

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.*

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#### 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.