

interstate, movement, and the sale of these articles would not be affected by this interim regulation.

Therefore, termination of the quarantine in Los Angeles, Orange, and San Bernardino Counties should have a minimal economic effect on the small entities operating there. We anticipate that the economic impact of lifting the quarantine, though positive, will be no more significant than was the minimal impact of its imposition.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025, and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for 7 CFR part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.78–3, paragraph (c) is revised to read as follows:

§ 301.78–3 Quarantined areas.

* * * * *

(c) The areas described below are designated as quarantined areas:

Mediterranean fruit fly is not known to exist in the continental United States.

Done in Washington, DC, this 14th day of June 1996.

Lonnie L. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–15582 Filed 6–18–96; 8:45 am]

BILLING CODE 3410–34–P

Agricultural Marketing Service

7 CFR Parts 911 and 915

[Docket No. FV96–911–4IFR]

Limes and Avocados Grown in Florida; Relaxation of Container Marking Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule relaxes the container marking requirements for limes and avocados packed under the Federal marketing orders for limes and avocados grown in Florida. This relaxation reduces the number of lime and avocado containers required to be marked with the lot stamp number. This rule reduces handling costs and provides more flexibility in lime and avocado packing operations.

DATES: Effective June 20, 1996; comments received by July 19, 1996 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, 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: Aleck Jonas, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (941) 299–4770; or Britthany Beadle, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–3923.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order Nos.

911 and 915 (7 CFR parts 911 and 915), as amended, regulating the handling of limes and avocados grown in Florida, hereinafter referred to as the “orders.” These 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 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 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 10 handlers of limes and 65 handlers of avocados who are subject to regulation under the respective marketing order and approximately 40 lime and 100 avocado producers in the regulated areas. Small agricultural service firms 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 whose annual receipts are less than \$500,000. The majority of these handlers and producers may be classified as small entities.

Under the terms of the marketing orders, fresh market shipments of Florida limes and avocados are required to be inspected and are subject to grade, size, maturity, pack and container requirements. Current requirements include specifications that all authorized containers of limes and avocados shall be plainly marked with a Federal-State Inspection lot stamp number corresponding to the lot inspection conducted by an authorized inspector.

This rule changes the container marking requirements currently issued under the orders. This rule relaxes the lot stamping requirements on containers of limes and avocados that have been palletized prior to block inspections. The Florida Lime and Avocado Administrative Committees (committees), the agencies responsible for local administration of the marketing orders, met on March 13, 1996, and recommended this action by unanimous vote.

The marketing orders authorize under § 911.48 and § 915.51 the establishment of container marking requirements. Sections 911.311(b) and 915.306(a)(4)(5) of the rules and regulations outline the lot stamp number container marking requirements for fresh limes and avocados packed under the orders.

There are two basic types of inspection in the industry; in-line and block. In-line inspection is performed during the packing process, prior to palletization and storage. In block inspection, the inspection occurs after the pallets have been packed, strapped, and placed in storage. Large handling facilities tend to have inspectors on site when they are packing. These facilities use in-line inspection which allows the containers to be lot stamped prior to being palletized. Smaller handling facilities do not run enough fruit to justify the continuous presence of an inspector. Therefore, they call for a block inspection after a lot is run, palletized and ready to ship. Requiring the inspector to lot stamp each container necessitates tearing down all the pallets. This results in significant cost and loss of time.

The committees recommended relaxing the number of containers required to be marked with the lot stamp number to assist small handlers. This relaxation revises the lot stamping requirements for containers that have been palletized prior to inspection.

Under this change, all exterior, exposed boxes, on all four sides of a pallet, will be lot stamped, rather than each box. The committees anticipate that this recommended relaxation would avoid prohibitive costs to small handlers.

Less than 25 percent of all lime and avocado shipments are shipped by small packing houses using block inspection. Under this revised procedure, most of the containers they pack would be lot stamp numbered. The center tiers of randomly selected pallets are inspected by the Federal-State Inspection Service for all marketing order requirements. The committees' recommendation to relax the container marking requirement would not lower the number of containers being inspected.

Several other alternatives were suggested during the public meeting. One alternative discussed by the committees was to require all containers to continue to be lot stamp numbered. Maintaining the requirement for lot stamp numbers to be placed on all containers would not address the burden placed on small handlers. That burden includes higher handler labor costs, slower handler operations, increased handler restrapping costs, as well as increased inspection costs. It was the consensus of the committees that the current requirement is cost prohibitive as each block-inspected pallet needs to be manually pulled apart to enable the lot stamp number to be placed on the center tier containers.

Another alternative suggested was to eliminate the block-inspection method and require all handlers to use the in-line inspection method. During in-line inspection, containers would be stamped with the lot stamp number prior to being stacked on the pallet. This would have a serious financial impact on the industry, especially among small handlers, due to a large increase in inspection costs. This suggestion was unacceptable to the industry as it would be cost prohibitive and could force small handlers out of business.

