

2. In § 301.81-3, paragraph (e), the list of quarantined areas is amended by revising the entry for Wayne County, Tennessee, to read as follows:

**§ 301.81-3 Quarantined areas.**

\* \* \* \* \*

(e) \* \* \*

\* \* \* \* \*

**TENNESSEE**

\* \* \* \* \*

*Wayne County.* That portion of the county lying south of U.S. Highway 64 and also that portion of the county lying west of Longitude 87° 55'.

\* \* \* \* \*

Done in Washington, DC, this 15th day of April 1996.

Terry L. Medley,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96-9833 Filed 4-19-96; 8:45 am]

**BILLING CODE 3410-34-P**

**Agricultural Marketing Service**

**7 CFR Parts 911 and 915**

[Docket No. FV95-911-2IFR]

**Limes and Avocados Grown in Florida; Suspension of Certain Volume Regulations and Reporting Requirements**

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

**ACTION:** Interim final rule with request for comments; suspension.

**SUMMARY:** This rule suspends indefinitely certain volume regulation provisions of the marketing order covering limes grown in Florida. This rule indefinitely suspends the pack-out reporting requirements for the marketing orders covering limes and avocados grown in Florida. The marketing orders regulate the handling of limes and avocados grown in Florida and are administered by the Florida Lime Administrative Committee and the Avocado Administrative Committee, respectively. These provisions are not needed due to reduced Florida lime and avocado production. This rule will also reduce handler reporting burdens for both marketing orders.

**DATES:** Effective April 1, 1996. Comments which are received prior to May 22, 1996, will be considered prior to issuance of any final action.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this action to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456. Three

copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the Federal Register.

**FOR FURTHER INFORMATION CONTACT:**

Britthany E. Beadle and Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2522-S, Washington, DC 20090-6456; telephone: 202-720-5127; or Aleck J. Jonas, Southeast Marketing Field Office, USDA/AMS, P.O. Box 2276, Winter Haven, Florida 33883; telephone: 813-299-4770.

**SUPPLEMENTARY INFORMATION:** This action is issued under the provisions of section 8c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act; and of Marketing Agreements and Marketing Orders No. 911 (7 CFR part 911) and No. 915 (7 CFR part 915) regulating the handling of limes grown in Florida and avocados grown in South Florida, respectively. These agreements and orders are 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 action in conformance with Executive Order 12866.

This action has been reviewed under Executive Order 12778, Civil Justice Reform. It is intended that this action will be applicable for the entire 1996 fiscal year which began April 1, 1996, and will continue until amended, suspended, or terminated. This action will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this action.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(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 requesting 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 in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of 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 about 10 Florida lime handlers subject to regulation under the marketing order covering limes grown in Florida, and about 30 lime producers in Florida. Also, there are approximately 35 handlers of avocados and approximately 95 producers in the regulated area. 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. A majority of these handlers and producers may be classified as small entities.

The Florida Lime Administrative Committee (FLAC) met on December 13, 1995, and unanimously recommended a two year suspension of their lime volume regulations and pack-out requirements. However, the Department is revising the FLAC recommendation by suspending both of these requirements indefinitely. The Department has determined that since volume regulations have not been implemented for at least the past five years and lime production has been reduced to low levels these regulations should be suspended indefinitely. The Department does not anticipate that such regulations will be needed in the near future.

Also, the Avocado Administrative Committee (AAC) met on January 10, 1996, and recommended indefinite suspension of their pack-out reporting requirements.

The suspension of §§ 911.53-59 and 911.111 of the lime marketing order volume regulations and pack-out reporting requirements was published in the Federal Register (59 FR 13429, March 22, 1994) and is currently in

effect through March 31, 1996. The suspension of § 915.150 paragraph (d) of the avocado marketing order pack-out reporting requirements was published in the Federal Register (59 FR 30866, June 16, 1994) and is currently in effect through March 31, 1996. This rule suspends these regulations indefinitely.

Sections 911.53–59 (7 CFR 911.53–59) of the lime marketing order cover volume regulations and were used by FLAC to collect and maintain information from handlers, so that it could recommend to the Department that lime volume regulations be issued, when and if needed. FLAC determined that volume regulations will not be needed in the near future, and thus such information will not be needed, because of reduced production due to hurricane damage in 1992.

