considered the economic impact of this rule on small entities.

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 the 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 orientation and compatibility.

There are approximately 250 producers of Florida tomatoes under this marketing order, and approximately 50 handlers. 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 $5,000,000. The majority of Florida tomato producers and handlers may be classified as small entities.

The budget of expenses for the 1994–95 fiscal period was prepared by the Florida Tomato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers of Florida tomatoes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Florida tomatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met September 8, 1994, and unanimously recommended a 1994–95 budget of $2,215,000, $467,000 less than the previous year. Budget items for 1994–95 which have increased compared to those budgeted for 1993–94 (in parentheses) are: Office salaries, $297,300 ($276,000); depreciation, $18,200 ($16,200); communications, $12,000 ($10,000); employee's retirement program, $46,600 ($37,300); insurance and bonds, $7,000 ($5,000); office rent, $24,700 ($22,600); social security tax, $20,000 ($19,000); supplies and printing, $7,500 ($6,500); and audit, $2,500 ($2,300); Items which have decreased compared to those budgeted for 1993–94 (in parentheses) are: Research expense, $192,100 ($200,000); and education and promotion expense, $1,500,000 ($2,000,000). All other items are budgeted at last year's amounts.

The Committee also unanimously recommended an assessment rate of $0.04 per 25-pound container, the same as last year. This rate, when applied to anticipated shipments of 55,000,000 25-pound containers, will yield $2,200,000 in assessment income. This, along with $15,000 in interest and other income, will be adequate to cover budgeted expenses.

An interim final rule was published in the **Federal Register** on November 3, 1994 (59 FR 55020). That interim final rule added § 966.232 to authorize expenses and establish an assessment rate for the Committee. That rule provided that interested persons could file comments through December 5, 1994. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations 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.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1994–95 fiscal period began on August 1, 1994. The marketing order requires that the rate of assessment for the fiscal period apply to all assessable tomatoes handled during the fiscal period. In addition, handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and published in the **Federal Register** as an interim final rule.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

Accordingly, the interim final rule amending 7 CFR part 966 which was published at 59 FR 55020 on November 3, 1994, is adopted as a final rule without change.

Dated: December 27, 1994.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–32288 Filed 12–30–94; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–227–AD; Amendment 39–9114; AD 95–01–03]

Airworthiness Directives; Dassault Aviation Model Mystere-Falcon 50 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Dassault Aviation Model Mystere-Falcon 50 series airplanes. This action requires measurement of the clearance between the electrical bundles in the left-hand cabinet of the electrical panel and the counterbalancing actuator of the passenger door, and rerouting and clamping the wire bundles, if necessary. This amendment is prompted by a report of damage of the wire bundles between the actuator of the passenger door and the left-hand cabinet of the electrical panel. The actions specified in this AD are intended to prevent an electrical fire due to damage of the electrical wire bundles.

DATES: Effective on January 18, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of January 18, 1995.

Comments for inclusion in the Rules Docket must be received on or before March 6, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–227–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Falcon Jet Corporation, P.O. Box 967, Little Rock, Arkansas 72203–0967. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Dassault Aviation Model Mystere-Falcon 50 series airplanes. The DGAC advises that it has received a report of damage of the wire bundles between the actuator of the passenger door and the left-hand cabinet of the electrical panel. Investigation revealed that the cause of this damage may be attributed to insufficient clearance between the left-hand cabinet and the counterbalancing actuator of the passenger door. This condition, if not corrected, could result in the potential for an electrical fire due to damage of the electrical wire bundles.

Dassault Aviation has issued Alert Service Bulletin F50–A243 (F50–A39–1), Revision 1, dated November 10, 1994, which describes procedures for measuring the clearance between the electrical bundles in the left-hand cabinet and the counterbalancing actuator of the passenger door, and rerouting and clamping the wire bundles if the clearance is outside the limits specified in the alert service bulletin. The French DGAC classified this alert service bulletin as mandatory and issued French airworthiness directive 94–238–015(B), dated November 9, 1994, in order to assure the continued airworthiness of these airplanes in France.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the French DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the French DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent an electrical fire due to damage of the electrical wire bundles. This AD requires measurement of the clearance between the electrical bundles in the left-hand cabinet and the counterbalancing actuator of the passenger door, and rerouting and clamping of the wire bundles, if necessary. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this rule to clarify this requirement.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–227–AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the

Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95–01–03 Dassault Aviation: Amendment 39–9114. Docket 94–NM–227–AD.

