Expenses of $743,215 by the Valencia Orange Administrative Committee are authorized and an assessment rate of $0.032 per carton of Valencia oranges is established for the fiscal year ending on October 31, 1991. Unexpended funds from the 1990-91 fiscal year may be carried over as a reserve.

Robert C. Keeney, Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-30555 Filed 12-31-90; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 910

[Agricultural Marketing Service, USDA]

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to domestic markets during the period from December 30, 1990, through January 5, 1991. Consistent with program objectives, such action is needed to balance the supplies of fresh lemons with the demand for such lemons during the period specified. This action was recommended by the Lemon Administrative Committee (Committee), which is responsible for local administration of the lemon marketing order.

EFFECTIVE DATE: Regulation 750 (7 CFR part 910) is effective for the period from December 30, 1990, through January 5, 1991.

FOR FURTHER INFORMATION CONTACT: Allen Belden, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture (Department), room 2524-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-1533.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 910 (7 CFR part 910), as amended.
regulating the handling of lemons grown in California and Arizona. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities as well as larger ones.

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 70 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,000 lemon producers in the regulated area. 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, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers of producers of California-Arizona lemons may be classified as small entities.

The California-Arizona lemon industry is characterized by a large number of growers located over a wide area. The Committee's estimate of the 1990-91 production is 42,412 cars (one car equals 1,000 cartons, at 38 pounds net weight each), compared to 37,661 cars during the 1989-90 season. The production area is divided into three districts which span California and Arizona. The Committee estimates District 1, central California, 1990-91 production at 6,600 cars compared to the 4,145 cars produced in 1989-90. In District 2, southern California, the crop is expected to be 24,700 cars compared to the 24,292 cars produced last year. In District 3, the California desert and Arizona, the Committee estimates a production of 11,112 cars compared to the 9,436 cars produced last year.

According to the National Agricultural Statistics Service, 1990-91 lemon production is expected to total 40,200 cars, 8 percent above the 1989-90 season and 1 percent more than the crop utilized in 1988-89. This estimate will be reviewed in following weeks to account for losses in the lemon crop due to the recent devastating freeze.

The three basic outlets for California-Arizona lemons are the domestic fresh, export, and processing markets. The domestic (regulated) fresh market is a preferred market for California-Arizona lemons. Based on its crop estimate of 42,412 cars, the Committee estimates that about 42.2 percent of the 1990-91 crop will be utilized in fresh domestic channels (17,900 cars), compared with the 1989-90 total of 16,000 cars, about 44 percent of the total production of 37,661 cars in 1989-90. Fresh exports are projected at 20 percent of the total 1990-91 crop utilization compared with 22 percent in 1989-90. Processed and other uses would account for the residual 37.8 percent compared with 34 percent of the 1989-90 crop.

Volume regulations issued under the authority of the Act and Marketing Order No. 910 are intended to provide benefits to growers and consumers. Reduced fluctuations in supplies and prices result from regulating shipping levels and contribute to a more stable market. The intent of regulation is to achieve a more even distribution of lemons in the market throughout the marketing season and to avoid unreasonable fluctuations in supplies and prices.

Based on the Committee's marketing policy, the crop and market information provided by the Committee, and other information available to the Department, the costs of implementing the regulations are expected to be more than offset by the potential benefits of regulation.

Reporting and recordkeeping requirements under the lemon marketing order are required by the Committee from handlers of lemons. However, handlers in turn may require individual growers to utilize certain reporting and recordkeeping practices to enable handlers to carry out their functions. Costs incurred by handlers in connection with recordkeeping and reporting requirements may be passed on to growers.

The Committee submitted its marketing policy for the 1990-91 season to the Department on June 19. The marketing policy discussed, among other things, the potential use of volume and size regulations for the ensuing season. The Committee considered the use of volume regulation for the season. This marketing policy is available from the Committee or Ms. Rodriguez. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate.

The Committee met publicly on December 23, 1990, in Newhall, California, to consider the current and prospective conditions of supply and demand and, by an 8 to 1 vote, recommended that 375,000 cartons is the quantity of lemons deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations were compiled by the Committee's staff or presented by Committee members at the meeting.

This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, the preceding week's shipments and shipments to date, crop conditions, weather and transportation conditions, and a reevaluation of the prior week's recommendation in view of the above.