Concerning pack-out reporting requirements, both FLAC and AAC recommended suspension of their pack-out reporting requirements. Section 911.111 (7 CFR 911.111) and § 915.150 (7 CFR 915.150) contain provisions requiring Florida handlers to file certain reports with either the FLAC or the AAC concerning their Florida lime and avocado shipments, respectively. This action continues the suspension of these provisions since information collected under these provisions is not needed because lime and avocado production is so low. These provisions would require handlers to furnish information on types and number of containers of limes and avocados they pack each day. Sufficient information from other sources is available to meet committee needs during future seasons. Information needed for committee operations, marketing policies, and compliance is available from inspection certificates collected on a daily basis by committee staff. These resources are used to collect such information. Low lime and avocado production has also resulted in a substantial reduction of the both committees' staff and reduction of assessment income. Thus, the continuation of the suspension will reduce administrative costs and work load.

These continued suspensions are a result of damage to the lime and avocado groves caused by Hurricane Andrew in August 1992. For limes, Hurricane Andrew reduced production acreage from approximately 6,500 acres to approximately 1,500 acres with many non-producing trees in the remaining acreage. Production in the 1991–92 season was 1,682,677 bushels. In the 1992–93 season, production prior to the hurricane was 1,146,000 bushels. After the hurricane, in the 1993–94 season, production fell to 228,455 bushels and

in the 1994–95 season, it was 283,977 bushels. This was well below the levels reached prior to the hurricane.

For avocados, Hurricane Andrew reduced production acreage from approximately 9,000 acres to less than 6,000 acres with many non-producing trees in the remaining acreage. Production in the 1991–92 season was 1,110,105 bushels. In the 1992–93 season, production fell to 283,000 bushels and in the 1993–94 season it was 174,712 bushels. Although the 1994–95 season recovered to 778,951 bushels, it is well below the levels reached prior to the hurricane.

Therefore, this action reflects the committees' and the Department's appraisal of the need to suspend certain volume regulations and pack-out reporting requirements under the orders, as specified. This rule indefinitely suspends certain reporting requirements for Florida limes and avocados, and lessens the overall reporting and recordkeeping burden under the orders. The Department's view is that this suspension will have a beneficial impact on Florida lime and avocado producers and handlers, since it lessens the reporting burden on handlers and will reduce the committees' expenses incurred under the orders.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

The information collection requirements have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Numbers 0581–0091 and 0581–0078 for limes and avocados respectively.

This action indefinitely suspends the annual reporting burden currently estimated at 210.4 hours for all regulated Florida lime handlers to: (1) Apply for a prorated base and allotment; (2) report daily the percentages, by size category, of the limes packed by them; and (3) report daily the number of containers of limes sold and delivered by them within the State of Florida.

This action also indefinitely suspends the annual reporting burden currently estimated at 130 hours for all regulated Florida avocado handlers who file such reports. Specifically, this would apply to handlers who file: (1) The Avocado Handler Daily Size Report Form; and (2) the Avocado Handlers Weekly Report Form.

After consideration of all relevant matter presented, the information and recommendations submitted by the

committees, and other information, it is found that the provisions detailed below, at this time, do not tend to effectuate the declared policy of the Act.

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 action into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) This action relieves restrictions by suspending certain volume regulation and pack-out reporting requirements under the orders for fresh Florida limes and avocados; (2) Florida lime and avocado handlers are aware of this suspension which was recommended by the committees at public meetings, and they will need no additional time to comply; (3) Florida fresh lime shipments are currently in progress, and they are expected to continue throughout the year; (4) such requirements need to be suspended promptly for both limes and avocados, so they are of maximum benefit to handlers; and (5) this rule provides a 30-day comment period, and any comments received will be considered prior to any finalization of this interim final action.

#### List of Subjects

##### *7 CFR part 911*

Limes, Marketing agreements, Reporting and recordkeeping requirements.

##### *7 CFR part 915*

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 911 and 915 are amended as follows:

1. The authority citation for both 7 CFR parts 911 and 915 continues to read as follows:

Authority: 7 U.S.C. 601–674.

#### **PART 911—[SUSPENDED IN PART]**

2. In part 911, §§ 911.53 through 911.59, and § 911.111 are suspended, indefinitely.

#### **PART 915—[SUSPENDED IN PART]**

3. In § 915.150, paragraph (d) is suspended, indefinitely.

Dated: April 16, 1996.

Michael V. Dunn,

*Assistant Secretary, Marketing and Regulatory Programs.*

[FR Doc. 96–9825 Filed 4–19–96; 8:45 am]

BILLING CODE 3410–02–P