, the quality of the product, but also the size of the fruit. Increased size results in increases in the number of packed boxes of fruit per acre. Acceptable size fruit also provides greater consumer satisfaction, more repeat purchases, and, therefore, increased returns to producers. Varieties recommended for specific size regulation have been reviewed and recommendations are based on the specific characteristics of each variety. The NAC and PCC conduct studies each season on the range of sizes reached by the regulated varieties and determine whether revisions in the size requirements are appropriate.

Nectarines

Section 916.356 specifies size requirements for fresh nectarines in paragraphs (a)(2) through (a)(9). This rule continues in effect the revision in the interim rule of § 916.356 to establish variety-specific size requirements for 10 nectarine varieties that were produced in commercially significant quantities of more than 10,000 packages for the first time during the 1996 season. This rule also continues in effect the modification of the variety-specific size requirements for several varieties of nectarines.

For example, one of the varieties added to the variety-specific size requirements is the Kay Glo variety. Studies of the size ranges attained by the Kay Glo variety revealed that .5 percent of that variety met the smallest size, size 96, while 1.6 percent met the largest size, size 40. Approximately 45

percent of the nectarines of the Kay Glo variety met the next larger size, size 50.

A review of other varieties with the same harvesting period indicated that Kay Glo was comparable to those varieties in its size ranges. Thus, the recommendation to place the Kay Glo nectarine variety in the variety-specific size regulation at a size 88 is appropriate. Historical variety data such as this provide the NAC with the information necessary to recommend the appropriate sizes at which to regulate various nectarine varieties.

Paragraph (a)(3) of § 916.356 continues in effect the revision to include the Grand Sun nectarine variety; paragraph (a)(4) continues in effect the revision to include the Arctic Star, Kay Glo, Prima Diamond II, and Prince Jim nectarine varieties; and paragraph (a)(6) in § 916.356 continues in effect the revision to include the Arctic Pride, Arctic Sweet, Diamond Ray, Honey Kist, and Prime Diamond VII nectarine varieties.

This rule also continues in effect the revision of § 916.356 to remove seven nectarine varieties from the variety-specific size requirements specified in the section because less than 5,000 packages of each of these varieties were produced during the 1996 season. Paragraph (a)(4) of that section continues in effect the removal of the Mike Grand nectarine variety. Paragraph (a)(6) continues in effect the removal of the Early Sungrand, Nectarine 23, Prima Diamond, Prima Diamond III, Tasty Gold, and Tom Grand nectarine varieties.

Paragraph (a)(4) of § 916.356 continues in effect the revision to include the Arctic Glo and Red Glo nectarine varieties which were inadvertently removed from the variety-specific size requirement prior to the 1996 season.

In a conforming change, paragraphs (a)(3) and (a)(4) of § 916.356 also continue in effect the revision in the interim rule to correct the spelling of the Mayglo and Juneglo nectarine varieties, respectively. Paragraph (a)(6) continues in effect the revision to include the August Lion variety in place of the Red Lion variety.

Nectarine varieties removed from the nectarine variety-specific list become subject to the non-listed variety size requirements specified in paragraphs (a)(7), (a)(8), and (a)(9) of § 916.356.

The NAC recommended these changes in the minimum size requirements based on a continuing review of the sizing and maturity relationships for these nectarine varieties, and consumer acceptance levels for various sizes of fruit. This rule

is designed to establish minimum size requirements for fresh nectarines consistent with expected crop and market conditions.

Peaches

Section 917.459 specifies size requirements for fresh peaches in paragraphs (a)(2) through (a)(6), and paragraphs (b) and (c). This rule continues in effect the revision in the interim rule of § 917.459 to establish variety-specific size requirements for nine peach varieties that were produced in commercially significant quantities of more than 10,000 packages for the first time during the 1996 season.

For example, one of the varieties added to the variety-specific size requirements is the August Lady variety. Studies of the size ranges attained by the August Lady variety revealed that no peaches of that variety met the smallest size, size 96, while 36 percent of the peaches of the August Lady variety met the largest size, size 30.