The Department reviewed the Committee's recommendation in light of the Committee's projections as set forth in its 1990-91 marketing policy. This recommended amount is 76,000 cartons above the estimated projections in the Committee's current shipping schedule.

During the week ending on December 22, 1990, shipments of lemons to fresh domestic markets, including Canada, totaled 341,000 cartons compared with 312,000 cartons shipped during the week ending on December 23, 1989. Export shipments totaled 93,000 cartons compared with 119,000 cartons shipped during the week ending on December 23, 1989. Processing and other uses accounted for 423,000 cartons compared with 284,000 cartons shipped during the week ending on December 23, 1989.

Fresh domestic shipments to date for the 1990-91 season total 6,405,000 cartons compared with 6,169,000 cartons shipped by this time during the 1989-90 season. Export shipments totaled 2,976,000 cartons compared with 3,131,000 cartons shipped by this time during 1989-90. Processing and other use shipments total 6,300,000 cartons compared with 4,499,000 cartons shipped by this time during 1989-90.

For the week ending on December 22, 1990, regulated shipments of lemons to the fresh domestic market were 341,000 cartons on an adjusted allotment of 285,000 cartons, resulting in overshipments of 56,000 cartons.

Regulated shipments for the current week (December 23 through December...
910.1050 Lemon Regulation 750.

The quantity of lemons grown in California and Arizona which may be handled during the period from December 30, 1990, through January 5, 1991, is established at 375,000 cartons.

Dated: December 27, 1990.

Robert C. Keeney,
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-30621 Filed 12-28-90; 10:39 am]

BILLING CODE 3410-32-M

7 CFR Part 1230

[No. LS-89-106]

Pork Promotion and Research

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination; final rule.

SUMMARY: The purpose of this final rule is to (1) terminate the provision of the Pork Promotion, Research, and Consumer Information Order (Order) containing a schedule for remittance of assessments on sales of porcine animals to the National Pork Board (Board), and (2) issue a remittance schedule in the regulations which implement the Order provisions. This new remittance schedule allows a 15-day time period for remittance of assessments rather than the 10-day period contained in the current schedule. In addition, a marketing period of any consecutive 4-week period can be used as an alternative to the currently specified monthly marketing period. These changes will facilitate the remittance of pork assessments by purchasers of porcine animals.


ADDRESSES: Ralph L. Tapp, Chief, Marketing Programs Branch; Livestock and Seed Division; AMS-USDA, Room 2624-S; P.O. Box 96456; Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch—202/382-1115.

SUPPLEMENTARY INFORMATION: This final action was reviewed under Executive Order No. 12291 and Departmental Regulation 1512-1 and has been determined to be a nonmajor rule under the criteria contained therein.

