

varieties (§§ 51.1300–51.1323 of this chapter), do not contain apple maggot, and do not have more than 2 percent, by count, of apples with apple maggot injury, nor more than 2 percent, by count, of apples infested with San Jose scale or scale of similar appearance:

Provided, That the minimum quality requirements for pears exported to Pacific ports of Russia are as follows:

(1) Summer and fall pears shall be of one variety which are mature, hand picked, clean, sound and free from hard end; and free from serious damage caused by broken skin, insects, disease, hail marks, limbrubs, heavy russet, or other means; and shall not be so excessively elongated or flattened as to preclude the cutting of one good half. Broken skin must not exceed 1/4 inch in diameter. The following definitions shall apply to all varieties:

Clean means reasonably free from dust, dirt, or honey dew.

Free from serious damage means defects when taken singly or collectively shall not seriously affect the edible or culinary value of the fruit.

Hand picked means that pears do not show evidence of rough handling or of having been on the ground.

Hard-end means pears which show an abnormally yellow or green color at the blossom end or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody. Pears affected by hard-end shall be considered defects. Rat-tail shaped pears, or second bloom pears that are tough or ridged shall be considered defects. At the time of packing, not more than 10 percent, by count, of any lot may be below the requirements of the grade, and not more than one-tenth of this amount shall be allowed for decay and/or breakdown. Slight imperfections which are not discernible in good commercial sorting practice shall not be considered as defects. Small inconspicuous skin breaks of less than 1/8 inch in diameter or depth shall not be considered as damage, and not more than 15 percent of the pears in any container may have not more than one skin break from 1/8 inch to 3/16 inch, inclusive, in diameter or depth. After pears have been placed in storage, or in transit; scald, breakdown, decay, bitter pit, or physical injury affecting keeping quality, which may have developed or may only have become evident after pears are packed, are defined as applying to condition rather than to grade. Pears also shall not contain apple maggot, and shall not have more than 2 percent, by count, of pears with apple maggot injury, nor more than 2 percent, by count, of pears

infested with San Jose scale or scale of similar appearance;

Mature means having reached the stage of maturity which will insure a proper completion of the ripening process. Firmness of the flesh shall be considered only in connection with other factors to determine the degree of maturity. *Sound* means that pears at time of packing are free from visible defects such as decay, breakdown, scald, bitter pit, or physical injury affecting keeping quality. The following conditions shall not be considered serious damage: healed insect depressions or other surface blemishes which do not prevent the cutting of one good half;

(2) Winter pears shall be of one variety which are mature, hand picked, clean, sound, not very seriously misshapen, free from black end, free from damage caused by hard end, broken skins, and from serious damage caused by cork spot or bruises. The following definitions shall apply to all varieties:

Black end is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity.

Clean means free from excessive dirt, dust, spray residue, or other foreign material.

Damage by hard end means any injury or defect which materially affects the appearance, edible or shipping quality. Any pear with one skin break larger than 3/16 inch in diameter or depth, or with more than one skin break 1/8 inch or larger in diameter or depth, shall be considered damaged, and scored against the grade tolerance.

Handpicked means that the pears do not show evidence of having been on the ground.

Hard end is an abnormal yellow color at the blossom end, or an abnormally smooth, rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

Mature means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

Overripe means dead ripe, very mealy or soft, past commercial utility.

Serious damage by cork spot is when more than two cork spots are visible externally, or when the visible external injury affects an aggregate area of more than 1/2 inch in diameter. *Serious damage* by bruising is bruising which seriously affects the appearance, edible or shipping quality. For a tolerance of 10 percent or more, individual packages

in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified. For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package. Pears also shall not contain apple maggot, and shall not have more than 2 percent, by count, of pears with apple maggot injury, nor more than 2 percent, by count, of pears infested with San Jose scale or scale of similar appearance;

* * * * *

(d) Each package of apples or pears is marked plainly and conspicuously with:

(1) the name and address of the grower, packer, or domestic distributor: *Provided*, That the name of the foreign distributor may be placed on consumer unit packages shipped in a master container if such master container is marked with the name and address of the grower, packer, or domestic distributor;

(2) the variety of the apples or pears;

(3) the name of the U.S. grade or the name of a state grade if the fruit meets each minimum requirement of a U.S. grade specified in this section; and *Provided further*, That the marking requirements of this paragraph shall not apply to pears meeting minimum quality requirements of this section and shipped to Pacific ports of Russia.

Dated: September 20, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-24663 Filed 9-25-96; 8:45 am]

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Farm Service Agency

7 CFR Part 723

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560-AE47

1996 Marketing Quota and Price Support for Burley Tobacco

AGENCIES: Farm Service Agency and Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to codify determinations made by the Secretary of Agriculture (Secretary) with respect to the 1996 crop of burley tobacco. The Secretary determined the

1996 marketing quota for burley tobacco to be 633.8 million pounds, and the 1996 price support level to be 173.7 cents per pound.

