

peanut handlers. As with all Federal marketing agreement and order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, as noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

An interim final rule concerning this action was published in the **Federal Register** on August 3, 1998 (63 FR 41182). Copies of that rule were mailed by the Committee's staff to all Committee members and peanut handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register. A 60-day comment period was provided for interested persons to respond to the interim final rule. The comment period ended October 2, 1998, and no comments were received.

After consideration of all relevant material presented, including the information and unanimous 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

7 CFR Part 997

Food grades and standards, Peanuts, Reporting and recordkeeping requirements.

7 CFR Part 998

Marketing agreements, Peanuts, Reporting and recordkeeping requirements.

PART 997—PROVISIONS REGULATING THE QUALITY OF DOMESTICALLY PRODUCED BY PERSONS NOT SUBJECT TO THE PEANUT MARKETING AGREEMENT

PART 998—MARKETING AGREEMENT REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS

Accordingly, the interim final rule amending 7 CFR parts 997 and 998 which was published at 63 FR 41182 on August 3, 1998, is adopted as a final rule without change.

Dated: October 23, 1998.

Larry B. Lace,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98-28972 Filed 10-28-98; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1150

[DA-98-05]

Dairy Promotion and Research Order; Amendment to the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends a provision of the Dairy Promotion and Research Order (Order). The amendment, requested by the National Dairy Promotion and Research Board (Board), which administers the Order, modifies the number of members from geographic regions in accordance with the provisions of the Order in order to best reflect the geographic distribution of milk production volume in the United States.

EFFECTIVE DATE: October 30, 1998.

FOR FURTHER INFORMATION CONTACT: David R. Jamison, Chief, USDA/AMS/Dairy Programs, Promotion and Research Branch, 1400 Independence Avenue, SW, Stop 0233, Room 2734 South Building, Washington, DC 20250-0233, (202) 720-6909, E-Mail address: David_Jamison@usda.gov.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Small businesses in the dairy industry have been defined by the Small Business Administration as those employing less than 500 employees. There are approximately 99,413 dairy farmers subject to the provisions of the Order. Most of the parties subject to the Order are considered small entities.

The Order (7 CFR Part 1150) is authorized under the Dairy and Tobacco Adjustment Act of 1983 (Act), as amended (7 U.S.C. 4501-4513). This rule will modify a provision of the Order by adjusting the number of members representing four geographic regions on the Board to reflect the volume of milk produced within the specified regions. This amendment was requested by the Board to fulfill certain requirements of the Order.

Currently, the Order provides for a 36-member board with members representing 13 geographic regions. Section 1150.131(c) states that the Board is required at least every five years, and not more than every three years, to review the geographic distribution of milk production volume throughout the

United States and if necessary recommend modification of regional representation. The last modification was made in 1994. Section 1150.131(d) of the Order specifies the formula to be used to determine the number of Board seats to represent each of the 13 geographic regions of the country designated in the Order. Under the formula, total milk production for the 48 States for the previous calendar year is divided by 36 to determine a factor of pounds of milk represented by each Board member. The resulting factor is then divided into the pounds of milk produced in each region to determine the number of Board members for each region. The initial Board that was established in 1984 was based on 1983 milk production. The Board was last modified in 1994 based on the 1992 milk production. In 1983, each Board member represented about 3,875 million pounds of the 139,509 million pounds of milk produced in the 48 States. During 1997, total milk production increased to 156,464 million pounds which indicated that each of the Board members would represent 4,346 million pounds of milk.

Based on a review of the 1997 geographic distribution of milk production, the Board has concluded that the number of Board members for four of the 13 geographic regions should be changed. Milk production in Region 2 (California) increased to 27,628 million pounds in 1997 up from 22,084 million pounds in 1992, indicating 6.36 Board members based on 1997 production (27,628 divided by 4,346 = 6.36) compared to 5.24 Board members based on 1992 production (22,084 divided by 4,211 = 5.24). Also, milk production in Region 3 (Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming) increased to 11,929 million pounds in 1997 up from 8,470 in 1992, indicating 2.74 Board members based on 1997 production (11,929 divided by 4,346 = 2.74) compared to 2.01 Board members based on 1992 production (8,470 divided by 4,211 = 2.01). Milk production in Region 6 (Wisconsin) decreased to 22,368 million pounds in 1997 from 24,103 million pounds in 1992, indicating 5.15 Board members based on 1997 production (22,368 divided by 4,346 = 5.15) compared to 5.72 Board members based on 1992 production (24,103 divided by 4,211 = 5.72). Also, milk production in Region 7 (Illinois, Iowa, Missouri, and Nebraska) decreased to 9,699 million pounds from 11,168 million pounds in 1992, indicating 2.23 Board members based on 1997 production (9,699 divided by

4,346 = 2.23) compared to 2.65 Board members based on 1992 production (11,168 divided by 4,211 = 2.65). Thus, the Board proposed that the number of Board members from Region 2 be increased from five to six, that the number of Board members from Region 3 be increased from two to three, that the number of Board members from Region 6 be decreased from six to five, and that the number of Board members from Region 7 be decreased from three to two so that the Board will best reflect the geographic distribution of milk production volume throughout the United States.

