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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Doc. No. AMS–FV–12–0051; FV12–966–1 IR]

Tomatoes Grown in Florida; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule decreases the assessment rate established for the Florida Tomato Committee (Committee) for the 2012–13 and subsequent fiscal periods from $0.037 to $0.024 per 25-pound carton of tomatoes handled. The Committee locally administers the marketing order which regulates the handling of tomatoes grown in Florida. Assessments upon Florida tomato handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective February 11, 2013. Comments received by April 9, 2013, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: http://www.regulations.gov. Comments should reference the document number and the date and page number of this issue of the Federal Register and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: http://www.regulations.gov. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Corey Elliott, Marketing Specialist or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: Corey.Elliott@ams.usda.gov or Christian.Nissen@ams.usda.gov.

Small businesses may request information on complying with this regulation by contacting Laurel May, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: Laurel.May@ams.usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR part 966), regulating the handling of tomatoes grown in Florida. Assessments upon Florida tomato handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

This rule decreases the assessment rate established for the Committee for the 2012–13 and subsequent fiscal periods from $0.037 per 25-pound carton to $0.024 per 25-pound carton of Florida tomatoes. The Florida tomato marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers of Florida tomatoes. They are familiar with the Committee’s needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2011–12 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information available to the Committee.

The Act provides that the assessment rates are to be decreased only if there is a decrease in the cost of production, which is determined by the Committee. The Committee met on August 22, 2012, and unanimously recommended 2012–13 expenditures of $1,672,952 and an assessment rate of $0.024 per 25-pound carton of tomatoes. In comparison, last year’s budgeted expenditures were $1,561,952. The assessment rate of $0.024 is $0.013 lower than the rate currently in effect. The Committee recommended decreasing the assessment rate by using additional funds from reserves to help reduce overall industry costs.
The major expenditures recommended by the Committee for the 2012–13 year include $750,000 for education and promotion, $436,372 for salaries, $250,000 for research, $66,000 for office rent, and $48,000 for employee health insurance. Budgeted expenses for these items in 2011–12 were $640,500, $436,372, $250,000, $64,000 and $48,000, respectively.

The assessment rate recommended by the Committee was derived by reviewing anticipated expenses, shipments, funds from block grants, interest income, and available reserves. Florida tomato shipments for the year are estimated at 35 million 25-pound cartons which should provide $840,000 in assessment income. Income derived from handler assessments, along with funds from the Committee’s authorized reserve, interest income, and funds from block grants, will be adequate to cover budgeted expenses. Funds in the reserve (currently $729,000) will be kept within the maximum permitted by the order of not to exceed one fiscal period’s expenses as authorized in §966.44.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule 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 the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 80 handlers of tomatoes in the production area and approximately 100 producers subject to regulation under the marketing order. Small agricultural service firms are defined by the Small Business Administration (SBA) as those whose annual receipts are less than $7,000,000 and small agricultural producers are defined as those having annual receipts less than $750,000 (13 CFR 121.201).

Based on industry and Committee data, the average annual price for fresh Florida tomatoes during the 2011–12 season was approximately $6.62 per 25-pound container, and total fresh shipments for the 2011–12 season were approximately 38,175,363 25-pound cartons of tomatoes. Committee data indicates that approximately 21 percent of the handlers handle 90 percent of the total volume shipped. Based on the average price, about 80 percent of handlers could be considered small businesses under SBA’s definition. In addition, based on production data, grower prices as reported by the National Agricultural Statistics Service, and the total number of Florida tomato growers, the average annual grower revenue is below $750,000. Thus, the majority of handlers and producers of Florida tomatoes may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 2012–13 and subsequent fiscal periods from $0.037 to $0.024 per 25-pound carton of tomatoes. The Committee unanimously recommended 2012–13 expenditures of $1,672,952 and an assessment rate of $0.024 per 25-pound carton of tomatoes. The assessment rate of $0.024 is $0.013 lower than the 2011–12 rate. The Committee recommended decreasing the assessment rate by using additional funds from reserves to help reduce overall industry costs. The quantity of assessable tomatoes for the 2012–13 season is estimated at 35 million cartons. Thus, the $0.024 rate should provide $840,000, in assessment income. Income derived from handler assessments, along with funds from the Committee’s authorized reserve, interest income, and funds from block grants, will be adequate to cover budgeted expenses.

Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and
informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. chapter 35), the order’s information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178 Vegetable and Specialty Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either small or large Florida tomato 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.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at:

Marketing Orders Small Business Guide.

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

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 966 continues to read as follows:


2. Section 966.234 is revised to read as follows:

§ 966.234 Assessment rate.

On and after August 1, 2012, an assessment rate of $0.024 per 25-pound carton is established for Florida tomatoes.


David R. Shipman,
Administrator, Agricultural Marketing Service.

[FR Doc. 2013–02816 Filed 2–7–13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; MD Helicopters, Inc., Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for MD Helicopters, Inc. (MDHI) Model 500N, 600N and MD900 helicopters to require determining the cure rate for each NOTAR fan blade tension-torsion strap (T–T strap), establishing a calendar-time retirement life for certain T–T straps, reducing the retirement life of some T–T straps, marking each T–T strap with the expiration date, creating a component record card for each T–T strap, and revising the airworthiness limitations section of the maintenance manual to reflect the changes to the retirement life. This AD was prompted by a report from the T–T strap manufacturer that, over a period of time, moisture may reduce the strength of a T–T strap. The actions are intended to prevent failure of a T–T strap, loss of directional control and subsequent loss of control of the helicopter.

DATES: This AD is effective March 15, 2013.


Exchanging the AD Docket

You may examine the AD docket on the Internet at http://www.regulations.gov or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: John Cecil, Aviation Safety Engineer, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627–5228; email john.cecil@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

On July 19, 2012, at 77 FR 42459, the Federal Register published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to MDHI Model 500N and 600N helicopters with a NOTAR fan blade T–T strap part number (P/N) 500N5311–5 and MDHI Model MD900 helicopters with a T–T strap, P/N 900R342009–101, P/N 900R3442009–103, or P/N