A review of other varieties of the same harvesting period indicated that August Lady was comparable to those varieties in its size ranges. Thus, the recommendation to place the August Lady peach variety in the variety-specific size regulation at a size 72 is appropriate. Historical variety data such as this provide the PCC with the information necessary to recommend the appropriate sizes at which to regulate various peach varieties.

In § 917.459, current paragraph (a)(5) continues in effect the revision to include the Rich Mike, Sweet Gem, and Sweet Scarlet peach varieties; and current paragraph (a)(6) continues in effect the revision to include the August Lady, Autumn Flame, Red Sun, Scarlet Snow, Snow Diamond, Summer Zee, and Vista peach varieties.

This rule also continues in effect the removal of one peach variety from the variety-specific size requirements specified in § 917.459, because less than 5,000 packages of this variety were produced during the 1996 season. In § 917.459, current paragraph (a)(5) continues in effect the revision to remove the Regina peach variety.

In a conforming change, current paragraph (a)(6) of § 917.459 continues the revision in the interim rule to correct the spelling of one peach variety from "Mary Ann" to "Mary Anne."

Peach varieties removed from the variety-specific list become subject to the non-listed variety size requirements specified in paragraphs (b) and (c) of § 917.459.

The PCC recommended these changes in the minimum size requirements based on a continuing review of the

sizing and maturity relationships for these peach varieties, and the consumer acceptance levels for various sizes of fruit. This rule is designed to establish minimum size requirements for fresh peaches consistent with expected crop and market conditions.

This rule reflects the committees' and the Department's appraisal of the need to revise the handling requirements for California nectarines and peaches, as specified. The Department's determination is that this rule will have a beneficial impact on producers, handlers, and consumers of California nectarines and peaches.

This rule establishes handling requirements for fresh California nectarines and peaches consistent with expected crop and market conditions, and will help ensure that all shipments of these fruits made each season will meet acceptable handling requirements established under each of these orders. This rule will also help the California nectarine and peach industries provide fruit desired by consumers. This rule is designed to establish and maintain orderly marketing conditions for these fruits in the interest of producers, handlers, and consumers.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (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 approximately 300 California nectarine and peach handlers subject to regulation under the orders covering nectarines and peaches grown in California, and about 1,800 producers of these fruits in California. 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. Small agricultural service firms, which includes handlers, are defined as those whose annual receipts are less than \$5,000,000. A majority of these handlers and producers may be classified as small entities.

Under §§ 916.52 and 917.41 of the orders, grade, size, maturity, container and pack requirements are established

for fresh shipments of California nectarines and peaches. Such requirements are in effect on a continuing basis. This rule continues the revisions in the interim rule of requirements to: (1) authorize continued use of a container first used in 1996; (2) authorize shipments of "CA Utility" quality fruit during the 1997 season; (3) clarify container tolerances for containers of nectarines and peaches; and (4) revise varietal maturity and size requirements to reflect current growing conditions.

Section 916.350, paragraph (c) and § 917.442, paragraph (c) continue in effect the authority to use a recyclable, reusable plastic container during the 1997 season and beyond. This rule also continues in effect the authority to permit markings on such containers to be placed on the disposable lids rather than on the outside ends of the containers. Use of this container will continue to offer a cheaper and more environment-friendly alternative to currently-used disposable wooden and paper boxes. In addition, use of this container is advocated by retailers who desire to decrease their costs of disposing of packing boxes.

Approximately 450,000 recyclable, reusable plastic boxes were used by handlers of nectarines and peaches during the 1996 season, representing more than 1 percent each of total nectarine shipments of 19,561,227 boxes and peach shipments of 19,481,624 boxes.

The increased use of this container is expected to result in decreased handling costs for handlers, and thereby improved returns to producers. Generally, under current industry practices, handlers' costs of packaging nectarines and peaches are passed on to producers by handlers via a deduction from total returns. Such costs include pre-cooling of received fruit, costs of boxes, costs of packing materials, costs of palletizing packed boxes, cold storage, inspection costs, etc. A decrease in the cost of boxes, then, has the potential for decreased handling costs passed on to all producers.

