List of Subjects in 7 CFR Part 928

Marketing agreements, Papayas, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 928 is proposed to be amended as follows:

PART 928—PAPAYAS GROWN IN HAWAII

1. The authority citation for 7 CFR part 928 continues to read as follows: Authority: 7 U.S.C. 601–674.

2. Section 928.120 is revised to read as follows:

§ 928.120 Committee reapportionment.

The Papaya Administrative Committee shall consist of 13 members and alternate members. Nine of the members shall represent growers, and three shall represent handlers. Six grower members and their alternates shall represent District 1, one grower member and alternate shall represent District 2, and two grower members and alternates shall represent District 3. No grower organization shall have more than two members on the committee. The three handler members shall be nominated from the production area at large. No handler organization is permitted to have more than one handler member on the committee. One voting public member and alternate shall also be included on the committee. The eligibility requirements and nomination procedures for the public member and alternate are specified in § 928.122.


Kenneth C. Clayton,
Acting Administrator, Agricultural Marketing Service.

FOR FURTHER INFORMATION CONTACT: Gino Tosi, Marketing Specialist, Order Formulation Branch, USDA/AMS/Dairy Programs, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1366; e-mail address Gino.Tosi@usda.gov

Persons requiring a sign language interpreter or other special accommodations should contact David Z. Walker at 440–826–3220; email David.Walker@usda.gov before the hearing begins.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 356 and 357 of Title 5 of the United States Code and, therefore, is exempted from the requirements of Executive Order 12866. Notice is hereby given of a public hearing to be held at the Holiday Inn Express Hotel and Suites/Galaxy Banquet Center, 231 Park Centre Drive, Wadsworth, OH 44281, (330) 334–7666, beginning at 8:30 a.m., on Tuesday, October 23, 2001, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mideast marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to any proposed amendments.

Actions under the Federal milk order program are subject to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This Act seeks to ensure that, within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. For the purpose of the Act, a dairy farm is a "small business" if it has an annual gross revenue of less than $750,000, and a dairy products manufacturer is a "small business" if it has fewer than 50 employees. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The amendments to the rules proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have a retroactive effect. If adopted, the proposed amendments would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing 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. A hearing on the petition is held. After a hearing, the Secretary would rule on the petition.
Proposal No. 4

1. Amend §1033.73 by revising paragraphs (a)(1), (b)(1), and (b)(2) to read as follows:

§1033.73 Payments to producers and to cooperative associations.

(a) * * *

(1) Partial Payment. For each producer who has not discontinued shipments as of the date of this partial payment, payment shall be made so that it is received by each producer on or before the 26th of the month (except as provided in §1000.90) for milk received during the first 15 days of the month from the producer at not less than one hundred ten percent of the lowest announced class price for the preceding month, less proper deductions authorized in writing by the producer.

* * * * *

(b) * * *

(1) Partial Payment to a cooperative association. For bulk fluid milk/skimmed milk received during the first 15 days of the month from a cooperative association in any capacity, except as the operator of a pool plant, the partial payment shall be equal to the hundredweight of milk received multiplied by not less than one hundred and ten percent of the lowest announced price of the preceding month.

(2) Partial payment to a cooperative association for milk transferred from its pool plant. For bulk fluid milk/skimmed milk products received during the first 15 days of the month from a cooperative association in its capacity as the operator of a pool plant, the partial payment shall be at not less than one hundred and ten percent of the lowest announced price of the preceding month.

* * * * *
of March through July.

than eighty percent during the months
diverted to nonpool plants not more
received during the month, the handler
during each of the immediately
preceding months of August through
February shall be a pool plant during
the following months of March through
July unless the milk received at the
plant fails to meet the requirements of
a duly constituted regulatory agency,
the plant fails to meet a shipping
requirement instituted pursuant to
paragraph (g) of this section, or the plant
operator requests nonpool status for the
plant. Such nonpool status shall be
effective on the first day of the month
following the receipt of such request
and thereafter for six consecutive
months, after which the plant must
requalify as a pool plant on the basis
of its deliveries to a pool distributing
plant(s). The automatic pool
qualification of a plant can be waived if
the handler or cooperative requests in
writing to the market administrator the
nonpool status of such plant. The
request must be made prior to the
beginning of any month during the
March through July period. To requalify
as a pool plant, such plant must first
have met the percentage shipping
requirements of paragraph (c) of this
section for six consecutive months.