This rule relaxes the lot stamping requirements on containers of limes and avocados that have been palletized prior to block inspection. Smaller handling facilities are the primary users of block inspection and will benefit from the cost savings of this relaxation. Therefore, the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Section 8(e) of the Act requires that whenever grade, size, quality or maturity requirements are in effect for certain commodities under a domestic marketing order, including limes and avocados, imports of that commodity

must meet the same or comparable requirements. This rule changes the container marking requirements currently issued under the orders. Therefore, no change is necessary in the lime and avocado import regulations as a result of this action to relax the lot stamp number requirement.

After consideration of all relevant material presented, including the committees' recommendation, and other available information, it is found that this interim final rule, as hereinafter set forth, 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) Handlers are currently shipping limes and avocados; (2) the committees unanimously recommended this rule at public meetings and all interested persons had an opportunity to provide input; (3) this rule relaxes container marking requirements; (4) Florida lime and avocado handlers are aware of this rule and need no additional time to comply with the relaxed requirements; 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

7 CFR Part 911

Marketing agreements, Limes, Reporting and recordkeeping requirements.

7 CFR Part 915

Marketing agreements, Avocados, 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—LIMES GROWN IN FLORIDA

2. Section 911.311 is amended by revising paragraph (b) to read as follows:

§ 911.311 Florida lime pack and container marking regulation.

* * * * *

(b) No handler shall handle any limes grown in the production area in any

container specified in § 911.329 unless such container is marked with a Federal-State Inspection Service lot stamp number showing that the limes have been inspected in accordance with regulations issued under § 911.48 of the marketing order: Provided, That when inspection occurs after palletization, only all exposed or outside containers of limes must be plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector.

* * * * *

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

3. In § 915.306, paragraph (a)(4) is revised to read as follows:

§ 915.306 Florida avocado grade, pack, and container marking regulation.

(a) * * *

(4) Such avocados are in containers marked with a Federal-State Inspection Service lot stamp number, when handled in containers authorized under § 915.305: Provided, That when inspection occurs after palletization, only all exposed or outside containers of avocados must be plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector.

* * * * *

Dated: June 13, 1996.
Sharon Bomer Lauritsen,
Acting Director, Fruit and Vegetable Division.
[FR Doc. 96-15627 Filed 6-18-96; 8:45 am]
BILLING CODE 3410-02-P

7 CFR Parts 916 and 917

[Docket No. FV95-916-4C]

Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule; correction.

SUMMARY: This document contains a correction to the interim final rule published on March 27, 1996, concerning nectarines and peaches grown in California.

EFFECTIVE DATE: April 1, 1996.

FOR FURTHER INFORMATION CONTACT: Kenneth Johnson, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523-S, Washington, DC 20090-6456; telephone: (202) 720-2861; or Terry Vawter, Marketing Specialist, California

Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California, 93721; telephone: (209) 487-5901.

SUPPLEMENTARY INFORMATION:

Background

This rule revises handling requirements for California nectarines and peaches under Marketing Orders 916 and 917 for the 1996 season. This interim final rule enables handlers to continue shipping fresh nectarines and peaches meeting consumer needs in the interest of producers, handlers, and consumers of these fruits.

Need for Correction

In the interim final rule, FR Doc. 96-7438, published March 27, 1996, the Royal Glo nectarine variety was inadvertently placed under the incorrect minimum size requirement and is in need of correction.

Correction of Publication

Accordingly, in FR Doc. 96-7438, page 13392, first column, the words "Royal Glo", are removed from § 916.356(a)(6) and added to § 916.356(a)(4) immediately following the words "Rose Diamond."

Dated: June 12, 1996.
Robert C. Keeney,
Director, Fruit and Vegetable Division.
[FR Doc. 96-15519 Filed 6-18-96; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 946

[FV96-946-1FR]

Irish Potatoes Grown in Washington; Modification of the Minimum Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule reduces the minimum diameter requirement from 2-1/8 inches to 2 inches for Russet type varieties of Washington potatoes shipped during the July 15 through August 31 period each season. Potato varieties currently being grown for shipment during this period are similar in shape to those grown for marketing during the balance of the season. Reducing the minimum diameter recognizes this similarity and enables handlers to market a larger portion of the crop in fresh outlets. This change should improve the marketing of Washington potatoes and increase

returns to producers as well as provide consumers with increased supplies of potatoes.

EFFECTIVE DATE: July 15, 1996.

FOR FURTHER INFORMATION CONTACT:

Dennis L. West, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204-2807; telephone: (503) 326-2724 or FAX (503) 326-7440; or Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, D.C. 20090-6456; telephone: (202) 690-0464 or FAX (202) 720-5698.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement No. 113 and Marketing Order No. 946 (7 CFR part 946), both as amended, regulating the handling of Irish potatoes grown 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 State of Washington Potato Committee (Committee) is the agency responsible for local administration of the marketing order program in the designated production area.

The Department of Agriculture (Department) is issuing this 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