Under §§ 916.350 and 917.442 of the regulations for nectarines and peaches, respectively, use of lower-quality "CA Utility" nectarines and peaches was authorized for the 1996 season only. This rule continues the revision in the interim rule to permit the continued use of "CA Utility" quality fruit for the 1997 season while further data is obtained. During the 1996 season, the Department authorized the use of nectarines and peaches which were of a lower quality than the minimum permitted for previous seasons. During 1996, there

were 210,443 boxes of nectarines and 365,761 boxes of peaches shipped as "CA Utility," or 1.1 percent and 1.9 percent of nectarine and peach shipments, respectively. Continued availability of "CA Utility" quality fruit is expected to have a positive impact on producers, handlers, and consumers by permitting more nectarines and peaches into fresh market channels, without adversely impacting the market for higher quality fruit.

This rule also continues the clarification in the interim rule of the container tolerances for nectarines and peaches. Under the orders, the container tolerances in the standards have been applied to nectarines and peaches, although the tolerances were not specifically included in the orders' rules and regulations. Thus, this is a clarifying change which will not impose any additional burdens on growers or handlers.

Sections 916.356 and 917.442 for nectarines and peaches, respectively, currently establish minimum maturity levels. This rule continues in effect adjustments to the maturity requirements for several varieties of nectarines and peaches. Maturity requirements are based on maturity measurements generally using maturity guides (e.g., color chips). Such maturity guides provide producers and handlers with objective tools for measuring the maturity of different varieties of nectarines and peaches. Such maturity guides are reviewed annually to determine the appropriate guide for each nectarine and peach variety. These annual adjustments reflect changes in the maturity patterns of nectarines and peaches as experienced over the previous seasons' inspections. Adjustments in the guides ensure that fruit has met an acceptable level of ripeness, thus ensuring consumer satisfaction and benefitting nectarine and peach growers and handlers.

Currently, in §§ 916.356 and 917.459, minimum sizes for various varieties of nectarines and peaches are established. This rule continues in effect adjustments to the minimum sizes for various varieties of nectarines and peaches beginning with the 1997 season. Minimum size regulations are put in place to allow fruit to remain on the tree for a greater length of time. This increased growing time not only improves maturity, but also improves fruit size. Increased fruit size increases the number of packed boxes per acre to the benefit of both producers and handlers. Increased fruit size also provides greater consumer satisfaction and, therefore, more repeat purchases by consumers. Repeat purchases and

consumer satisfaction benefit producers and handlers alike. Such adjustments to minimum sizes of nectarines and peaches are recommended each year by the NAC and PCC based upon historical data regarding sizes which the different varieties attain.

This rule clarifies some of the orders' requirements and relaxes others. This action does not impose any additional reporting and recordkeeping requirements on either small or large handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. However, as previously stated, nectarines and peaches under the orders have to meet certain requirements set forth in the standards issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627). Standards issued under the Agricultural Marketing Act of 1946 are otherwise voluntary.

In addition, the committees' meetings were widely publicized throughout the nectarine and peach industries and all interested parties were invited to attend the meetings and participate in committee deliberations on all issues. Like all committee meetings, the December 4, 1996, meetings were public meetings and all entities, both large and small, were able to express views on these issues. The committees themselves are composed of producers, the majority of whom are small entities.

The interim final rule regarding this action was issued on March 24, 1997, and published in the **Federal Register** on April 1, 1997 (62 FR 15355). That rule amended §§ 916.350, 916.356, 917.442, and 917.459 of the rules and regulations in effect under the orders. That rule provided a 30-day comment period which ended on May 1, 1997. One comment was received from the committees' Field Director.

The comment was apparently based on a misreading of the application of tolerances in the U.S. Standards and suggested that the container tolerances for nectarines included in the interim final rule were greater than those recommended by the NAC. However, the commenter recommended that the container tolerances in the interim rule continue in effect unchanged, since revisions at this point would subject handlers of nectarines to changes in container tolerances in the middle of the shipping season. The comment further indicated that the NAC will likely review the nectarine container

tolerances at the end of the 1997 season and consider whether modifications are needed prior to the 1998 season.

