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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 10

Classification, Declassification, and Safeguarding of Classified Information

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This final rule removes the Department of Agriculture (hereinafter "USDA") regulation on classification, declassification, and safeguarding of classified information. This regulation is unnecessary because no requests to declassify documents have been made by the public since it was placed in the Federal Register on March 18, 1983. This action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

EFFECTIVE DATE: June 17, 1996.

FOR FURTHER INFORMATION CONTACT:

Mr. James A. Long, Jr., Acting Department Security Officer, Department of Agriculture, AG Box 9616, Washington, D.C. 20250-9616, telephone (202) 720-8313, FAX (202) 690-0681.

SUPPLEMENTARY INFORMATION: On April 17, 1995, the President signed Executive Order 12958, "Classified National Security Information," which revoked Executive Order 12356 effective October 16, 1995. Executive Order 12958 requires publication in the Federal Register regulations regarding an agency program for classifying, safeguarding, and declassifying national security information that "affect members of the public." We do not believe that publication is necessary because they do not affect members of the public. Since 1983, the only requests to review classified documents have come to us from other government departments or agencies. No requests have been

received from the public. The removal of 7 CFR Part 10 eliminates a regulation which encompasses 6 pages of the CFR. The Acting Director of Human Resources Management has determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation is being removed.

PART 10—CLASSIFICATION, DECLASSIFICATION, AND SAFEGUARDING CLASSIFIED INFORMATION

7 CFR Part 10 is removed.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 96-15233 Filed 6-14-96; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 922

[Docket No. FV96-922-1IFR]

Apricots Grown in Designated Counties in Washington; Temporary Suspension of Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule suspends, for the 1996 season only, the minimum grade requirements (Washington No. 1) currently in effect for fresh shipments of apricots grown in Washington. This change was recommended by the Washington Apricot Marketing Committee (committee), which works with the Department of Agriculture (Department) in administering the marketing order covering apricots grown in designated counties in Washington. This rule will enable handlers to ship more fruit in fresh market channels, taking into consideration the damage caused to Washington apricots by freezing temperatures during the growing season. This change is expected to increase returns to producers and to make more fresh apricots available to consumers.

DATES: This interim final rule is effective June 15, 1996. Comments which are received by July 17, 1996, will be considered prior to the issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2525, South Building, P.O. Box 96456, Washington, DC 20090-6456, Fax: (202) 720-5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, Room 369, Portland, OR 97204; telephone: (503) 326-2724; or Britthany E. Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-5331.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 132 and Marketing Order No. 922 [7 CFR Part 922], both as amended, regulating the handling of apricots grown in designated counties in Washington, hereinafter referred to as the "order." The order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the "act." The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the act, any handler subject to an order may file 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 law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for

a hearing on the petition. After the hearing the Secretary would rule on the petition. The act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action 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 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 75 handlers of Washington apricots who are subject to regulation under the order and approximately 400 producers in the regulated area. Small agricultural service firms, which includes handlers of Washington apricots, have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those whose annual receipts are less than \$500,000. The majority of Washington apricot handlers and producers may be classified as small entities.

Section 922.52 of the order authorizes the issuance of grade, size, quality, maturity, container markings, pack, and container regulations for any variety or varieties of apricots grown in any district or districts of the production area. Section 922.53 further authorizes the modification, suspension, or termination of regulations issued under § 922.52. Section 922.55 provides that whenever apricots are regulated pursuant to §§ 922.52 or 922.53, such apricots must be inspected by the Federal-State Inspection Service, and certified as meeting the applicable requirements of such regulations.

Minimum grade, maturity, color, and size requirements for Washington apricots regulated under the order are specified in § 922.321 *Apricot Regulation* 21 [7 CFR 922.321]. Section 922.321 provides that no handler shall handle any container of apricots unless such apricots grade not less than Washington No. 1, except for shipments

subject to exemption under the regulation. In addition, the section provides that the Moorpark variety in open containers must be generally well matured. Also, that section provides that, with the exception of exempt shipments, apricots must be at least reasonably uniform in color, and be at least 1 $\frac{5}{8}$ inches in diameter, except for the Blenheim, Blenril, and Tilton varieties which must be at least 1 $\frac{1}{4}$ inches in diameter. Individual shipments of apricots are exempt from these requirements if sold for home use only, do not exceed 500 pounds net weight, and containers are stamped or marked with the words "not for resale."

This rule amends paragraph (a)(1) of § 922.321 by temporarily suspending the minimum grade requirements for fresh shipments of apricots for the 1996 season only. The grade requirements currently specified in § 922.321 will resume April 1, 1997, for 1997 and future seasons.

At its May 16, 1996, meeting, the committee unanimously recommended suspending the grade requirements for the 1996 season. The committee requested that this suspension be effective by June 15, the date shipments of the 1996 Washington apricot crop are expected to begin.

The committee meets prior to and during each season to consider recommendations for modification, suspension, or termination of the regulatory requirements for Washington apricots which have been issued on a continuing basis. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department reviews committee recommendations and information submitted by the committee and other available information, and determines whether modification, suspension, or termination of the regulatory requirements would tend to effectuate the declared policy of the act.