Proposal No. 8

Amend §1033.7 by revising paragraph
(c)(4) to read as follows:

§1033.7 Pool Plant

(4) A supply plant that meets the
shipping requirements of this paragraph
during each of the immediately
preceding months of August through
February shall be a pool plant during
the following months of March through
July unless the milk received at the
plant fails to meet the requirements of
a duly constituted regulatory agency,
the plant fails to meet a shipping
requirement instituted pursuant to
paragraph (g) of this section, or the plant
operator requests nonpool status for the
plant. Such nonpool status shall be
effective on the first day of the month
following the receipt of such request
and thereafter for six consecutive
months, after which the plant must
requalify as a pool plant on the basis
of its deliveries to a pool distributing
plant(s). The automatic pool
qualification of a plant can be waived if
the handler or cooperative requests in
writing to the market administrator the
nonpool status of such plant. The
request must be made prior to the
beginning of any month during the
March through July period. To requalify
as a pool plant, such plant must first
have met the percentage shipping
requirements of paragraph (c) of this
section for six consecutive months.

Proposal No. 9

1. Amend §1033.13 by revising
paragraph (d)(3) to read as follows:

§1033.13 Producer Milk

(3) Of the quantity of producer milk
physically received during the month,
the handler diverted to nonpool plants
not more than sixty percent during the
months of August through February. Of
the quantity of producer milk physically
received during the month, the handler
diverted to nonpool plants not more
than eighty percent during the months
of March through July.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AEA–26]

Establishment of Class E Airspace;
Fort Meade, MD

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to
establish Class E airspace at Tipton
Airport (FME), Fort Meade, MD. The
development of Standard Instrument
Approach Procedures (SIAP) to serve
flights operating into the airport during
Instrument Flight Rules (IFR) conditions
makes this action necessary. Controlled
airspace extending upward from 700
feet Above Ground Level (AGL) is
needed to contain aircraft executing an
approach. The area would be depicted
on aeronautical charts for pilot
reference.

DATES: Comments must be received on
or before October 29, 2001.

ADDRESSES: Send comments on the
proposal in triplicate to: Manager,
Airspace Branch, AEA–520, Docket No.
01–AEA–26, F.A.A. Eastern Region, 1
Aviation Plaza, Jamaica, NY, 11434–
4809.

The official docket may be examined in
the Office of the Regional Counsel,
AEA–7, F.A.A. Eastern Region, 1
Aviation Plaza, Jamaica, NY, 11434–
4809.

An informal docket may also be
determined during normal business hours in
the Airspace Branch, AEA–520,
F.A.A. Eastern Region, 1 Aviation Plaza,
Jamaica, NY, 11434–4809.

FOR FURTHER INFORMATION CONTACT:
Mr. Francis T. Jordan, Jr., Airspace
Specialist, Airspace Branch, AEA–520.
F.A.A. Eastern Region, 1 Aviation Plaza,
Jamaica, NY, 11434–4809; telephone:
(718) 553–4521.

SUPPLEMENTARY INFORMATION:
Comments Invited

Interested parties are invited to
participate in this proposed rulemaking
by submitting such written data, views,
or arguments as they may desire.
Comments that provide the factual basis
supporting the views and suggestions
presented are particularly helpful in
developing reasoned regulatory
decisions on the proposal. Comments
are specifically invited on the overall
regulatory, economic, environmental,
and energy-related aspects of the
proposal. Communications should
identify the airspace docket number and
be submitted in triplicate to the address
listed above. Commenters wishing the
FAA to acknowledge receipt of their
comments on this action must submit
with those comments a self-addressed,
stamped postcard on which the
following statement is made:
“Comments to Airspace Docket No.
01–AEA–26”. The postcard will be date/
time stamped and returned to the
commenter. All communications
received on or before the closing date
for comments will be considered before