The comment also noted three typographical errors in the interim final rule. The nectarine variety named "May Fire" should be spelled "Mayfire." Table 1 in § 916.356 (a)(1) has been corrected accordingly.

The name of a nectarine variety included in the variety-specific size requirements at § 916.356(a)(6) has also been corrected from "White Jewels (Arctic Snow)" to "Arctic Snow (White Jewel)."

Finally, the commenter noted that the spelling of "Kingcrest" should be changed to "Kingscrest" in references to that peach variety in Table 1 of paragraph (a)(1) and current paragraph (a)(5) of § 917.459. Those corrections are made by this rule.

The Department also noted a number of errors in the current text of §§ 916.356 and 917.459 that are corrected by this rule. The primary corrections restore regulatory text that was inadvertently misnumbered or removed during previous rulemaking actions, move certain text to more appropriate locations, and delete obsolete language no longer needed. Specific changes are listed below.

Paragraph (a)(1) of § 916.356 is revised to include an exemption from a grade requirement pertaining to color for nectarine varieties lacking red blush or red color on the skins. This provision was inadvertently omitted from the regulatory text in a previous rule.

Paragraphs (a)(1) of §§ 916.356 and 917.459 are revised to move the maturity tables, which were misnumbered, to a new subparagraph (iv). This new subparagraph also contains introductory text pertaining to the maturity tables, which was misnumbered. Also, provisions pertaining to appeals of maturity determinations are relocated in a new subparagraph (v).

In the interim final rule published in the **Federal Register** on April 1, 1997 (62 FR 15355), the new provisions pertaining to container tolerances were duplicatively numbered with the tolerances applicable to "CA Utility" quality nectarines and peaches. The latter tolerances are placed in subparagraphs (a)(1)(iii) of §§ 916.356 and 917.459. In § 916.356, current paragraph (c) is redesignated as paragraph (d), and the new container tolerances are moved to a new paragraph (c). In § 917.459, current paragraph (e) is redesignated as paragraph (f), and the new container tolerances are moved to a new paragraph (e).

As previously noted, the spelling of the "Mayglo" nectarine variety was corrected in paragraph (a)(3) of § 916.356; this rule makes that correction in paragraph (a)(2) of that section as well.

In § 917.459, obsolete language pertaining to minimum sizes for peaches is removed. Current paragraphs (a)(2) and (a)(4) are removed and current paragraphs (a)(3), (a)(5), and (a)(6) are redesignated as (a)(2), (a)(3), and (a)(4). Conforming changes are made in paragraphs (b) and (c) of that section as well.

After consideration of all relevant matter presented, including that contained in the interim final rule, as well as the committees' recommendations, the comment received, and other available information, it is found that this final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

Accordingly, the interim final rule amending 7 CFR parts 916 and 917 which was published at 62 FR 15355 on April 1, 1997, is adopted as a final rule with the following changes:

PART 916—NECTARINES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 916 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 916.356 is amended by:

- (A) Revising paragraphs (a)(1) introductory text, and (a)(1)(iii);
- (B) Adding new paragraphs (a)(1)(iv), (a)(1)(v), and a new Table 1 with a note immediately following it after paragraph (a)(1)(iv);
- (C) Removing the words "May Glo" and adding the word "Mayglo" in paragraph (a)(2);
- (D) Adding the words "Arctic Snow (White Jewel)" after the words "Arctic Queen" and removing the words "White Jewels (Arctic Snow)" in paragraph (a)(6); and
- (E) Redesignating paragraph (c) as paragraph (d) and adding a new paragraph (c) to read as follows:

§ 916.356 California Nectarine Grade and Size Regulation.

