

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

due date from February 5 to January 1. As stated previously, the Department has modified this date from January 1 to January 5. The first acquisition report currently shows the total quantity of cranberries acquired and the total quantity of cranberries handled from the beginning of the reporting period through January 31. The committee also recommended that the January 31 date be changed to December 31 to make the report consistent with the new due date. In addition, the Department is modifying § 929.105(b) by listing each one of the due dates. This will make the section easier to understand as to when each report is due.

The proposed rule concerning this action was published in the April 22, 1996, Federal Register (78 FR 17586), with a 30-day comment period ending May 22, 1996. No comments were received.

There was one error in the regulatory text appearing in the proposed rule. In § 929.105(b)(2), the proposed rule indicated that the certified report due from handlers on January 5 show the quantities of cranberries and cranberry products held by the handler on February 1. The latter date should be January 1. This final rule corrects § 929.105(b)(2) accordingly.

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

The information collection requirements contained in the referenced section have been previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and have been assigned OMB number 0581-0103.

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.

List of Subjects in 7 CFR Part 929

Marketing agreements, Cranberries, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 929 is amended as follows:

PART 929—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

1. The authority citation for 7 CFR part 929 continues to read as follows:

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

2. Section 929.105 is amended by revising paragraph (b) to read as follows:

§ 929.105 Reporting.

* * * * *

(b) Certified reports shall be filed with the committee, on a form provided by the committee, by each handler not later than January 5, May 5, and August 5 of each fiscal period and by September 5 of the succeeding fiscal period showing:

(1) 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 December 31, April 30, July 31, and August 31, respectively, and

(2) The respective quantities of cranberries and cranberry products held by the handler on January 1, May 1, August 1, and August 31 of each fiscal period.

Dated: June 10, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-15093 Filed 6-14-96; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Part 1208

[FV-95-702FR]

Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order—Postponement of Payment of Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes a rules and regulations subpart under the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order (Order). The Order is authorized under the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993. This rule implements a provision of the Order concerning the postponement of the payment of assessments. This action establishes

procedures for the postponement of the payment of assessments to the National PromoFlor Council.

EFFECTIVE DATE: June 18, 1996.

FOR FURTHER INFORMATION CONTACT:

Sonia N. Jimenez, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535-S, Washington, DC 20090-6456, telephone (202) 720-9916.

SUPPLEMENTARY INFORMATION: This rule is issued under the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993 [7 U.S.C. 6801 *et seq.*], hereinafter referred to as the Act, and the Order.

This rule has been issued in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It 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 § 8 of the Act, a person subject to the order may file a petition with the Secretary stating that the order or 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 an exemption from the order. The petitioner is afforded the opportunity for a hearing on the petition. After such hearing, the Secretary will make a ruling on the petition. The Act provides that the district courts of the United States in any district in which a person who is a petitioner resides or carries on business are vested with jurisdiction to review the Secretary's ruling on the petition, if a complaint for that purpose is filed within 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), 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.

Only those wholesale handlers, retail distribution centers, producers, and importers who have annual sales of \$750,000 or more of cut flowers and greens and who sell those products to exempt handlers, retailers, or consumers are considered qualified handlers and