

the northeast corner of sec. 24, T. 3 N., R. 1 E.; then south to the point of beginning;

Beginning at the southwest corner of sec. 1, T. 1 S., R. 5 W.; then north along the Hassayampa River to sec. 10, T. 1 N., R. 5 W.; then east to the north center of sec. 16, T. 1 N., R. 4 W.; then south to the southeast corner of sec. 4, T. 1 S., R. 4 W.; then west to the point of beginning; and

Beginning at the southeast corner of sec. 36, T. 2 S., R. 5 E.; then west to the southwest corner of sec. 32, T. 2 S., R. 5 E.; then north to the northwest corner of sec. 20, T. 1 S., R. 5 E.; then east to the northwest corner of sec. 20, T. 1 S., R. 6 E.; then north to the northwest corner of sec. 8, T. 1 S., R. 6 E.; then east to the northeast corner of sec. 12, T. 1 S., R. 6 E.; then south to the southeast corner of sec. 1, T. 2 S., R. 6 E.; then west to the southwest corner of sec. 6, T. 2 S., R. 6 E.; then south to the point of beginning.

Pinal County. Beginning at the southwest corner of sec. 31, T. 5 S., R. 4 E.; then west to the southwest corner of sec. 33, T. 5 S., R. 3 E.; then north to the northwest corner of sec. 33, T. 5 S., R. 3 E.; then west to the southwest corner of sec. 26, T. 5 S., R. 2 E.; then north to the west center of sec. 14, T. 4 S., R. 2 E.; then east to the east center of sec. 14, T. 4 S., R. 3 E.; then south to the northeast corner of sec. 2, T. 5 S., R. 3 E.; then east to the northeast corner of sec. 6, T. 5 S., R. 4 E.; then south to the point of beginning.

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Texas

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McCulloch County. Beginning at the McCulloch/San Saba County line and the line of latitude 31.232299 N.; then west along the line of latitude 31.232299 N. to the line of longitude -99.134731 W.; then north along the line of longitude -99.134731 W. to the line of latitude 31.283487 N.; then east along the line of latitude 31.283487 N. to the McCulloch/San Saba County line; then south along the McCulloch/San Saba County line to the point of beginning.

Mills County. Beginning at the Mills/San Saba County line and the line of latitude 31.310619 N.; then east along the line of latitude 31.310619 N. to the line of longitude -98.743705 W.; then south along the line of longitude -98.743705 W. to the Mills/San Saba County line; then west and north along the Mills/San Saba County line to the point of beginning.

San Saba County. The entire county,

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San Saba County.

40104 3201
40111 2801
40111 3301
40112 1901
40112 1902
40112 1903
40112 2001
40112 2101
40112 3301
40112 3401
40113 2302
40113 2401
40113 2405
40113 2406
40113 3301
40115 0701
40115 1601

(3) *Surveillance areas.*

McCulloch County. Beginning at the McCulloch/San Saba County line and the line of latitude 31.232299 N.; then west along the line of latitude 31.232299 N. to the line of longitude -99.134731 W.; then north along the line of longitude -99.134731 W. to the line of latitude 31.283487 N.; then east along the line of latitude 31.283487 N. to the McCulloch/San Saba County line; then south along the McCulloch/San Saba County line to the point of beginning.

Mills County. Beginning at the Mills/San Saba County line and the line of latitude 31.310619 N.; then east along the line of latitude 31.310619 N. to the line of longitude -98.743705 W.; then south along the line of longitude -98.743705 W. to the Mills/San Saba County line; then west and north along the Mills/San Saba County line to the point of beginning.

San Saba County. Beginning at the San Saba/Mills County line and the line of longitude -98.743705 W.; then south along the line of longitude -98.743705 W. to the line of latitude 31.167959 N.; then west along the line of latitude 31.167959 N. to the line of longitude -98.903233 W.; then north along the line of longitude -98.903233 W. to the line of latitude 31.310819 N.; then east along the line of latitude 31.310819 N. to the San Saba/Mills County line; then south along the San Saba/Mills County line to the point of beginning; and

Beginning at the San Saba/McCulloch County line and the line of latitude 31.283487 N.; then east along the line of latitude 31.283487 N. to the line of longitude -99.063487 W.; then south along the line of longitude -99.063487 W. to the line of latitude 31.232299 N.; then west along the line of latitude 31.232299 N. to the San Saba/McCulloch County line; then north along the San Saba/McCulloch County line to the point of beginning.

