Administrator or Director shall be responsible for the programs and activities in APHIS assigned to that Deputy Administrator or Director.

§ 371.12 Concurrent authority and responsibility to the Administrator.

(a) *Delegations that preclude the Administrator or each Deputy Administrator or Director from exercising powers or functions.* No delegation or authorization in this part shall preclude the Administrator or each Deputy Administrator or Director from exercising any of the powers or functions or from performing any of the duties conferred upon each, respectively. Any delegation or authorization is subject, at all times, to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator or Director. The officers to whom authority is delegated in this part shall:

(1) Maintain close working relationships with the officers to whom they report.

(2) Keep them advised with respect to major problems and developments.

(3) Discuss with them proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other Federal agencies, other agencies of the Department, other divisions, staffs, or offices of the agency, or other governmental, private organizations, or groups.

(b) *Prior authorizations and delegations.* All prior delegations and redelegations of authority relating to any function, program, or activity covered by the statement of Organization, Functions, and Delegations of Authority, shall remain in effect except as they are inconsistent with this part or are amended or revoked. Nothing in this part shall affect the validity of any action taken previously under prior delegations or redelegations of authority or assignments of functions.

§ 371.13 Reservation of authority.

The following are reserved to the Administrator, or to the individual designated to act for the Administrator:

(a) The initiation, change, or discontinuance of major program activities.

(b) The issuance of regulations pursuant to law.

(c) The transfer of functions between Deputy Administrators and Directors.

(d) The transfer of funds between Deputy Administrators and Directors.

(e) The transfer of funds between work projects within each Deputy Administrator's or Director's area, except those not exceeding 10 percent of base funds or $50,000 in either work project, whichever is less.

(f) The approval of any change in the formal organization, including a section, its equivalent, or higher level.

(g) The making of recommendations to the Department concerning establishment, consolidation, change in location, or abolishment of any regional, State, area, and other field headquarters, and any region or other program area that involves two or more States, or that crosses State lines.

(h) Authority to establish, consolidate, change a location, abolish any field office, or change program area boundaries not included in paragraph (g) of this section.

(i) Approval of all appointments, promotions, and reassignments at the GS–14 level and above.

(j) Authorization for foreign travel and for attendance at foreign and international meetings, including those held in the United States.

(k) Approval of all appointments, promotions, and reassignments of employees to foreign countries.

(l) Approval of program budgets.

(m) Authority to determine the circumstances under which commuted traveltime allowances may be paid to employees performing inspections and necessary auxiliary services after normal working hours or on holidays, when these services come within the scope of the Act of August 28, 1950 (7 U.S.C. 2260).

§ 371.14 Availability of information and records.

Any person desiring information or to comment on the programs and functions of the agency should address correspondence to the appropriate Deputy Administrator or Director, APHIS, U.S. Department of Agriculture, Washington, DC 20250. The availability of information and records of the agency is governed by the rules and regulations in part 370 of this chapter.

Done in Washington, DC, this 23rd day of December 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–435 Filed 1–7–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 997, 998, and 999

[Docket Nos. FV99–997–2 FIR, FV99–998–1 FIR, and FV99–999–1 FIR]

Domestically Produced and Imported Peanuts; Change in the Maximum Percentage of Foreign Material Allowed Under Quality Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule changing the outgoing quality control requirements currently prescribed under Marketing Agreement No. 146 (Agreement). The Agreement regulates the handling of peanuts grown in 16 States and is administered locally by the Peanut Administrative Committee (Committee). This rule continues to relax the allowance for foreign material to .20 percent from .10 percent in the three ''with splits'' edible grade categories to make them consistent with the other seven edible grade categories, as unanimously recommended by the Committee. The same change continues to apply to peanuts handled by handlers who have not signed the Agreement, and to imported peanuts.

EFFECTIVE DATE: February 9, 2000.

FOR FURTHER INFORMATION CONTACT: George Kelhart, Technical Advisor, of the Marketing Order Administration Branch, FVP, AMS, USDA, Room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698; or Jim Wendland, Marketing Specialist, DCMFO, MOAB, FVP, AMS, USDA, 4700 River Road, Unit 155, Suite 5D03, Riverdale, MD 20737; phone (301) 734–5246, Fax (301) 734–5275 or E-mail: james.wendland@usda.gov. or george.kelhart@usda.gov.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, at the first address above, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 146 (Agreement) (7 CFR part 998), regulating the handling of peanuts grown in 16 States. The Agreement is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Act) (7 U.S.C. 601–674). Also, subparagraph (f)(2) of section 108B of the Agricultural Act of 1949 (7 U.S.C.

