per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of January 1997, the milk of 80 producers was pooled on the Upper Florida Federal milk order. Of these producers, 23 were below the 326,000-pound production guideline and are considered to be small businesses. A majority of these producers produce more than 100,000 pounds per month. Of the total number of producers whose milk was pooled during that month, all were members of Florida Dairy Farmers Association.

In January 1997, there were 2 handlers operating 2 plants under the Upper Florida order. One of these would be considered a small business.

This rule suspends indefinitely part of a provision of the Upper Florida marketing order which specifies that a cooperative association have at least 50 percent of its members' producer milk received at pool distributing plants to retain its pool plant status. The suspension promotes orderly marketing of milk by permitting a plant operated by a cooperative association to qualify as a pool plant with minimal deliveries of milk by the cooperative to pool distributing plants in the market. This facilitates the shipment of surplus milk to the cooperative's plant, where it will then be concentrated and shipped to distant plants for its ultimate disposition. This rule lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Preliminary Statement

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Upper Florida marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on April 24, 1997 (62 FR 19939) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. No comments were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act:

(1) In § 1006.7, the introductory text of paragraph (c), the words ''50 percent or more of the''; and

(2) In § 1006.7, paragraph (c)(2).

Statement of Consideration

This rule suspends indefinitely part of a provision of the Upper Florida marketing order which specifies that a cooperative association have at least 50 percent of its members' producer milk received at pool distributing plants to retain its pool plant status.

The suspension was requested by Florida Dairy Farmers Association (FDFA), a cooperative association representing producers whose milk is pooled on the 3 Florida orders. FDFA contends that the suspension of the requirement would allow the continued pooling of the cooperative's Jacksonville, Florida, plant under the Upper Florida order irrespective of the quantity of producer milk received at pool distributing plants. With assurance of pooling, surplus producer milk from the Tampa Bay and Southeastern Florida marketing areas could be diverted to the Jacksonville plant for processing into concentrated milk and shipment to manufacturing plants. Also, in order to prevent the pooling of the Jacksonville plant under another Federal order, FDFA requested the suspension of § 1006.7(c)(2), which would yield regulation of the plant to another Federal order if the plant met the other order's supply plant shipping requirements. With this paragraph suspended, however, the plant would remain regulated under the Upper Florida order even if it were to qualify as a pool plant under another order.

In order to maintain the pooling of the cooperative association's manufacturing plant, a suspension of the pooling standard specifying that a cooperative association have 50 percent of the producer milk of its members received at pool distributing plants is reasonable. The suspension is found to be necessary for the purpose of assuring that producers' milk will not have to be moved in an uneconomic and inefficient manner to assure that producers whose milk has long been associated with the 3 Florida marketing areas will continue to benefit from pooling and pricing under the order.

List of Subjects in 7 CFR Part 1006

Milk marketing orders.

For the reasons set forth in the preamble 7 CFR Part 1006 is amended as follows:

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. The authority citation for 7 CFR Part 1006 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 1006.7 [Suspended in part]

2. In § 1006.7, the words ''50 percent or more of the'' in the introductory text of paragraph (c) and paragraph (c)(2) are suspended indefinitely.

Dated: July 2, 1997.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 97–17868 Filed 7–8–97; 8:45 am]

BILLING CODE 3410–02–P

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Part 1381

Handler Petition Procedure; Interim Procedural Rule; Correction

AGENCY: Northeast Dairy Compact Commission.

ACTION: Correction to interim procedural rule.

SUMMARY: This document contains corrections to the interim procedural rule published by the Northeast Dairy Compact Commission on Monday June 30, 1997, 62 FR 35065. The interim procedural rule established a procedure for milk handlers to petition the Commission for administrative relief from operation of any regulatory order of the Commission pursuant to Article VI, section 16(b) of the Compact.

DATES: Effective date: July 1, 1997.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission, at the above address or by telephone at (802) 229–1941 or by facsimile at (802) 229–2028.

