

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 911 and 944

[Docket No. FV97-911-1B PR]

#### Limes Grown in Florida and Imported Limes; Reopening of Comment Period on Proposed Rule

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Reopening of comment period.

**SUMMARY:** This rule reopens the period for filing written comments on proposed changes to the minimum size requirements currently prescribed under the lime marketing order and the lime import regulations. The proposed rule covered two proposed changes to the regulations. One proposed change would increase the minimum size requirement from 1 7/8 to 2 inches in diameter for the month of June, which would result in the 2 inch minimum being required from January 1 through June 30 of each year. The comment period is only being reopened to solicit comments on the proposal to increase the minimum size. Changes in import requirements would be necessary under section 8e of the Agricultural Marketing Agreement Act of 1937. The other proposed change would revoke the temporary suspension and thereby maintain continuous, year round, implementation of regulations. An interim final rule with an opportunity for comments is being published separately concerning the suspension.

**DATES:** Comments regarding the minimum size requirements must be received by July 7, 1997.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this reopened action. Comments must be sent in triplicate to the Docket Clerk, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2525-S, P.O. Box 96456, Washington, DC 20090-6456, FAX:

(202) 720-5698. Comments should reference the docket number, 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:

Aleck Jonas, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P. O. Box 2276, Winter Haven, Florida 33883; telephone: (941) 299-4770, FAX: (941) 299-5169; or Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2530-S., P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, or FAX (202) 720-5698.

**SUPPLEMENTARY INFORMATION:** The proposed rule was issued under Marketing Agreement No. 126 and Marketing Order No. 911 [7 CFR Part 911], both as amended, regulating the handling of limes, hereinafter referred to as the "order." The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The proposed rule was also issued under section 8e of the Act, which provides that whenever certain specified commodities, including limes, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The proposed rule was issued on April 25, 1997, and published in the April 29, 1997, issue of the **Federal Register** (62 FR 23185). It proposed amending §§ 911.311, 911.329, 911.344 of the regulations by removing a scheduled June 1, 1997, through December 31, 1997, suspension of regulations maintaining continuous, year round, handling regulations. This portion of the proposed rule is being handled under a separate rulemaking action.

The rule also proposed amending § 911.344 of the order's rules and regulations by increasing the minimum size requirement from 1 7/8 inches to 2

inches in diameter for the month of June. The proposed size increase also would apply to imports, consistent with 8e of the Act. The comment period for this portion of the rule is being reopened for 30 days by this action.

Two comments were filed requesting an extension of time to file comments. One comment was from a Mexican exporter and the other from a Mexican exporters' and packers' union of limes. Both requested that the comment period be extended so that they could adequately analyze the proposal and its impact on their businesses. One commenter requested a 30-day and the other a 90-day extension with one concluding that the proposal would have a negative effect on its business and the other noting that the proposal would have a direct effect on its business.

In light of these comments, the Department has determined that it is in the public interest to reopen the comment period on the proposed rule as it pertains to increasing the minimum size. A 30-day extension is deemed appropriate. A 30-day comment period on the proposal has already been provided. Such action will provide interested persons the opportunity to review the rule and submit additional written views and information pertinent to the potential effect of the action on the lime industry. Accordingly, the comment period is reopened to July 7, 1997.

#### List of Subjects

##### 7 CFR Part 911

Limes, Marketing agreements, Reporting and recordkeeping requirements.

##### 7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

**Authority:** 7 U.S.C. 601-674.

Dated: May 29, 1997.

**Robert C. Keeney,**

*Director, Fruit and Vegetable Division.*

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