Done in Washington, DC, this 18th day of November 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-30784 Filed 11-21-97; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 931

[Docket No. FV97-931-2 FIR]

Fresh Bartlett Pears Grown in Oregon and Washington; Reduced Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule which decreased the assessment rate established for the Fresh Bartlett Pear Marketing Committee (Committee) under Marketing Order No. 931 for the 1997-98, and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of fresh Bartlett pears grown in Oregon and Washington. Authorization to assess fresh Bartlett pear handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The 1997-98 fiscal period began July 1 and ends June 30. The assessment rate will continue in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: December 24, 1997.

FOR FURTHER INFORMATION CONTACT:

Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, Room 369, Portland, OR 97204; telephone: (503) 326-2724, Fax: (503) 326-7440 or George J. Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 205-6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 205-6632.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 141 and Order No. 931, both as amended (7 CFR part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, hereinafter referred to as the "order." The marketing agreement and order 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 is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, fresh Bartlett pear handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable fresh Bartlett pears beginning July 1, 1997, and continuing until amended, suspended, or terminated. 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. Such 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 the date of the entry of the ruling.

This rule continues in effect the assessment rate established for the Committee for the 1997–98, and subsequent fiscal periods of \$0.03 per standard box of fresh Bartlett pears.

The order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of fresh Bartlett pears. They are familiar with the Committee's needs and with the costs for goods and services in their

local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1996–97 and subsequent fiscal periods, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from fiscal period to fiscal period indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on May 29, 1997, and unanimously recommended 1997–98 expenditures of \$111,441 and an assessment rate of \$0.03 per standard box of fresh Bartlett pears. In comparison, last year's budgeted expenditures were \$89,774. The assessment rate of \$0.03 is \$0.0075 less than the rate previously in effect. The former rate of \$0.0375 would have resulted in a reserve that exceeded the level the Committee believes is necessary to administer the program. The Committee discussed alternatives to this rule, including alternative assessment levels, but decided that an assessment rate of less than \$0.03 would not generate the income necessary to administer the program with an adequate reserve.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of fresh Bartlett pears. Applying the \$0.03 per standard box rate of assessment to the Committee's 3,150,000 standard box shipment estimate should provide \$94,500 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order.

Major expenditures recommended by the Committee for the 1997–98 year include \$48,454 for salaries, \$8,187 for office rent, and \$4,956 for health insurance. Budgeted expenses for these items in 1996–97 were \$46,306, \$7,016, and \$4,991, respectively.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1997–98 budget was approved by the Department on August 26, 1997, and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

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. Accordingly, AMS has prepared this final regulatory flexibility analysis.

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 the 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 1,800 producers of fresh Bartlett pears in the production area and approximately 65 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than \$500,000 and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. The majority of fresh Bartlett pear producers and handlers may be classified as small entities.

This rule continues in effect a decreased assessment rate established for the Committee and collected from handlers for the 1997–98 and subsequent fiscal periods. The Committee unanimously recommended 1997–98 expenditures of \$111,441 and an assessment rate of \$0.03 per standard box of fresh Bartlett pears. The assessment rate of \$0.03 is \$0.0075 less than the rate previously in effect. Fresh Bartlett pear shipments for the year

were estimated at 3,150,000 standard boxes, which should provide \$94,500 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order.

The Committee discussed alternatives to this rule, including alternative expenditure levels. The former rate of \$0.0375 would have resulted in a reserve that exceeded the level the Committee believes is necessary to administer the program. Lower assessment rates were considered, but not recommended because they would not generate the income necessary to administer the program with an adequate reserve. Major expenses recommended by the Committee for the 1997-98 fiscal period include \$48,454 for salaries, \$8,187 for office rent, and \$4,956 for health insurance. Budgeted expenses for these items in 1996-97 were \$46,306, \$7,016, and \$4,991, respectively.