1445c3) and section 155 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7271) provide that the Secretary of Agriculture shall require that all peanuts in the domestic and export markets fully comply with all quality requirements under the Agreement. This has been implemented through regulations governing peanuts handled by persons not subject to the Agreement (non-signers program) (7 CFR part 997) and regulations governing imports of peanuts (peanut import regulation) (7 CFR part 999). Thus, the Agreement and the non-signers regulations regulate the quality of domestically produced peanuts and the peanut import regulations regulate the quality of imported peanuts.

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

This rule has been reviewed under Executive Order 12988, 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. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The outgoing quality requirements under the Agreement were changed in August 1998, as unanimously recommended by the Peanut Administrative Committee (Committee). The Committee is responsible for local administration of Marketing Agreement No. 146's quality assurance program in the 16–State peanut production area. The four basic varieties of peanuts produced domestically are: Runners, which account for about 75 percent of total U.S. production; Virginias, which have the largest kernels; Spanish, which have smaller kernels but higher oil content; and Valencias, which are very sweet and are grown mostly in New Mexico. Each of the grades may be certified ''with splits'' (where the two halves have come apart) provided all applicable quality requirements are met. A Sound Split and Broken Kernels tolerance of 15 percent is allowed, of which not more than 3 percent will pass thru a prescribed screen.

At its April 30, 1997, meeting the Committee unanimously recommended that for the 1997 and subsequent crop years the outgoing quality regulation and the terms and conditions of indemnification be amended to provide that all lots of edible quality peanuts be eligible for indemnification. This recommendation was adopted. Prior to 1997 only edible quality peanuts meeting specifications applicable to indemnifiable grades were eligible for indemnification. Basically, this indemnification program insured that if a handler's milled peanuts met the Agreement's requirements when shipped but were later found to be out of compliance, the Committee would provide reimbursement to the handler for those peanuts if a valid claim was submitted.

This modification to § 998.200 (a) of the Agreement removed Table (2) INDEMNIFIABLE GRADES from the Agreement (63 FR 2846; January 16, 1998). The modification inadvertently eliminated the specifications applicable to all nine of the INDEMNIFIABLE GRADE CATEGORIES. The Committee's intent was to cause all edible grade categories of peanuts to be eligible for indemnification benefits, not to eliminate any grade specifications. The Committee therefore unanimously recommended incorporating the last three categories of Table 2—Runner with splits, Virginia with splits, and Spanish and Valencia with splits—into Table 1 which had been retained in § 998.200. That recommendation was finalized and published in the August 23, 1998, issue of the **Federal Register** (63 FR 41323).

However, at that time, the Committee inadvertently did not include a request for modification of the tolerance for foreign material in the three categories which were moved. The foreign material allowance in the three moved categories was .10 percent in the old Table 2. Therefore, these three moved categories were not consistent with the foreign material allowance of the other seven edible peanut categories already listed in the MAXIMUM LIMITATIONS table in § 998.200 of the Agreement. Retaining different allowances would only cause confusion in the industry. Therefore, in order to eliminate any confusion and correct the situation, the Committee unanimously recommended at its March 18, 1999, public meeting to request an increase in the allowance for the three ''with splits'' categories to .20 percent. This would make all 10 edible peanut categories consistent. This rule continues implementation of that recommendation.

The Agricultural Act of 1949 and the Federal Agriculture Improvement and Reform Act of 1996 provide that the Secretary of Agriculture shall require that all peanuts in the domestic and export markets fully comply with all quality requirements under the Agreement. Thus, this action continues to apply to Agreement signer and non-signer handlers, and peanut importers for the remainder of the crop year ending June 30, 2000, and subsequent crop years.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final 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 agreements 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, these statutes have small entity orientation and compatibility. There are approximately 36 peanut handlers and 15 importers who are subject to regulation under the Agreement, the non-signers program, or the peanut import regulation, and approximately 23,000 commercial peanut producers in the 16-State production area. Small agricultural service firms, which include handlers and importers, are 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. Approximately 25 percent of the signatory handlers, less than one-third of the importers, virtually all of the non-signer handlers, and most of the producers may be classified as small entities. In addition, based on the 1998 marketing year average price received by farmers of 25.5¢ per pound times approximately 3.96 billion pounds production results in the value of domestic production totaled about $1.01 billion. Dividing this by approximately 23,000 producers results in an average annual producer revenue of approximately $44,000. Regarding peanut importers, approximately 15 business entities imported peanuts during the 1998 import quota period beginning January 1, 1998, for Mexico, and April 1, 1998, for Argentina and ''other countries'' and both ending 12 months later. They appear to cover a broad range of business entities, including fresh and processed food handlers, and both large and small commodity brokers who buy agricultural products on behalf of others. The majority of peanut importers are believed to be large business entities with annual receipts of over $5,000,000. AMS is not aware of any peanut producers (farmers) who imported peanuts during that quota period. In

view of the foregoing, it can be concluded that the majority of peanut handlers, and producers may be classified as small entities, but not the importers.