(a) * * *

(1) Any lot or package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: *Provided*, That nectarines 2 inches in diameter or smaller, shall not have fairly light-colored, fairly smooth scars which exceed an aggregate area of a circle $\frac{3}{8}$ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light-colored, fairly smooth scars which exceed an aggregate area of a circle $\frac{1}{2}$ inch in diameter: *Provided further*, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed, but not badly misshapened: *Provided further*, That all varieties of nectarines which fail to meet the U.S. No. 1 grade only on account of lack of blush or red color due to varietal characteristics shall be considered as meeting the requirements of this subpart: *Provided further*, That during the period April 1 through October 31, 1997, any handler may handle nectarines if such nectarines meet "CA Utility" quality requirements. The term "CA Utility" means that not more than 30 percent of the nectarines in any container meet or exceed the requirements of the U.S. No. 1 grade and that such nectarines are mature and are:

(i) * * *

(ii) * * *

(iii) Tolerances. Not more than 10 percent, by count, of the nectarines in any one container may be below the requirements which are prescribed by this paragraph, including not more than 5 percent, by count, for any one defect, except split pits. An additional tolerance of 10 percent, by count, of the nectarines in any one container or bulk lot may contain nectarines affected with split pits. This means a total tolerance of 20 percent is allowed for all defects, including split pits, but not to exceed 15 percent for split pits alone.

(iv) The Federal or Federal-State Inspection Service shall make final determinations on maturity through the use of color guides or such other tests as determined appropriate by the inspection agency. The Federal or Federal-State Inspection Service will use the maturity guides listed in Table 1 to paragraph (a)(1)(iv) in making maturity determinations for the specified varieties when inspecting to the "well matured" level of maturity. For these varieties, not less than 90 percent of any lot shall meet the color guide established for the variety, and an aggregate area of not less than 90 percent of the fruit surface shall meet the color guide established for the

variety, except that for the Fairlane, Tom Grand, and 61–61 varieties of nectarines, not less than an aggregate area of 80 percent of the fruit surface shall meet the color guide established for the variety. For varieties not listed, the Federal or Federal-State Inspection Service will use such tests as it deems proper. A variance for any variety from the application of the maturity guides specified in Table 1 to paragraph (a)(1)(iv) may be granted during the season to reflect changes in crop, weather, or other conditions that would make the specified guides an inappropriate measure of "well matured."

TABLE 1 TO PARAGRAPH (a)(1)(iv)

Column A variety	Column B maturity guide
Alshir Red	J
Ama Lyn	G
Apache	G
April Glo	H
Arm King	B
August Glo	L
August Lion	J
August Red	J
Aurelio Grand	F
Autumn Delight	L
Autumn Grand	L
Big Jim	J
Bob Grand	L
Del Rio Rey	G
Earliglo	I
Early Diamond	J
Early May	F
Early May Grand	H
Early Red Jim	J
Early Sungrand	H
Fairlane	L
Fantasia	J
Firebrite	H
Flamekist	L
Flaming Red	K
Flavor Grand	G
Flavortop	J
Flavortop I	K
Gold King	H
Grand Diamond	L
Grand Stan	F
Independence	H
July Red	L
Juneglo	H
June Grand	G
Kay Diamond	L
Kent Grand	L
King Jim	L
Kism Grand	J
Late Le Grand	L
Late Red Jim	J
Le Grand	H
Maybelle	F
May Diamond	I
Mayfire	H
Mayglo	H
May Grand	H
May Jim	I
May Kist	H
May Lion	J

TABLE 1 TO PARAGRAPH (a)(1)(iv)—
Continued

Column A variety	Column B maturity guide
Mid Glo	L
Mike Grand	H
Moon Grand	L
Niagara Grand	H
Pacific Star	G
P-R Red	L
Red Diamond	L
Red Delight	I
Red Fred	J
Red Free	L
Red Glen	J
Red Glo	I
Red Grand	H
Red Jim	L
Red June	G
Red May	J
Regal Grand	L
Rio Red	L
Rose Diamond	J
Royal Delight	F
Royal Giant	I
Royal Glo	I
Ruby Diamond	L
Ruby Grand	J
Ruby Sun	J
Scarlet Red	K
September Grand	L
September Red	L
Sheri Red	J
Sierra Star/181-119	G
Son Red	L
Sparkling June	L
Sparkling May	J
Sparkling Red	L
Spring Bright	L
Spring Diamond	L
Spring Grand	G
Spring Red	H
Spring Top	B
Star Bright	G
Star Brite	J
Star Grand	H
Summer Beaut	H
Summer Blush	J
Summer Bright	J
Summer Diamond	L
Summer Fire	L
Summer Grand	L
Summer Lion	L
Summer Red	L
Summer Star	G
Sunburst	J
Sun Diamond	I
Sunfre	F
Sun Grand	G
Super Star	G
Tasty Free	J
Tasty Gold	H
Tom Grand	L
Zee Glo	J
Zee Grand	I

Note: Consult with the Federal or Federal-State Inspection Service Supervisor for the maturity guides applicable to the varieties not listed in this table.