EFFECTIVE DATE: February 1, 1996.

FOR FURTHER INFORMATION CONTACT: Robert Tarczy, FSA, USDA, room 5750, South Building, P.O. Box 2415, STOP 0514, Washington, DC 20013-2415, telephone 202 720-5346.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant for purposes of Executive Order 12866 and has been reviewed by OMB under Executive Order 12866.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are Commodity Loans and Purchases—10.051.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778, Civil Justice Reform. The provisions of this rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because the Farm Service Agency (FSA) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Paperwork Reduction Act

The amendments to 7 CFR parts 723 and 1464 set forth in this final rule do not contain any information collection requirements that require clearance through the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1995.

Statutory Background

This rule is issued pursuant to the provisions of the Agricultural Adjustment Act of 1938 (the 1938 Act) and the Agricultural Act of 1949 (the 1949 Act.) Section 1108(c) of Public Law 99-272 provides that the determinations made in this rule are not subject to the provisions for public participation in rulemaking contained in 5 U.S.C. 553 or in any directive of the Secretary.

On February 1, 1996, the Secretary announced the national marketing quota and the price support level for the 1996

crop of burley tobacco. A number of related determinations were made at the same time, which this final rule also affirms.

Marketing Quota

Section 319(c)(3)(A)(B) of the 1938 Act provides, in part, that the national marketing quota for a marketing year for burley tobacco is the quantity of such tobacco that is not more than 103 percent nor less than 97 percent of the total of: (1) The amount of burley tobacco that domestic manufacturers of cigarettes estimate they intend to purchase on U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the 3 marketing years immediately preceding the marketing year for which the determination is being made, and (3) the quantity, if any, that the Secretary, in the Secretary's discretion, determines necessary to adjust loan stocks to the reserve stock level.

Section 319(c)(3)(C) further provides that, with respect to the 1995 and 1996 marketing years, any reduction in the national marketing quota being determined shall not exceed 10 percent of the previous year's national marketing quota. However, if actual loan stocks exceed the prescribed reserve stock level by 50 percent the reduction limit could be waived and the Secretary could then set the quota according to the three-component formula (plus or minus 3 percent). The reserve stock level is defined in section 301(b)(14)(D) of the 1938 Act as the greater of 50 million pounds or 15 percent of the national marketing quota for burley tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 320A of the 1938 Act provides that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall submit to the Secretary a statement of purchase intentions for the 1996 crop of burley tobacco by January 15, 1996. Five such manufacturers were required to submit such a statement for the 1996 crop and the total of their intended purchases for the 1996 crop is 424.0 million pounds. The 3-year average of exports is 155.4 million pounds.

The national marketing quota for the 1995 crop year was 549.0 million pounds (60 FR 27867). Thus, in accordance with section 301 (b)(14)(D), the reserve stock level for use in determining the 1996 marketing quota for burley tobacco is 82.4 million pounds.

As of January 26, 1996, the Burley Tobacco Growers Cooperative Association and Burley Stabilization Corporation had in their inventories 28.0 million pounds of burley tobacco (excluding pre-1994 stocks committed to be purchased by manufacturers and covered by deferred sales). Accordingly, the adjustment necessary to maintain loan stocks at the reserve supply level is an increase of 54.4 million pounds.

The total of the three marketing quota components for the 1996-97 marketing year is 633.8 million pounds. USDA did not use its discretionary authority to increase or decrease the three-component total by up to 3 percent because the Secretary determined that the 1996/97 supply would be more than ample at the formula level. Accordingly, the national marketing quota for the marketing year beginning October 1, 1996, for burley tobacco is 633.8 million pounds.

In accordance with section 319(c) of the 1938 Act, the Secretary is authorized to establish a national reserve from the national quota in an amount equivalent to not more than 1 percent of the national quota for the purpose of making corrections in farm quotas to adjust for inequities and establish quotas for new farms. The Secretary has determined that a national reserve for the 1996 crop of burley tobacco of 2,429,000 pounds is adequate for these purposes.

Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect, or for which marketing quotas have not been disapproved by producers, at a level determined in accordance with a formula prescribed in section 106 of the 1949 Act.

With respect to the 1996 crop of burley tobacco, the level of support is determined in accordance with sections 106 (d) and (f) of the 1949 Act. Section 106(f)(7)(A) of the 1949 Act provides that the level of support for the 1996 crop of burley tobacco shall be:

(1) The level, in cents per pound, at which the 1995 crop of burley tobacco was supported, plus or minus, respectively,

(2) An adjustment of not less than 65 percent nor more than 100 percent of the total, as determined by the Secretary after taking into consideration the supply of the kind of tobacco involved in relation to demand, of:

(A) 66.7 percent of the amount by which:

(I) The average price received by producers for burley tobacco on the United States auction markets, as

determined by the Secretary, during the 5 marketing years immediately preceding the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, is greater or less than:

(II) The average price received by producers for burley tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year prior to the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; and

(B) 33.3 percent of the change, expressed as a cost per pound of tobacco, in the index of prices paid by the tobacco producers from January 1 to December 31 of the calendar year immediately preceding the year in which the determination is made.

