

period for the prior crop year. Policy cancellation that results solely from transferring to a different insurance provider for a subsequent crop year will not be considered a break in continuous coverage.

\* \* \* \* \*

Signed in Washington, D.C., on July 16, 1998.

**Kenneth D. Ackerman,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 98-23522 Filed 9-1-98; 8:45 am]

BILLING CODE 3410-08-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 905

[Docket No. FV98-905-5 PR]

#### Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Regulation of Fallglo Variety Tangerines

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This rule invites comments on the addition of Fallglo tangerines to the varieties of citrus fruit regulated under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida. The marketing order is administered locally by the Citrus Administrative Committee (committee). This rule would add Fallglo tangerines to the varieties covered under the order. It would also establish minimum grade and size requirements for the Fallglo variety. This rule is intended to assure that the Fallglo tangerines entering fresh market channels are of a size and quality acceptable to consumers. This proposed rule is in the interest of producers, shippers, and consumers.

**DATES:** Comments must be received by September 22, 1998.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; Fax: (202) 205-6632; or E-mail: moabdocketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** William G. Pimental, Marketing

Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883-2276; telephone: (941) 299-4770, Fax: (941) 299-5169; or George Kelhart, Technical Advisor, 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 proposal is issued under Marketing Agreement No. 84 and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the "order." The marketing agreement and order 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 proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposal will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

The order provides for the establishment of grade and size requirements for Florida citrus, with the concurrence of the Secretary. These grade and size requirements are designed to provide fresh markets with citrus fruit of acceptable quality and size. This helps create buyer confidence and contributes to stable marketing conditions. This is in the interest of growers, handlers, and consumers, and is designed to increase returns to Florida citrus growers.

This proposed rule would add Fallglo tangerines to the citrus varieties covered under the order. It would also establish minimum grade and size requirements for the Fallglo variety. This rule is designed to help assure that the size and quality of Fallglo tangerines entering fresh market channels are acceptable to consumers. This action was unanimously recommended by the committee at its meeting on May 22, 1998.

Section 905.5 of the order defines the varieties of fruit regulated under the order and authorizes the addition of other varieties as specified in § 905.4, as recommended by the committee and approved by the Secretary. Section 905.105 contains the changes in varieties that have been made using this authority. This proposal would add Fallglo tangerines to the varieties of citrus fruit regulated under the order by modifying § 905.105.

Fallglo tangerines are a relatively new variety coming into significant commercial production. The committee has been following the production statistics for Fallglo tangerines. During the last four years this variety has experienced rapid production growth. The committee uses a level of a million cartons of production as a measure in considering a variety's commercial significance. In the 1997-98 season, total utilization of Fallglo tangerines approximated 1,157,624 cartons ( $\frac{4}{5}$  bushel). This compares to 465,876 ( $\frac{4}{5}$  bushel) cartons utilized during the 1994-95 season.

Another indicator of commercial significance is the market share held by the variety. For the 1997-98 season, Fallglo tangerines shipped fresh totaled approximately 874,000 cartons ( $\frac{4}{5}$  bushel), or approximately 23 percent of the early tangerine market. As the trees of this variety reach full bearing age and additional plantings begin to bear fruit, the committee expects shipments of Fallglo tangerines to continue to increase and comprise a larger share of the early tangerine market.

The committee believes that the current level of production and shipments is significant enough to

warrant the addition of Fallglo tangerines to the varieties covered under the order. This rule would also establish minimum grade and size requirements for Fallglo tangerines. Section 905.52 of the order, in part, authorizes the committee to recommend minimum grade and size regulations to the Secretary. Section 905.306 of the order's rules and regulations specifies minimum grade and size requirements for different varieties of fresh Florida citrus. Such requirements for domestic shipments are specified in § 905.306 in Table I of paragraph (a), and for export shipments in Table II of paragraph (b).

This rule would amend § 905.306 to add the Fallglo tangerine variety to the list of entries in Table I of paragraph (a), and in Table II of paragraph (b). A minimum grade of U.S. No. 1 as specified in the U.S. Standards for Grades of Florida Tangerines (7 CFR 51.1810 through 51.1837), and a minimum size of  $2\frac{5}{16}$  inches diameter would be established for Fallglo tangerines for both domestic and export shipments.

The committee recommended the minimum size of  $2\frac{5}{16}$  inches diameter for Fallglo tangerines because this variety of tangerine tends to grow larger than the other tangerine varieties regulated at the  $2\frac{1}{16}$  inch minimum diameter, and it can easily attain the larger size. The minimum grade of U.S. No. 1 was recommended by the committee for this variety because tangerines meeting the requirements of this grade are mature, and, while having more cosmetic defects than the higher grades specified in the standards, the defects do not materially detract from the appearance, or the edible or marketing quality of the fruit. All regulated varieties of Florida tangerines, except Honey tangerines, have a minimum U.S. No. 1 grade. Honey tangerines are not regulated at U.S. No. 1 because their skin possesses excessive amounts of green coloring which causes them to exceed the tolerances for that grade defect. Honey tangerines must be at least Florida No. 1 grade, which permits more green coloring than U.S. No. 1. According to the committee, almost all of the Fallglo tangerines shipped fresh in 1997–98 would have met the proposed requirements had they been in effect.

