

winter pear 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.

The interim final rule concerning this action was published in the **Federal Register** (62 FR 44202) on August 20, 1997, and requested comments to be received by September 21, 1997. A copy of the interim final rule was also made available on the Internet by the U.S. Government Printing Office. No comments were received.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

PART 927—WINTER PEARS GROWN IN OREGON AND WASHINGTON

Accordingly, the interim final rule amending 7 CFR part 927 which was published at 62 FR 44202 on August 20, 1997, is adopted as a final rule without change.

Dated: December 15, 1997.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 97-33168 Filed 12-18-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

[Docket No. FV97-948-1 FIR]

Irish Potatoes Grown in Colorado; Change in Handling Regulation for Area No. 2

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule which changed the size requirement

from a 2 inch minimum diameter or 4 ounce minimum weight to a 1 $\frac{7}{8}$ inch minimum diameter for Centennial Russet variety potatoes grown in Area No. 2 of Colorado. The size requirement for Centennial Russets had been larger than the requirement for similar long varieties. The change recognized the similarity among all long varieties and provided potato handlers with more marketing flexibility, growers with increased returns, and consumers with a greater supply of potatoes.

EFFECTIVE DATE: January 20, 1998.

FOR FURTHER INFORMATION CONTACT:

Dennis L. West, Northwest Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204; telephone: (503) 326-2724, Fax: (503) 326-7440, or Anne M. Dec, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 205-6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 205-6632.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 97 and Marketing Order No. 948 (7 CFR part 948), both as amended, regulating the handling of Irish potatoes grown in Colorado. The marketing agreement and order are authorized by 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. 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 date of the entry of the ruling.

The interim rule relaxed the size requirement for Centennial Russet variety potatoes grown in Area No. 2 from the current 2 inch minimum diameter or 4-ounce minimum weight to a 1 $\frac{7}{8}$ inch minimum diameter with no minimum weight option. This change enabled handlers to market a larger portion of the crop in fresh market outlets and improved the marketing of Colorado potatoes. Further, all Russet varieties are now required to meet the same size specifications.

Section 948.22 (7 CFR 948.22) authorizes the issuance of regulations for grade, size, quality, maturity, and pack for any variety or varieties of potatoes grown in different portions of the production area during any period.

Section 948.4 of the order defines the counties included in Area No. 2, which is commonly known as the San Luis Valley. The Colorado Potato Administrative Committee, San Luis Valley Office (Area No. 2) (Committee), is the agency responsible for local administration of the Federal marketing order in Area No. 2.

Size regulations for potatoes grown in Area No. 2 are currently in effect under § 948.386. Centennial Russet variety potatoes had to be 2 inches minimum diameter or 4 ounces minimum weight. Other long varieties, which include other Russet varieties, had to be 1 $\frac{7}{8}$ inch minimum diameter with no minimum weight option. The interim final rule amended that section by removing the weight requirement option for Centennial Russets and reducing the minimum diameter requirement for Centennial Russets to 1 $\frac{7}{8}$ inches. Thus, all Russet varieties are now required to meet the same minimum diameter. The Committee unanimously recommended this change at its August 21, 1997, meeting.

When the previous size regulations were established, the Centennial Russet was the dominant variety in the San Luis Valley (Area No. 2), accounting for approximately 65-75 percent of the crop. The other major Russet variety grown in the San Luis Valley was the Russet Burbank, a slimmer potato which was required to meet the 1 $\frac{7}{8}$ inch minimum diameter. Today, the Russet

Burbank has been phased out completely and the Centennial Russet accounts for less than 10 percent of the crop. The Burbank and the Centennial have been replaced by other varieties, including new Russet varieties which have the same bulky features as the Centennial.

The new varieties, however, were required only to meet the 1 7/8 inch minimum diameter, not the 2 inch minimum diameter or 4 ounce minimum weight requirements that Centennial Russets were required to meet. The industry was concerned that Centennial Russets could be misrepresented as one of the new Russet varieties, so as to comply only with the smaller size requirement. The interim final rule, by establishing the same size requirements for all Russet varieties, eliminated that possibility.

Reducing the size requirement allowed handlers to market a larger portion of the Centennial Russet crop in fresh outlets. That change improved the marketing of Colorado potatoes and increased returns to producers.

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.

There are approximately 118 handlers of Colorado Area 2 potatoes who are subject to regulation under the marketing order and approximately 280 producers of Colorado potatoes in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those whose annual receipts are less than \$500,000. The majority of potato producers and handlers regulated under the marketing agreement and order may be classified as small entities.

Section 948.22 of the order authorizes the issuance of handling regulations for potatoes grown in Colorado. The interim final rule relaxed the size requirement for Centennial Russet variety potatoes grown in Area No. 2 from a 2 inch minimum diameter or 4-ounce minimum weight to a 1 7/8 inch minimum diameter with no weight option. This change enabled handlers to market a larger portion of the crop in fresh market outlets and improved the marketing of Colorado potatoes. There is no available information detailing how many potatoes this relaxation allowed to be marketed which could not have been marketed prior to this action.

The rule also eliminated a potential compliance problem, as all Russet varieties are now required to meet the same size specifications. Other Russet varieties were required only to meet the smaller size regulation of 1 7/8 inch diameter. Because some of the new Russet varieties with characteristics very similar to Centennials faced the smaller size requirement and have surpassed Centennials in popularity, there was a possibility that Centennials could have been misrepresented as one of the new Russet varieties.

The only viable alternative to reducing the size requirement for Centennials was to increase the size requirement for all other long potatoes, including all other Russets. The Committee surveyed 270 growers from Area No. 2 concerning the grade and size regulation. Both options for equalizing the size regulations for all long potatoes were included in the survey. The participating growers rejected increasing the size requirements for all other long potatoes, which would have reduced the number of Colorado potatoes on the market, in favor of the size requirement reduction established by the interim final rule.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Colorado potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the August 21, 1997, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. The Committee itself is composed of 12 members, of which 5 are handlers and 7 are producers, the majority of whom are small entities.

Also, the Committee surveyed 270 producers in Area No. 2, the majority of whom are small entities, concerning regulation during the 1997-98 potato shipping season. This rule reflects the outcome of that survey of predominantly small growers.

An interim final rule concerning this action was published in the **Federal Register** on September 26, 1997 (62 FR 50479). Copies of the rule were mailed or sent via facsimile to all Committee

members and Area 2 potato producers and handlers. Finally, the rule was made available through the Internet by the Office of the **Federal Register**. A 60-day comment period was provided. No comments were received.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

PART 948—IRISH POTATOES GROWN IN COLORADO

Accordingly, the interim final rule amending 7 CFR part 948 which was published at 62 FR 50479 on September 26, 1997, is adopted as a final rule without change.

Dated: December 15, 1997.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-13-AD; Amendment 39-10258; AD 97-26-15]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Models 1900, 1900C, and 1900D airplanes (formerly referred to as Beech Models 1900, 1900C, and 1900D airplanes). This AD requires lubricating the main landing gear actuator rod ends and eventually replacing these rod ends with Teflon-lined rod ends. The AD results from reports of in-flight separations of the rod end that attaches the actuator to the arm of the main landing gear drag brace assembly on two of the affected airplanes caused by excessive friction in the rod end bearing. The actions