The committee reports that the apricot crop was severely damaged by several freezes last winter and early this spring. The severe weather conditions resulted in a high percentage of damage from russetting, scab spots, and other grade defects making it difficult for apricots to meet the minimum grade requirements of Washington No. 1. The committee estimates that only 2,300 tons of apricots will be shipped fresh during the 1996 season, even with the grade requirements suspended as requested. This amount is 52 percent of last season's fresh shipments of 4,452 tons and 46 percent of the five-year average of 4,965 tons.

This rule suspends only the grade requirements specified in § 922.321.

Thus, the color and minimum size requirements for all varieties and the well matured requirements for the Moorpark variety will remain unchanged.

This rule will enable handlers to ship a larger portion of their crop to the fresh market this season, taking into account the abnormal growing conditions, than they would be allowed if the minimum grade requirements were not suspended. Suspension of the grade requirements for Washington apricots is intended to increase fresh shipments to meet consumer needs and improve returns to producers. It is the Department's view that the impact of this action upon producers and handlers, both large and small, will be beneficial because it will enable handlers to provide apricots consistent with 1996 season growing conditions. Therefore, 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 material presented, the information and recommendation submitted by the committee, and other available information, it is found that suspending the minimum grade requirements, as set forth in this rule, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) This rule suspends the current grade requirements for Washington apricots; (2) this rule was unanimously recommended by the committee at an open public meeting and all interested persons had an opportunity to express their views and provide input; (3) Washington apricot handlers are aware of this rule and need no additional time to comply with the relaxed requirements; (4) this rule should be in effect by June 15, 1996, the date 1996 season shipments of the Washington apricot crop are expected to begin, and this action should apply to the entire season's shipments; and (5) this rule provides a 30-day comment period, and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 922

Marketing agreements, Apricots, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 922 is amended as follows:

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

1. The authority citation for 7 CFR Part 922 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 922.321 is amended by revising paragraph (a)(1) to read as follows:

§ 922.321 Apricot Regulation 21.

(a) * * *

(1) *Minimum grade and maturity requirements.* Such apricots that grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided*, That the grade requirement shall not apply to apricots handled from June 15, 1996, through March 31, 1997; *Provided further*, That such apricots of the Moorpark variety in open containers shall be generally well matured; and

* * * * *

Dated: June 12, 1996.

Sharon Bomer Lauritsen,
Deputy Director, Fruit and Vegetable Division.
[FR Doc. 96–15350 Filed 6–14–96; 8:45 am]
BILLING CODE 3410–02–P

7 CFR Part 929

[Docket No. FV–96–929–1FR]

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Change in Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule modifies language in the cranberry marketing order's rules and regulations to change the first date by which handlers must file their acquisition reports from February 5 to January 5 during each crop year. This rule will provide more useful production information to the cranberry industry at an earlier time and is based on a recommendation of the Cranberry Marketing Committee (Committee), which is responsible for local administration of the order.

EFFECTIVE DATE: This final rule becomes effective July 17, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kathleen M. Finn, Marketing Specialists, Marketing Order

Administration Branch, F&V, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–1509, Fax # (202) 720–5698.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 929 (7 CFR Part 929), as amended, regulating the handling of cranberries grown in 10 States, hereinafter referred to as the “order.” The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.”

The Department of Agriculture (Department) is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file 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 law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary will rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action 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 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 15 handlers of cranberries who are subject to

regulation under the marketing order and approximately 1,100 producers of cranberries in the regulated area. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those having annual receipts of less than \$500,000. A majority of handlers and producers of cranberries may be classified as small entities.

This rule modifies the language in the order's rules and regulations to change the first date by which handlers must file their acquisition reports from February 5 to January 5. The committee unanimously recommended that the date be changed from February 5 to January 1. The Department proposed modifying the recommendation by requiring the first report to be filed by January 5 in order to allow sufficient time for the handlers to file the reports.

Section 929.62(b) of the cranberry marketing order provides authority to require each handler to file promptly with the committee a certified report as to the quantity of cranberries acquired during such period as may be specified. The fiscal period under the order is from September 1 of one year through August 31 of the following year. Section 929.105(b) of the order's rules and regulations prescribe that certified reports shall be filed by each handler to the committee not later than the 5th day of February, May, and August of each fiscal period and the 5th day of September of the succeeding fiscal period. Such report shall show the total quantity of cranberries the handler acquired and the total quantity of cranberries the handler handled from the beginning of the reporting period indicated through January 31, April 30, July 31, and August 31, respectively.

The committee recommended that the first acquisition report due to the committee on February 5 that shows the total quantity of cranberries the handler acquired through January 31 be changed to an earlier date. This will provide producers and handlers vital production information earlier in the season and allow them to plan accordingly. The order's reporting and recordkeeping requirements have not been amended since 1988. Handlers' techniques in gathering and recording acquisition data have progressed considerably over the last seven years. Handlers have indicated that they could provide the committee with an acquisition report prior to January 1 of the crop year.

Therefore, the committee recommended that section 929.105(b) be revised by changing the first reporting