This amendment to the Order will not add any burden to regulated parties because they relate to provisions concerning membership of the Board. The amendment will not impose additional reporting or collecting requirements. No relevant Federal rules have been identified that duplicate, overlap, or conflict with the rule.

Accordingly, pursuant to 5 U.S.C. 605(b), the Agricultural Marketing Service has certified that this rule would not have a significant economic impact on a substantial number of small entities.

Prior document in this proceeding: Invitation to Submit Comments on Proposed Amendment to the Order: Issued September 16, 1998; published September 21, 1998 (63 FR 50172).

Executive Order 12866 and the Paperwork Reduction Act

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a 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 authorizes the Order. The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 118 of the Act, any person subject to the Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with the law and request a modification of the Order or to be exempted from the Order. A person subject to an order is afforded the opportunity for a hearing on the petition. After a 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 person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided a complaint is filed not later than 20 days after the date of the entry of the ruling.

In accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35), the forms and reporting and recordkeeping requirements that are included in the Order have been approved previously by the Office of Management and Budget (OMB) and were assigned OMB No. 0581-0093, except for Board members' nominee background information sheets that were assigned OMB No. 0505-0001.

Statement of Consideration

This final rule amends a provision of the Order by adjusting the number of members representing four regions on the Board to best reflect the geographic distribution of milk production volume throughout the United States. Specifically, the number of Board members from Region 2 (California) will increase from five to six; the number of Board members from Region 3 (Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming) will increase from two to three; the number of Board members from Region 6 (Wisconsin) will decrease from six to five; and the number of Board members from Region 7 (Illinois, Iowa, Missouri, and Nebraska) will decrease from three to two. With the adjustments in regional representation, the Board continues to have 36 members representing 13 geographic regions, as is provided in Section 1150.131(a) of the Order.

Notice of proposed rulemaking was given to interested parties and they were afforded an opportunity to file written data, views, or arguments concerning this proposed rule. Two comments were received, representing a dairy management organization and a producer organization. Both comments favored the proposed change.

Dairy Management Inc. (DMI) supported a timely modification to the number of members in four geographical regions to better reflect actual milk production in those specified regions. The Idaho Dairy Products Commission also supported the proposed change.

Section 1150.131 (c) of the Order requires the Board to review the geographic distribution of milk production volume throughout the United States and, if warranted, to recommend to the Secretary a reapportionment of the regions and/or modification of the number of members from regions in order to best reflect the geographic distribution of milk production volume in the United States.

Section 1150.131(d) of the Order specifies the formula to be used to determine the number of Board seats to represent each of the 13 geographic regions of the country designated in the Order. Under the formula, total milk production for the 48 States for the previous calendar year is divided by 36 to determine a factor of pounds of milk represented by each Board member. The resulting factor is then divided into the pounds of milk produced in each region to determine the number of Board members for each region.

The initial Board that was established in 1984 was based on 1983 milk production. The Board was last modified in 1994 based on the 1992 milk production. In 1983, each Board member represented about 3,875 million pounds of the 139,509 million pounds of milk produced in the 48 States. During 1997, total milk production increased to 156,464 million pounds which indicated that each of the Board members would represent 4,346 million pounds of milk.

Based on a review of the 1997 geographic distribution of milk production, the Board concluded that the number of Board members for four of the 13 geographic regions should be changed. Milk production in Region 2 (California) increased to 27,628 million pounds in 1997 up from 22,084 million pounds in 1992, indicating 6.36 Board members based on 1997 production (27,628 divided by 4,346 = 6.36) compared to 5.24 Board members based on 1992 production (22,084 divided by 4,211 = 5.24). Also, milk production in Region 3 (Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming) increased to 11,929 million pounds in 1997 up from 8,470 in 1992, indicating 2.74 Board members based on 1997 production (11,929 divided by 4,346 = 2.74) compared to 2.01 Board members based on 1992 production (8,470 divided by 4,211 = 2.01). Milk production in Region 6 (Wisconsin) decreased to 22,368 million pounds in 1997 from 24,103 million pounds in 1992, indicating 5.15 Board members based on 1997 production (22,368 divided by 4,346 = 5.15) compared to 5.72 Board members based on 1992 production (24,103 divided by 4,211 = 5.72). Also, milk production in Region 7 (Illinois, Iowa, Missouri, and Nebraska) decreased to 9,699 million pounds from 11,168 million pounds in 1992, indicating 2.23 Board members based on 1997 production (9,699 divided by 4,346 = 2.23) compared to 2.65 Board members based on 1992

production (11,168 divided by 4,211 = 2.65).