This action also was reviewed under the Regulatory Flexibility Act (5 U.S.C. 601-612). Many producers and collecting persons subject to the Order may be classified as small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action would not have a significant economic impact on a substantial number of small entities. These changes will make the remittance requirements less restrictive, greatly facilitate the remittance process, and eliminate the need for some purchasers.
to make costly changes in their
recordkeeping and reporting procedures
in order to avoid incurring late payment
penalties. The information collection
requirements contained in the
provisions of the Pork Promotion,
Research, and Consumer Information
Order, which would be affected by this
action, have been previously approved
by the Office of Management and
Budget (OMB) and have been assigned
OMB control number 0651-0151 In
accordance with the Paperwork
The Pork Promotion, Research, and
Consumer Information Act of 1985 (7
U.S.C. 4801-4819) (Act) approved
December 23, 1985, authorizes the
establishment of a national pork
promotion, research, and consumer
information program. The program is
funded by an assessment rate of 0.25
percent of the market value of all
porcine animals marketed in the United
States and a variable amount of
assessment on imported porcine
animals, pork, and pork products. The
final Order establishing a pork
promotion, research, and consumer
information program was published in
the September 5, 1988, issue of the
Federal Register (51 FR 31966; as
corrected at 51 FR 36368; and amended at
53 FR 19099 and 53 FR 30243).
Assessments began on November 1,
1986.
The Order requires that producers pay
to the Board an assessment of 0.25
percent of the market value of each
porcine animal upon sale. For purposes
of collecting and remitting assessments,
porcine animals are divided into three
separate categories: (1) Feeder pigs, (2)
slaughter hogs, and (3) breeding stock.
The Order specifies that purchasers of
feeder pigs, slaughter hogs, and breeding
stock shall collect an assessment on
these animals if assessments are due.
The Order further provides that for the
purpose of collecting and remitting
assessments, a person engaged as a
commission merchant, an auction
market, or a livestock market in the
business of receiving such procine
animals for sale on commission for or
on behalf of a producer shall be deemed to
be a purchaser.
The procedures for collection and
remittance of assessments are presently
contained in § 1230.71(b) of the Order.
Under that section, purchasers of
porcine animals are required to collect
assessments from producers upon the
sale of porcine animals, if an
assessment is due, and remit such
assessment to the Board. Section
1230.71(b)(1) of the Order contains a
remittance schedule which is based on
the month in which the porcine animals
subject to assessment were marketed
at the Board whichever is earlier.
Purchasers who do not remit
assessments by the dates specified
under the remittance schedule are
subject to a late payment charge
pursuant to § 1230.76 of the Order. As
provided in that section, any assessment
not paid when due shall be increased at
the rate of 1.5 percent per month until
paid.
Based on its experience, since the
assessment collection and remittance
began in November 1986, the Board has
found that a due date for the remittance
of assessments to the Board based on
the 10th day of the month following the
month or quarter in which the porcine
animals were marketed is too
restrictive. It is the Board's view that the
10-day time limit does not allow
sufficient time for many purchasers, i.e.,
meat packers, auction markets,
commission firms, other livestock
market agencies, or individual
producers, to process and remit
assessments without incurring a late
payment charge pursuant to § 1230.76.
According to the Board, this is particularly true for those
purchasers who operate multiple buying
stations in outlying areas. Assessments
collected at the buying stations must be
first sent to the purchaser's
headquarter's office for processing
before being remitted to the Board. This
procedure significantly reduces the
number of days the purchaser has
remaining in the 10-day period in which
to submit the assessments.
Based on records of remittance
receipt dates, it is the Board's
recommendation that assessments be
remitted by the 15th day of the month
following the month in which the
porcine animals were marketed or 15th
day of the month following the end of a
quarter for those purchasers whose
assessments total less than $25 per
month and who choose to submit
assessments on a quarterly basis and
not the 10th day as is presently required.

The Board believes that 15 days will
provide ample time for even those
purchasers with outlying buying stations
to remit assessments by the established
due dates and thus not be subject to late
payment charges.

The Board also believes that there
should be more flexibility in the
timeframes for remittances and
assessments by purchasers. Section
1230.71(b)(4) specifies that the due date
for remitting assessments to the Board
shall be the 10th day of the month
following the month in which the
porcine animals were marketed. Some
purchasers' established business
accounting cycles are based on thirteen
4-week periods rather than twelve
calendar months. Purchasers who close
their books or end an accounting cycle
for a 4-week period on a date which
does not coincide with the ending date
of a calendar month could have
assessments collected from the sales of
porcine animals in two consecutive
months, some of which would be past
due before they closed out their books
for the 4-week period. According to the
Board, such purchasers cannot comply
with a due date based solely on a
calendar month without changing their
established accounting cycles or
establishing separate recordkeeping and
reporting practices which could create
an unnecessary administrative burden
and result in increased operating
expenses.

These changes will not significantly
affect the Board's total monthly receipts
or prevent the Board from meeting its
monthly financial obligations. On
August 13, 1990, AMS published in the
Federal Register (55 FR 32919) a
proposed rule to (1) terminate the
provisions of the Pork Promotion,
Research, and Consumer Information
Order containing a schedule for
remittance of assessments on sales of
porcine animals to the National Pork
Board, and (2) issue a remittance
schedule in the regulations extending
the deadline from 10 to 15 days and
establishing a marketing period of 4
consecutive weeks. The proposed rule
was published with a request for
comments by September 12, 1990.
The Department received four
comments—one from the National Pork
Board, one from a major meat industry
trade association, one from a national
livestock marketing association, and one
from a State livestock marketing
association. All four commenters
favored the proposed change, and they
expressed opinions that the proposed
changes were more consistent with
industry practices, would facilitate
collection and remittance of
assessments, and would help the purchasers avoid late payment charges.