Recent price information indicates that the grower price for the 1997-98 season will range between \$5.79 and \$12.72 per standard box of fresh Bartlett pears. Therefore, the estimated assessment revenue for the 1997-98 fiscal period as a percentage of total grower revenue will range between 0.24 and 0.52 percent.

This action will reduce the assessment obligation imposed on handlers. While this rule will impose some additional costs on handlers, the costs are minimal and in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the fresh Bartlett pear industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the May 29, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This action will not impose any additional reporting or recordkeeping requirements on either small or large fresh Bartlett pear handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that

duplicate, overlap, or conflict with this final rule.

The interim final rule published in the **Federal Register** (62 FR 44884) on August 25, 1997, requested comments to be received by September 24, 1997. A copy of the interim final rule was also made available on the Internet by the U.S. Government Printing Office. No comments were received.

After consideration of all relevant material presented, including the information and recommendation 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 931

Fresh Bartlett pear, Marketing agreements, Reporting and recordkeeping requirements.

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Accordingly, the interim final rule amending 7 CFR part 931 which was published at 62 FR 44884 on August 25, 1997, is adopted as a final rule without change.

Dated: November 18, 1997.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 97-30785 Filed 11-21-97; 8:45 am]

BILLING CODE 3410-02-P

FEDERAL RESERVE SYSTEM

12 CFR Part 261

[Docket No. R-0975]

Rules Regarding Availability of Information; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) published in the **Federal Register** of October 20, 1997, a document which amended the Board's Rules Regarding Availability of Information (Rules). This document corrects citation errors within the Rules.

EFFECTIVE DATE: November 19, 1997.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boutilier, Senior Counsel, 202-452-2418, Legal Division. For the hearing impaired only, contact Diane Jenkins, Telecommunications Device for the Deaf (TDD), 202-452-3544, Board of

Governors of the Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Board published a document in the **Federal Register** of October 20, 1997, (62 FR 54356). The document (FR Doc. 97-27566) amended the Board's Rules Regarding Availability of Information and contained several incorrect citations. This document also adds an amendatory instruction which will revise citations within subpart C of the Rules to reflect the new renumbering.

In final rule, FR Doc. 97-27566, published on October 20, 1997, (62 FR 54356) make the following corrections:

PART 261—[CORRECTED]

1. On page 54359, in the first column, in the authority citation, line 6, correct "15 U.S.C. 77uu(b)" to read "15 U.S.C. 77uuu(b)".

§ 261.22 [Corrected]

2. On page 54359, in the first column, add amendatory instruction 3a. to read as follows:

a. Newly designated § 261.22 is amended by:

a. In paragraphs (b)(1) introductory text and (b)(2), the reference "§§ 261.11 and 261.12" is removed and "§§ 261.20 and 261.21" is added in its place.

b. In paragraph (d), the reference "§ 261.9" is removed and "§ 261.12" is added each place it appears.

§ 261.1 [Corrected]

3. On page 54359, in the second column, in § 261.1, in paragraph (a)(1), line 22, correct "the Securities and Exchange Act," to read "the Securities and Exchange Commission Authorization Act,".

§ 261.12 [Corrected]

4. On page 54362, in the second column, in § 261.12, in paragraph (b)(3), line 7, correct "§ 261.23(b)(1)(ii)" to read "§ 261.22(b)".

5. On page 54362, in the second column, in § 261.12, paragraph (c)(3), last line, correct "§ 261.17(h)" to read "§ 261.17(f)".

6. On page 54362, in the second column, in § 261.12, paragraph (c)(4), last line, correct "§ 261.23(b)" to read "§ 261.22(b)".

§ 261.17 [Corrected]

7. On page 54366, in the first column, in § 261.17, paragraph (f)(4), last line, correct "§ 261.13(j)" to read "§ 261.13(i)".