(v) If a grower or handler believes his/her fruit is meeting the appropriate maturity level but the fruit has not been

so graded by the inspector, he/she may appeal the inspection by calling the officer-in-charge of the local Federal-State Inspection Service office to arrange for an on-site examination of the fruit.

* * * * *

(c) Container tolerances. A package may contain not more than double any specified tolerance except that at least two defective specimens may be permitted in any package: *Provided*, That the averages for the entire lot are within the tolerances specified in this part.

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

3. The authority citation for 7 CFR part 917 continues to read as follows:

4. Section 917.459 is amended by:

(A) Revising paragraphs (a)(1)

introductory text, and (a)(1)(iii);

(B) Adding new paragraphs (a)(1)(iv) and (a)(1)(v), and a new Table 1 with a note immediately following it following paragraph (a)(1)(iv);

(C) Removing paragraph (a)(2) and redesignating paragraphs (a)(3), (a)(4), (a)(5) and (a)(6) as paragraphs (a)(2), (a)(3), (a)(4) and (a)(5);

(D) Revising the introductory text of paragraphs (b) and (c);

(E) Redesignating paragraph (e) as paragraph (f) and adding a new paragraph (e) to read as follows:

§ 917.459 California Peach Grade and Size Regulation.

(a) * * *

(1) Any lot or package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade: *Provided*, That an additional 25 percent tolerance shall be permitted for fruit with open sutures which are damaged, but not seriously damaged: *Provided further*, That during the period April 1 through November 23, 1997, any handler may handle peaches if such peaches meet "CA Utility" quality requirements. The term "CA Utility" means that not more than 30 percent of the peaches in any container meet or exceed the requirements of the U.S. No. 1 grade and that such peaches are mature and are:

(i) Free from insect injury which has penetrated or damaged the flesh; split pits which cause an unhealed crack or one or more healed cracks which, either singly or in the aggregate, are more than 1/2 inch in length; and mold, brown rot, and decay; and

(ii) * * *

(iii) Tolerances. Not more than 10 percent, by count, of the peaches in any container may be below the requirements prescribed by this paragraph. Not more than one-half of

this tolerance shall be allowed for any one cause. Individual containers in any lot may contain not more than one and one-half times the tolerances specified if the percentage of defects of the entire lot averages within the tolerances.

(iv) The Federal or Federal-State Inspection Service shall make final determinations on maturity through the use of color chips or such other tests as determined appropriate by the inspection agency. The Federal or Federal-State Inspection Service will use the maturity guides listed in Table 1 to paragraph (a)(1)(iv) in making maturity determinations for the specified varieties when inspecting to the "well matured" level of maturity. For these varieties, not less than 90 percent of any lot shall meet the color guide established for the variety, and an aggregate area of not less than 90 percent of the fruit surface shall meet the color guide established for the variety. For varieties not listed, the Federal or Federal-State Inspection Service will use such tests as it deems proper. A variance for any variety from the application of the maturity guides specified in Table 1 to paragraph (a)(1)(iv) may be granted during the season to reflect changes in crop, weather, or other conditions that would make the specified inappropriate measure of "well matured."