Accordingly, the provisions of § 1230.71(b) of the Order containing the schedule for remittance of assessments on sales of porcine animals to the Board are being terminated. Additionally, this action adopts a revised schedule which provides that assessments of $25 or more per month are due by the 15th day of the month following the month in which the porcine animals were marketed or by the 15th day following the end of a Board-approved consecutive 4-week period in which the porcine animals were marketed.

(b) Assessments totaling less than $25 during each month of a quarter in which the porcine animals were marketed may be accumulated and remitted by the 15th day of the month following the end of a quarter. The quarters shall be: January through March; April through June; July through September; October through December.

(c) Assessments totaling $25 or more during any month of a quarter must be remitted by the 15th day of the month following the month in which the assessments totaled $25 or more, together with any unremitted assessments from the previous month(s) of the quarter, if applicable.

(d) Assessments collected during any calendar quarter and not previously remitted as described in paragraphs (b) or (c) of this section must be remitted by the 15th day of the month following the end of the quarter regardless of the amount.

Done at Washington, DC on December 5, 1990.

Jo Ann R. Smith, Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 90-30559 Filed 12-31-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-CE-72-AD; Amendment 39-6848]

Airworthiness Directives; Certain Aerostar International, Inc. RX and S Series Balloons

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting airworthiness directive (AD) 90-25-09. This AD was previously made effective as to all known U.S. owners and operators of certain Aerostar International, Inc. RX and S series balloons. The AD requires the replacement of all Advanced Fiber Technology (AFT) suspension cables with stainless/galvanized steel suspension cables on Models S-66A and S-77A balloons. It also requires initial and repetitive inspections of these cables and the replacement thereof, if found damaged, on all other model balloons with under 100 hours time-in-service (TIS) on the AFT suspension cables and the replacement upon the accumulation of 100 hours TIS regardless of whether damage is found.

DATES: Effective January 14, 1991, as to all persons except those persons to whom it was made immediately effective by priority letter AD 90-25-09, issued December 4, 1990, which contained this amendment.

ADDRESSES: The applicable service information or replacement cables may be obtained from Aerostar International, Inc., 1813 E. Avenue, P.O. Box 5057, Sioux Falls, South Dakota 57117-5057; Telephone (605) 331-3500; or the applicable service information may be examined in the Regional Rules Docket, FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Mr. Gregory J. Michalk, Chicago Aircraft Certification Office, 2300 E. Devon Avenue, Des Plaines, Illinois 60018; Telephone (312) 694-7335.


For reasons set forth in the preamble, CFR part 1230 is amended as set forth below:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR part 1230 continues to read as follows:


§ 1230.71 [Amended]

2. In § 1230.71 in the introductory text of paragraph (b)(4), the words “in accordance with the following remittance schedule” and paragraphs (b)(4)(i), (ii), (iii), and (iv) are removed and a period added to the end of paragraph (b)(4) introduction text.

3. Section 1230.111 is added under “Assessments” to Subpart B—Rules and Regulations, to read as follows:

§ 1230.111 Remittance of assessments on domestic porcine animals.

Assessments on domestic porcine animals shall be remitted to the National Pork Board pursuant to § 1230.71(b) in accordance with the following remittance schedule.

(a) Monthly assessments totaling $25 or more shall be remitted to the Board by the 15th day of the month following the month in which the porcine animals were marketed or by the 15th day following the end of a Board-approved consecutive 4-week period in which the porcine animals were marketed.

(b) Assessments totaling less than $25 during each month of a quarter in which the porcine animals were marketed may be accumulated and remitted by the 15th day of the month following the end of a quarter. The quarters shall be: January through March; April through June; July through September; October through December.

(c) Assessments totaling $25 or more during any month of a quarter must be remitted by the 15th day of the month following the month in which the assessments totaled $25 or more, together with any unremitted assessments from the previous month(s) of the quarter, if applicable.

(d) Assessments collected during any calendar quarter and not previously remitted as described in paragraphs (b) or (c) of this section must be remitted by the 15th day of the month following the end of the quarter regardless of the amount.

Done at Washington, DC on December 5, 1990.

Jo Ann R. Smith, Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 90-30559 Filed 12-31-90; 8:45 am]

BILLING CODE 3410-02-M