Minimum grade and size requirements for domestic and export shipments of tangerines are designed to prevent shipments of low grade, immature, small sized, or otherwise unsatisfactory fruit from entering fresh market channels. Preventing such shipments helps create buyer confidence in the marketplace and helps

foster stable marketing conditions in the interest of producers.

The committee noted that fresh shipments of Fallglo tangerines had increased from 381,990 cartons ( $\frac{4}{5}$  bushel) in 1994–95 to 874,076 cartons ( $\frac{4}{5}$  bushel) in 1997–98. Total utilization had increased from 465,876  $\frac{4}{5}$  bushel cartons in 1994–95 to 1,157,624  $\frac{4}{5}$  bushel cartons in 1997–98. In the 1997–98 season, approximately 76 percent of the Fallglo tangerine crop was shipped in fresh market channels, representing approximately 23 percent of the early tangerine crop. The committee believes that the current market share and shipment levels justify establishing minimum grade and size requirements for Fallglo tangerines and that these requirements are needed to help assure and maintain acceptable shipments.

The committee further believes that the addition of this variety to those regulated under the order and the establishment of minimum grade and size requirements for Fallglo tangerines will become increasingly important as production and market share increase. The establishment of such requirements for this tangerine variety is expected to help ensure that only fresh fruit of acceptable size and quality reaches consumers in the interest of producers, handlers, and consumers. Experience has shown that providing uniform quality and size acceptable to consumers helps stabilize the market, improves grower returns, and fosters market growth.

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 initial 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 75 tangerine handlers subject to regulation under the order and approximately 11,000 growers of citrus in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (SBA) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those having annual receipts of less than \$500,000 (13 CFR 121.601).

Based on industry and committee data for the 1997–98 season, the average annual free-on-board price for fresh Florida tangerines during the 1997–98 season was around \$12.51 per  $\frac{4}{5}$  bushel carton, and total fresh shipments of early tangerines for the 1997–98 season are estimated at 3.8 million cartons.

Approximately 40 percent of all handlers handled 80 percent of Florida tangerine shipments. In addition, many of these handlers ship other citrus fruit and products that would contribute further to handler receipts. About 80 percent of citrus handlers could be considered small businesses under SBA's definition and about 20 percent of the handlers could be considered large businesses. The majority of Florida citrus handlers, and growers may be classified as small entities.

Under § 905.5 the committee has the authority to recommend to the Secretary the addition of other citrus varieties to those covered under the order. Section 905.52 of the order, in part, authorizes the committee to recommend minimum grade and size regulations to the Secretary. Pursuant to this authority, minimum grade and size requirements for domestic and export shipments are specified for numerous citrus varieties covered under the order. Currently, Fallglo tangerines are not included under the order and no minimum grade and size requirements are established for this variety.

This rule would make changes to §§ 905.105 and 905.306 of the rules and regulations concerning covered varieties and minimum grade and size requirements, respectively. This rule would add Fallglo tangerines to the varieties covered under the order. It would also establish a minimum grade and size requirement for Fallglo tangerines. The establishment of such requirements for this variety would help stabilize the market and improve grower returns by providing uniform quality and size acceptable to consumers.

This regulation would have a positive impact on affected entities. This action is intended to maintain and improve quality. The purpose of this rule would be to improve the quality of fruit entering fresh market channels in the interest of producers, shippers, and consumers. Minimum grade and size requirements for domestic and export shipments of tangerines are designed to prevent shipments of low grade, immature, small sized, or otherwise *unsatisfactory fruit from entering fresh market channels*.

While this rule would establish a minimum grade and size requirement

for Fallglo tangerines, many handlers in the industry have been using these requirements voluntarily. According to the committee, almost all of the Fallglo tangerines shipped fresh in 1997-98 (874,076  $\frac{4}{5}$  bushel cartons) would have met the requirements proposed in this rule (i.e., U.S. No. 1 and  $2\frac{5}{16}$  inches in diameter) had they been in effect. Therefore, this rule should not be overtly restrictive, and the overall effect on costs is expected to be minimal in relation to the benefits expected.