Table 1 to paragraph (a)(1)(iv)

Column A variety	Column B maturity guide
Angelus	I
Ambercrest	G
August Sun	I
Autumn Crest	I
Autumn Gem	I
Autumn Lady	H
Autumn Rose	I
Belmont (Fairmont)	I
Berenda Sun	I
Blum's Beauty	G
Cardinal	G
Cal Red	I
Carnival	I
Cassie	H
Coronet	E
Crimson Lady	J
Crown Princess	J
David Sun	I
Diamond Princess	J
Early Coronet	D
Early Delight	H
Early Elegant Lady	L
Early May Crest	H
Early O'Henry	I
Early Top	G
Elberta	B
Elegant Lady	L
Fairtime	G
Fancy Lady	J
Fay Elberta	C

Table 1 to paragraph (a)(1)(iv)—
Continued

Column A variety	Column B maturity guide
Fayette	I
Fire Red	I
First Lady	D
Flamecrest	I
Flavorcrest	G
Flavor Queen	H
Flavor Red	G
Franciscan	G
Goldcrest	H
Golden Crest	H
Golden Lady	F
Honey Red	G
John Henry	J
July Elberta	C
July Lady	G
June Lady	G
June Pride	J
June Sun	H
Kearney	I
Kern Sun	H
Kingscrest	H
Kings Lady	I
Kings Red	I
Lacey	I
Mary Anne	G
May Crest	G
May Lady	G
May Sun	I
Merrill Gem	G
Merrill Gemfree	G
O'Henry	I
Pacifica	G
Parade	I
Pat's Pride	D
Prima Lady	J
Prime Crest	H
Queencrest	G
Ray Crest	G
Red Cal	I
Red Dancer (Red Boy)	I
Redglobe	C
Redhaven	G
Red Lady	G
Redtop	G
Regina	G
Rich Lady	J
Rich May	H
Rio Oso Gem	I
Royal Lady	J
Royal May	G
Ruby May	H
Ryan Sun	I
Scarlet Lady	F
September Sun	I
Sierra Crest	H
Sierra Lady	I
Sparkle	I
Springcrest	G
Spring Lady	H
Springold	D
Sugar Lady	J
Summer Lady	L
Summerset	I
Suncrest	G
Topcrest	H
Tra Zee	J
Willie Red	G

Table 1 to paragraph (a)(1)(iv)—
Continued

Column A variety	Column B maturity guide
Zee Lady	L

Note: Consult with the Federal or Federal-State Inspection Service Supervisor for the maturity guides applicable to the varieties not listed in this table.

(v) If a grower or handler believes his/her fruit is meeting the appropriate maturity level but the fruit has not been so graded by the inspector, he/she may appeal the inspection by calling the officer-in-charge of the local Federal-State Inspection Service office to arrange for an on-site examination of the fruit.

* * * * *

(b) During the period April 1 through June 30 of each fiscal period, no handler shall handle any package or container of any variety of peaches not specifically named in paragraphs (a)(2), (a)(3) or (a)(4) of this section unless:

* * * * *

(c) During the period July 1 through October 31 of each fiscal period, no handler shall handle any package or container of any variety of peaches not specifically named in paragraphs (a)(2), (a)(3) or (a)(4) of this section unless:

* * * * *

(e) Container tolerances. The contents of individual packages in the lot are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified in this part:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages shall have not more than double the tolerance specified.

(2) For packages which contain 10 pounds or less, individual packages are not restricted as to the percentage of defects.

* * * * *

Dated: September 18, 1997.

Robert C. Keeney.

Director, Fruit and Vegetable Division.

[FR Doc. 97-25410 Filed 9-26-97; 8:45 am]

BILLING CODE 3410-02-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-63-AD; Amendment 39-10147; AD 97-20-10]

RIN 2120-AA64

Airworthiness Directives; de Havilland Model DHC-8-100, -200, and -300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain de Havilland Model DHC-8-100, -200, and -300 series airplanes, that requires modification of the attitude and heading reference systems (AHRS). This amendment is prompted by a report of loss of power to both AHRS's during flight due to a faulty terminal block to which the signal ground for the AHRS's are connected. The actions specified by this AD are intended to prevent simultaneous power loss to both AHRS's, which could result in reduced controllability of the airplane.

DATES: Effective November 3, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 3, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. 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 FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Luciano Castracane, Aerospace Engineer, Systems and Equipment Branch, ANE-172, FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7535; fax (516) 568-2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to