The difference between the two 5-year averages (i.e., the difference between (A) (I) and (II)) is 1.8 cents per pound. The difference in the cost index from January 1 to December 31, 1995, is 1.8 cents per pound. Applying these components to the price support formula (1.8 cents per pound, two-thirds weight; 1.8 cents per pound, one-third weight) results in a weighted total of 1.8 cents per pound. As indicated, section 106 provides that the Secretary may, on the basis of supply and demand conditions, limit the change in the price support level to no less than 65 percent of that amount. In order to remain competitive in foreign and domestic markets, the Secretary used his discretion to limit the increase to 65 percent of the maximum allowable increase. Accordingly, the 1996 crop of burley tobacco will be supported at 173.7 cents per pound, 1.2 cents higher than in 1995.

List of Subjects

7 CFR Part 723

Acreage allotments, marketing quotas, penalties, reporting and recordkeeping requirements, tobacco.

7 CFR Part 1464

Loan programs—agriculture, price support programs, tobacco, reporting and recordkeeping requirements, warehouses.

Accordingly, 7 CFR parts 723 and 1464 are amended as follows:

PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

Authority: 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b-1, 1314b-2, 1314c, 1314d, 1314e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372–75, 1421, 1445–1, and 1445–2.

2. Section 723.112 is amended by adding paragraph (d) to read as follows:

§ 723.112 Burley (type 31) tobacco.

* * * * *

(d) The 1996 crop national marketing quota is 633.8 million pounds.

PART 1464—TOBACCO

3. The authority citation for 7 CFR part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, 1445–1 and 1445–2; 15 U.S.C. 714b and 714c.

4. Section 1464.19 is amended by adding paragraph (d) to read as follows:

§ 1464.19 Burley (type 31) tobacco.

* * * * *

(d) The 1996 crop national price support level is 173.7 cents per pound.

Signed at Washington, DC, on September 17, 1996.

Bruce R. Weber,

*Administrator, Farm Service Agency and
Executive Vice President, Commodity Credit
Corporation.*

[FR Doc. 96–24669 Filed 9–25–96; 8:45 am]

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Food Safety and Inspection Service

9 CFR Parts 304, 308, 310, 320, 327, 381, 416, and 417

[Docket No. 93–016–4N]

International Meeting on Implementation

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS) is holding a briefing, “International Meeting on Implementation,” to discuss with representatives of foreign countries how the final rule, “Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems,” will be implemented in the United States.

DATES: The public hearing will be held on October 8, 1996, from 8:30 a.m. until 5:00 p.m. Registration will begin at 8:00 a.m.

ADDRESSES: The conference will be held at the U.S. Department of Agriculture, 1400 Independence Avenue, SW, Back

of the South Building Cafeteria (between the 2nd and 3rd Wings).

FOR FURTHER INFORMATION CONTACT: To register for the conference, call (703) 812–6299 for international calls; (800) 485–4429 for domestic calls; FAX (202) 501–7642, or E-mail usdafs/s=confer@mhs.attmail.com. If you require a sign language interpreter or other special accommodations, contact Ms. Shelia Johnson at (202) 501–7138 by October 1, 1996.

SUPPLEMENTARY INFORMATION: On July 25, 1996, FSIS published a final rule, “Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems” (61 FR 38805). This rule introduced sweeping changes to the U.S. meat and poultry inspection system. FSIS is holding a series of meetings to discuss the implementation of the rule.

On October 8, 1996, FSIS officials will brief representatives of foreign countries on how the Agency will implement the “Pathogen Reduction/HACCP” final rule domestically. At the briefing, there will be presentations about Sanitation Standard Operating Procedures, *E. coli* verification testing, HACCP requirements, and *Salmonella* testing. After the presentations, FSIS officials will answer questions.

Done at Washington, DC, on September 18, 1996.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 96–24722 Filed 9–23–96; 2:18 pm]

BILLING CODE 3410–DM–P

9 CFR Parts 304, 308, 310, 320, 327, 381, 416, and 417

[Docket No. 93–016–5N]

Public Hearing on Criteria for Equivalence of Foreign Inspection Systems

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS) will hold a hearing, “Public Hearing on Criteria for Equivalence of Foreign Inspection Systems,” to discuss issues related to the equivalence of foreign inspection systems to the United States’ system. At the hearing, FSIS will provide material outlining the issues involved in determining the equivalence of foreign inspection systems. Participants will have the opportunity to discuss this material and present their own information and views related to the