Applicability: Model Mystere-Falcon 50 series airplanes having serial numbers 2 through 232 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent an electrical fire due to damage of the electrical wire bundles, accomplish the following:

(a) Within 20 days after the effective date of this AD, measure the clearance between the electrical bundles in the left-hand cabinet and the counterbalancing actuator of the passenger door, in accordance with Dassault Aviation Alert Service Bulletin F50–A243 (F50–A39–1), Revision 1, dated November 10, 1994.

(1) If the clearances are within the limits specified in the alert service bulletin, no further action is required by this AD.

(2) If the clearances are outside the limits specified in the alert service bulletin, prior to further flight, reroute and clamp the wire bundles in accordance with the alert service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The measuring, rerouting, and clamping shall be done in accordance with Dassault Aviation Alert Service Bulletin F50–A243 (F50–A39–1), Revision 1, dated November 10, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Falcon Jet Corporation, P.O. Box 967, Little Rock, Arkansas 72203–0967. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on January 18, 1995.

Issued in Renton, Washington, on December 22, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–32036 Filed 12–30–94; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34–35151]

Delegation of Authority

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (''Commission'') is amending Rule 30–3 of the Rules of Practice and Investigations to delegate to the Director of the Division of Market Regulation (''Division'') certain functions relating to proposed bylaw and rule changes filed by the Securities Investor Protection Corporation (''SIPC''). This amendment is intended to conserve the Commission's resources and to relieve the Commission of the burden of considering routine matters relating to SIPC's operation.

EFFECTIVE DATE: January 3, 1995.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, 202/942–0132, Harry Melamed, 202/942–0134, or Elizabeth K. King, 202/942–0140.

SUPPLEMENTARY INFORMATION:

I. Introduction

Sections 3(e)(1) and 3(e)(2) of the Securities Investor Protection Act of 1970 (''SIPA'') require SIPC to file proposed bylaw and rule amendments with the Commission, and require, among other things, the Commission to publish proposed rule amendments and certain proposed bylaw amendments. Because most proposed bylaw amendments are routine and do not merit the Commissions's attention, and because publication of proposed rule changes, along with certain proposed bylaw changes, is statutorily required, the Commission is delegating certain of the functions relating to the proposed bylaw and rule change filings to the Director of the Division.

II. Requirement Under SIPA Regarding Bylaw and Rule Changes Proposed by SIPC

Section 3(e)(1) of SIPA requires SIPC to file any proposed bylaw change with the Commission. Such a proposed bylaw amendment becomes effective thirty days after the date it is filed, unless the Commission either notifies SIPC that it disapproves the proposed bylaw change as being contrary to the public interest or to the purposes of SIPA, or that it has found that the proposed bylaw change involves matters of significant public interest. The Commission also has the authority to designate an effective date earlier than 30 days after filing. In those instances in which the Commission notifies SIPC that the proposed bylaw amendment involves matters of significant public interest, the Commission may, in accordance with the procedures set forth in section 3(e)(2) of SIPA, publish notice of the proposed bylaw amendment and provide opportunity for public comment. After public comment, the proposed bylaw change becomes effective only after it is approved by the Commission, or otherwise is permitted to become effective under section 3(e)(2) of SIPA.

SIPC, under section 3(e)(2) of SIPA, also must file proposed rule amendments with the Commission. The Commission is required to publish notices of proposed rule amendments and provide an opportunity for the public to comment. The proposed rule change may not take effect unless it is approved by the Commission, or otherwise is permitted to become effective under section 3(e)(2) of SIPA.