Accordingly, it is appropriate to adjust the number of Board members for four of the 13 regions: increasing Region 2 from five to six members; increasing Region 3 from two to three; decreasing Region 6 from six to five; and decreasing Region 7 from three to two members. With the member adjustments, the Board will best reflect the most recently available geographic distribution of milk production volume throughout the United States.

It is appropriate to make this final rule effective one day after the date of publication in the **Federal Register**. To allow the appointment of new Board members based on the redistribution, this amendment should be effective before the Secretary of the United States Department of Agriculture makes appointments to fill positions on the Board. Because terms of the existing Board members expire October 31, 1998, these positions should be appointed as soon as possible.

Therefore, good cause exists for making this rule effective less than 30 days from the date of publication in the **Federal Register**. The proposed amendment to the order is made final in this action.

List of Subjects in 7 CFR Part 1150

Dairy products, reporting and recordkeeping requirements, research.

For the reasons set forth in the preamble, 7 CFR part 1150 is amended as follows:

PART 1150—NATIONAL DAIRY PROMOTION AND RESEARCH PROGRAM

1. The authority citation for 7 CFR Part 1150 continues to read as follows:

Authority: 7 U.S.C. 4501–4513.

2. In § 1150.131, paragraphs (a)(2), (a)(3), (a)(6), and (a)(7) are revised to read as follows:

§ 1150.131 Establishment and membership.

(a) * * *

National Dairy Promotion and Research Order—Final Rule

(2) Six members from region number two comprised of the following State: California.

(3) Three members from region number three comprised of the following States: Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming.

* * * * *

(6) Five members from region number six comprised of the following State: Wisconsin.

(7) Two members from region number seven comprised of the following States: Illinois, Iowa, Missouri, and Nebraska.

* * * * *

Dated: October 26, 1998.

Isi A. Siddiqui,

Deputy Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 98–29110 Filed 10–28–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–CE–09–AD; Amendment 39–10864; AD 97–01–01 R1]

RIN 2120–AA64

Airworthiness Directives; The New Piper Aircraft, Inc. PA–24, PA–28R, PA–30, PA–32R, PA–34, and PA–39 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 97–01–01, which currently requires repetitively inspecting the main gear sidebrace studs for cracks on The New Piper Aircraft, Inc. (Piper) Models PA–24, PA–28R, PA–30, PA–32R, PA–34, and PA–39 series airplanes, and replacing any main gear sidebrace stud found cracked. The Federal Aviation Administration (FAA) has approved certain alternative methods of compliance (AMOC) for AD 97–01–01, and has determined that these AMOC's should be incorporated into the AD. This AD will retain all the actions of AD 97–01–01, and will incorporate certain AMOC's as a way of accomplishing the actions specified in AD 97–01–01. The actions specified by this AD are intended to prevent a main landing gear collapse caused by main gear sidebrace stud cracks, which could result in loss of control of the airplane during landing operations.

EFFECTIVE DATE: December 8, 1998.

ADDRESSES: This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 96–CE–09–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. William O. Herderich, Aerospace

Engineer, FAA, Atlanta Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6084; facsimile: (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Piper Models PA–24, PA–28R, PA–30, PA–32R, PA–34, and PA–39 series airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on May 22, 1998 (63 FR 28294). The NPRM proposed to supersede AD 97–01–01, Amendment 39–9872 (62 FR 10, January 2, 1997), which currently requires repetitively inspecting the main gear sidebrace studs for cracks on the above-referenced airplanes, and replacing any main gear sidebrace stud found cracked. The NPRM proposed to retain all the actions of AD 97–01–01, and incorporate certain alternative methods of compliance (AMOC's) as a way of accomplishing the actions specified in AD 97–01–01.

The NPRM was the result of the FAA approving AMOC's for modifying the existing bracket assembly as terminating action for the repetitive inspection requirement of that AD.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The cost impact of this AD will be the same as is currently required by AD 97–01–01. As a courtesy, the FAA is reprinting that cost information in the following paragraphs.

The FAA estimates that 13,200 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 5 workhours per airplane to accomplish the initial inspection, and that the average labor rate is approximately \$60 an hour. Based on