This rule continues changes to the outgoing quality regulation of increasing the allowance for foreign material in the three edible categories of peanuts ''with splits'' to .20 percent from .10 percent, to make the allowance for all 10 edible grade categories consistent. The three edible categories are Runner with splits, Virginia with splits, and Spanish and Valencia with splits.

The Agricultural Act of 1949 and the Federal Agriculture Improvement and Reform Act of 1996 provide that the Secretary of Agriculture shall require that all peanuts in the domestic and export markets fully comply with all quality requirements under the Agreement. Thus, this action applies to Agreement signer and non-signer handlers, and peanut importers for the remainder of the crop year ending June 30, 2000, and subsequent crop years.

The Committee discussed alternatives to this rule, including making no change, but unanimously concluded that such alternatives would not be in the best interests of the industry.

This action continues to relax the outgoing quality regulations imposed on all domestic peanut handlers and importers. It is applied uniformly on all peanut handlers and importers, and should tend to reduce their costs slightly since less lots will likely have to be remilled to meet outgoing quality requirements. Also, this relaxation may slightly reduce any reporting and recordkeeping burden on regulated persons. As with all Federal marketing agreement and order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, as noted in the initial regulatory flexibility analysis, the Department has not identified any Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meetings were widely publicized throughout the peanut industry and all interested persons were invited to attend the meetings and participate in deliberations on all issues. Like all Committee meetings, the February 2, 1999, and March 18, 1999, meetings were public meetings and all entities, both large and small, were able to express views on this issue. The Committee itself consists of 18 members of whom 9 represent handlers and 9 represent producers.

An interim final rule concerning this action was published in the **Federal Register** on October 18, 1999. Copies of the rule were mailed by the Peanut Administrative Committee staff to all Committee members and Agreement signer handlers. Also, the Department mailed approximately 500 copies to importers, non-signer handlers, and other interested persons. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided for a 60-day comment period which ended December 17, 1999. No comments referencing that rule were received by the Docket Clerk.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following web site: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (64 FR 56133, October 18, 1999) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 997

Food grades and standards, Peanuts, Reporting and recordkeeping requirements.

7 CFR Part 998

Marketing agreements, Peanuts, Reporting and recordkeeping requirements.

7 CFR Part 999

Dates, Food grades and standards, Hazelnuts, Imports, Nuts, Peanuts, Prunes, Raisins, Reporting and recordkeeping requirements, Walnuts.

PART 997—PROVISIONS REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS HANDLED BY PERSONS NOT SUBJECT TO MARKETING AGREEMENT NO. 146

PART 998—MARKETING AGREEMENT REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

Accordingly, the interim final rule amending 7 CFR parts 997, 998, and 999 which was published at 64 FR 56133 on October 18, 1999, is adopted as a final rule without change.

Dated: January 4, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–506 Filed 1–7–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 94 and 96

[Docket No. 95–027–2]

Importation of Pork and Pork Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning the importation of pork and pork products into the United States. Specifically, we will allow pork that originates in a region where African swine fever exists to be imported into the United States if it has been heated to an internal temperature of at least 69 °C after the bones have been removed. We also will provide an alternative, dry heat processing method for pork from regions where swine vesicular disease exists. In addition, we are making other minor amendments to the regulations for importing pork and pork products from regions where African swine fever, swine vesicular disease, or hog cholera exists. These changes will relieve some restrictions on the importation of pork and pork products from regions where these diseases exist without presenting a significant risk of introducing African swine fever, hog cholera, or swine vesicular disease into the United States.

EFFECTIVE DATE: February 9, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Masoud A. Malik, Senior Staff Veterinarian, Import/Export Products, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231; (301) 734–7834.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (the regulations) prohibit or restrict the importation of specified animals and animal products into the United States to prevent the introduction of various animal diseases, including foot-and-mouth disease, rinderpest, African