Regarding expected handler inspection costs, three inspection and certification options are being used by Florida citrus handlers regulated under the order. The options are Partners in Quality (PIQ), continuous in-line, and lot inspection. The PIQ inspection option is an audit based quality assurance program between inspection officials of the Fresh Products Branch, F&V, AMS, USDA, and officials from the individual packinghouses. Under PIQ, the packinghouse and inspection officials develop a system of checks along the processing/packing line which demonstrate and document their ability to pack product that meets all applicable requirements. The effectiveness of PIQ is verified through periodic, unannounced audits of each packer's system by USDA-approved auditors. Under the latter two inspection options, the commodity is inspected by Federal or Federal-State inspection officials as packaged product, rather than before packaging by packinghouse officials as with PIQ, and the results are certified. Current costs are \$0.04 cents per carton for PIQ type inspection, \$0.07 cents per carton for continuous in-line inspection, and \$39.00 per hour for lot inspection.

By not setting minimum quality and size regulations, a quantity of poor quality, small sized fruit may reach the

retail market, resulting in consumer dissatisfaction and product substitution. Such a lapse in quality and/or size could result in a price reduction. Preventing such shipments helps create a buyer confidence in the marketplace and helps foster stable marketing conditions in the interest of producers.

A stabilized market that returns a fair price would be beneficial to both small and large growers and handlers. The opportunities and benefits of this rule are expected to be available to all Fallglo tangerine growers and handlers regardless of their size of operation.

This action would not impose any additional reporting or recordkeeping requirements on either small or large citrus 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 proposed rule. However, tangerines must meet the requirements as specified in the U.S. Standards for Grades of Florida Tangerines (7 CFR 51.1810 through 51.1837) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627).

In addition, the committee's meeting was widely publicized throughout the citrus industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the May 22, 1998, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A 20-day comment period is provided to allow interested persons to respond to this proposal. Twenty days is deemed appropriate because handlers are expected to begin shipping Fallglo tangerines in early October and any changes to the regulation implemented as a result of this action should be announced as soon as possible so producers and handlers can plan accordingly. All written comments timely received will be considered before a final determination is made on this matter.

#### List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is proposed to be amended as follows:

#### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 905 continues to read as follows:

**Authority:** 7 U.S.C. 601-674.

2. In § 905.105, paragraph (b) is revised to read as follows:

#### § 905.105 Tangerine and grapefruit classifications.

\* \* \* \* \*

(b) Pursuant to § 905.5(m), the term "variety" or "varieties" includes Sunburst and Fallglo tangerines.

3. Section 905.306 is amended by adding a new entry for Fallglo tangerines in paragraph (a), Table I, and in paragraph (b), Table II, to read as follows:

#### § 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulations.

(a) \* \* \*

TABLE I

Variety	Regulation period	Minimum Grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
* * * * *	* * * * *	* * * * *	* * * * *
Tangerines			
* * * * *	* * * * *	* * * * *	* * * * *
Fallglo .....	On and after 10/1/98 .....	U.S. No. 1 .....	$2\frac{5}{16}$
* * * * *	* * * * *	* * * * *	* * * * *

(b) \* \* \*

TABLE II

Variety	Regulation period	Minimum Grade	Minimum diameter (Inches)
(1)	(2)	(3)	(4)
* Tangerines	*	*	*
* Fallglo .....	On and after 10/1/98 .....	U.S. No. 1 .....	2 <sup>6</sup> / <sub>16</sub>
*	*	*	*

\* \* \* \* \*

Dated: August 26, 1998.

**Robert C. Keeney,***Deputy Administrator, Fruit and Vegetable Programs.*

[FR Doc. 98-23513 Filed 9-1-98; 8:45 am]

BILLING CODE 3410-02-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39****[Docket No. 98-CE-34-AD]****RIN 2120-AA64****Airworthiness Directives; Raytheon Aircraft Company Model 2000 Airplanes****AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Raytheon Aircraft Company (Raytheon) Model 2000 airplanes (commonly referred to as Beech Model 2000 airplanes). The proposed AD would require inspecting the stainless steel fuel line, part number (P/N) 3035737, for chafing against the power lever bracket, P/N 122-940028-1. The proposed AD is the result of a routine inspection of an in-service airplane where chafing on the stainless steel fuel line was noted. Inspections of other aircraft revealed similar chafing. The actions specified by the proposed AD are intended to prevent fuel line chafing caused by interference with the power lever bracket, which could result in fuel leakage and cause a fire in the engine compartment.

**DATES:** Comments must be received on or before October 30, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-34-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Randy Griffith, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4145; facsimile: (316) 946-4407.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed 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, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact

concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-CE-34-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-34-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**Discussion**

The FAA received a field report that a Raytheon Model 2000 airplane had chafed fuel lines. The chafing is caused by the fuel line rubbing against the power lever bracket on each engine. Inspection of other aircraft revealed similar chafing.

**Relevant Service Information**

Raytheon has issued Mandatory Service Bulletin SB.28-3104, Issued: September, 1997, which specifies procedures for inspecting the stainless steel fuel line for chafing and proper clearance between the fuel line and the power lever bracket. If there are signs of chafing, the service bulletin specifies replacing the fuel line and modifying the power lever bracket to provide the necessary clearance to prevent chafing.

**The FAA's Determination**

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced service information, the FAA has determined