SUPPLEMENTARY INFORMATION: As published the interim procedural rule contains language which may prove to be misleading or require clarification. Accordingly, the interim procedural rule is corrected as follows:

Section 1381.3(h) on page 35066, first column, is corrected to read as follows:

§ 1381.3 Contents of petitition.

* * * * *

(h) Petitioner's prayer for relief may include a request that payments due or payable during the pendency of the

administrative appeal or longer pursuant to § 1381.5(b), be placed in an escrow account established by the Commission. If a request for escrow is made, petitioner may make payment into a Commission established escrow account while the Commission rules upon petitioner's request in accordance with § 1381.4(b)(5). Any petitioner who refuses to make payment during this period shall be liable for payment of interest on such withheld funds, at the federal statutory rate set forth in 28 U.S.C 1961, plus such additional penalties as are appropriate under Article VI, Section 17 of the Compact.

Daniel Smith,

Executive Director.

[FR Doc. 97–17846 Filed 7–8–97; 8:45 am]

BILLING CODE 1650–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–35–AD; Amendment 39–10070; AD 97–12–06]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 97–12–06, which was sent previously to known U.S. owners and operators of certain Cessna Aircraft Company (Cessna) Model 172R airplanes. This AD requires checking the clearance between both the gascolator and cowling area and the tailpipe and cowling area, and modifying these areas immediately if any evidence of rubbing at either location is found or modifying the gascolator to cowling area within a certain time period if no evidence of rubbing at either location is found. This AD results from an occurrence of fuel loss on a Cessna Model 172R airplane, which was severe enough to force an emergency landing. Investigation of the occurrence reveals that the cowling knocked the gascolator drain valve off the gascolator. The actions specified by this AD are intended to prevent the cowling from rubbing against the gascolator drain valve or the tailpipe, which could result in fuel loss and engine stoppage.

DATES: Effective July 15, 1997, to all persons except those to whom it was made immediately effective by priority letter AD 97–12–06, issued June 6, 1997, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 15, 1997.

Comments for inclusion in the Rules Docket must be received on or before September 12, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 97–CE–35–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from the Cessna Aircraft Company, Product Support, P.O. Box 7706, Wichita, Kansas 67277. This information may also be examined at the Rules Docket at the address above, or at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Paul O. Pendleton, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946–4143; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Discussion

On June 6, 1997, the FAA issued priority letter AD 97–12–06, which applies to certain Cessna Model 172R airplanes. That AD resulted from an occurrence of fuel loss on one of these airplanes, which was severe enough to force an emergency landing. Investigation of the occurrence revealed that the cowling knocked the gascolator drain valve off the gascolator.

Further examination of the design of the Model 172R airplanes shows that this condition exists when the tailpipe vibrates, during some starting conditions, into the cowling. The cowling then rubs against the gascolator drain valve, knocking the gascolator drain valve off the gascolator, and causing fuel to drain from the airplane at an extremely high flow rate. This results in engine stoppage with consequent forced landing or crash landing.

Discussion of the Applicable Service Information

The FAA has reviewed and approved Cessna Service Bulletin SB97–28–01, dated June 6, 1997. This service bulletin includes procedures for modifying the gascolator to cowling clearance and tailpipe to cowling clearance.

The FAA's Determination and Explanation of the AD

Since an unsafe condition has been identified that is likely to exist or develop in other Cessna Model 172R airplanes of the same type design, the FAA issued priority letter AD 97–12–06 to prevent the cowling from rubbing against the gascolator drain valve or the tailpipe, which could result in fuel loss and engine stoppage. The AD requires checking the clearance between both the gascolator and cowling area and the tailpipe and cowling area, and modifying these areas immediately if any evidence of rubbing at either location is found or modifying the gascolator to cowling area within 10 hours time-in-service (TIS) if no evidence of rubbing at either location is found. Accomplishment of the modifications is in accordance with Cessna Service Bulletin SB97–28–01 if rubbing is evident, or in accordance with Figure 1 of this AD if no rubbing is evident.

Determination of the Effective Date of the AD

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual lettters issued on June 6, 1997, to known U.S. operators of certain Cessna Models 172R airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and