

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. FV96-911-2PR]

Limes Grown in Florida and Imported Limes; Reopening of Comment Period To File Written Comments to the Change in Regulatory Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Reopening of the comment period to file written comments to the proposed rule.

SUMMARY: Notice is hereby given that the time period for filing written comments on the proposed changes to the regulatory period currently prescribed under the lime marketing order and the lime import regulations is reopened until July 8, 1996.

DATES: Comments must be received by July 8, 1996.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. 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 Number (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 available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-5127; or 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.

SUPPLEMENTARY INFORMATION: A proposed rule was issued on May 2,

1996, and published in the Federal Register (61 FR 20754). The proposed rule would modify language in both the domestic and import regulations to change the regulatory period to January 1 through May 31, from its current continuous, year round, implementation. A 30-day comment period was provided for interested persons to respond to the proposed rule. The comment period ended June 7, 1996. One comment was received.

The Department of Agriculture (Department) has received a request from Gail A. Knodel, Manager of the Florida Lime Administrative Committee, asking that additional time be provided for interested persons to analyze the proposed rule. Manager Knodel stated that the proposal is a major change in the industry. Reopening the comment period to July 8, 1996, would allow interested person more time to review the proposed rule and address their concerns.

This delay should not substantially add to the time required to complete this action. Accordingly, the period in which to file written comments is reopened until July 8, 1996. This notice is issued pursuant to the Agricultural Marketing Agreement Act of 1937.

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

Dated: June 19, 1996.

Sharon Bomer Lauritsen,
Acting Director, Fruit and Vegetable Division.
[FR Doc. 96-16207 Filed 6-25-96; 8:45 am]
BILLING CODE 3410-02-P

7 CFR Part 927

[Docket No. AO-99-A7; FV96-927-1]

Winter Pears Grown in Oregon, Washington, and California; Hearings on Proposed Amendment of Marketing Order No. 927

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearings on proposed rulemaking.

SUMMARY: Notice is hereby given of public hearings to consider amending Marketing Agreement and Order No. 927 (order). The order regulates the handling of winter pears grown in Oregon, Washington, and California. The purpose of the hearings is to receive evidence on proposed amendments to provisions of the order. With the

exception of a proposal submitted by the Fruit and Vegetable Division, Agricultural Marketing Service (AMS), to make conforming changes and necessary revisions, the proposed amendments were submitted by the Winter Pear Control Committee (Committee), the agency responsible for the local administration of the order. The proposals would remove the State of California from the order and make related changes to the key provisions concerning the production area, districts and establishment and membership of the Committee. Another proposal would allow use of "Telecopiers" in the mail voting procedures. The Committee believes that the proposed changes would improve the administration, operation, and functioning of the order. **DATES:** The hearings will begin July 9, 1996, at the Red Lion Inn, 1401 Arden Way, Sacramento, California, and July 10, 1996, at the Holiday Inn Airport, 8439 N. East Columbia Blvd., Portland, Oregon. Both hearing sessions will begin at 9:00 am.

FOR FURTHER INFORMATION CONTACT: Britthany E. Beadle, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-5127 or FAX (202) 720-5698; or Teresa Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 S.W. Third Avenue, room 369, Portland, OR 97204-2807; telephone: (509) 326-2724 or FAX (509) 326-7440.

SUPPLEMENTARY INFORMATION: This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and is therefore excluded from the requirements of Executive Order 12866. The hearings are called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 (Act), as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900).

The Regulatory Flexibility Act (95 U.S.C. 601 et seq.) seeks to ensure that within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the

hearings on the regulatory and informational impact of the proposed amendments on small businesses.

The notice of hearing herein has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. The notice of hearing would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this notice to consider an amendment.

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 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 an action is filed not later than 20 days after the date of the entry of the ruling.

The Committee submitted the proposed amendment to remove California from the winter pear order. The suggested changes are as follows: (1) Revise the definition of "production area" to mean only the States of Oregon and Washington; (2) revise "district" by removing California and have only those districts designated in the States of Oregon and Washington; (3) revise "establishment and membership" of the Committee to be consistent with the reduction in size of the regulated production area; (4) revise "procedure of Control Committee", "(a) quorum and voting", so that the number of members present for a quorum and voting is consistent with Committee representation and amend "(b) mail voting", to allow for the use of "telecopiers"; and (5) revise the definition of "pears" to exclude pears produced in California. These proposals were submitted by the Committee, which works with the Department in administering the order. These proposals have not received the approval of the Secretary of Agriculture.

The Committee believes that the proposed changes would improve the administration, operation, and function of the winter pear marketing order.

In addition, proposals submitted by the Fruit and Vegetable Division, AMS,

are included to make such changes as may be necessary to the order to conform with any amendment thereto that may result from the hearing.

Public hearings are being held for the purpose of: (i) receiving evidence about the economic and marketing conditions which relate to the proposed amendments of the order; (ii) determining whether there is a need for the proposed amendments to the order; and (iii) determining whether the proposed amendments or appropriate modifications thereof will tend to effectuate the declared policy of the Act.

All persons wishing to submit written material as evidence at the hearing should submit at least four copies of such material and should be present at the hearing to present oral testimony concerning the material.

From the time the notice of hearing is issued and until the issuance of a final decision in this proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an *ex parte* basis with any persons having an interest in the proceeding. The prohibition applies to employees in the following organizational units: Office of the Secretary of Agriculture; Office of the Administrator, Agricultural Marketing Service; Office of the General Counsel, and the Fruit and Vegetable Division, Agricultural Marketing Service.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

PART 927—WINTER PEARS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 927 is revised to read as follows:

Authority: 7 U.S.C. 601–674.

2. Testimony is invited on the following proposed amendments or appropriate alternatives or modifications to such amendments. Proposed amendments submitted by the Winter Pear Control Committee are as follows:

Amend §§ 927.4, 927.10, 927.11, 927.20, and 927.33 as follows:

Proposal No. 1

§ 927.4 Pears.

Pears means and includes any and all of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Forelle, and Seckel varieties of pears,

and any other winter pear varieties or subvarieties that are recognized by the Control Committee and approved by the Secretary.

Proposal No. 2

§ 927.10 Production area.

Amend § 927.10 by deleting the comma after the word "Oregon", placing the word "and" after the word "Oregon", deleting the comma after the word "Washington", and removing the words "and California" at the end of the sentence.

Proposal No. 3

§ 927.11 District.

Amending § 927.11 by removing paragraph (e).

Proposal No. 4

§ 927.20 Establishment and membership.

Amend § 927.20 by removing the number "14" in the first sentence and adding in its place the number "12"; and by removing the word "seven" and adding in its place the word "six" at the beginning of the sentence and before the word "members" in the third sentence.

Proposal No. 5

§ 927.33 Procedure of Control Committee.

Amend § 927.33 paragraph (a) by removing the word "ten" in the first sentence and adding in its place the word "nine"; and amending paragraph (b) by adding the word "telecopier" and a comma after the word "mail" in the first sentence.

The Fruit and Vegetable Division, AMS, submitted the following proposal:

Proposal No. 6

Make such changes as may be necessary to the order to conform with any amendment thereto that may result from the hearing.

Dated: June 24, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–16430 Filed 6–24–96; 12:40 pm]

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