GIPSA also is amending the Official United States Standards for Grain, Subpart A—General Provisions, § 810.104, Percentages, by revising paragraph (b), Recording. This change requires rye dockage to be determined and reported in whole and tenths of a percent to the nearest tenth of a percent.

Pursuant to Section 4(b)(1) of the United States Grain Standards Act, as amended (7 U.S.C. 76(b)(1)), no standards established or amendments or revocations of standards are to become effective less than one calendar year after promulgation unless, in the judgement of the Secretary, the public health, interest, or safety require that they become effective sooner. Pursuant to that section of the Act, the revisions will become effective June 1, 1999. This effective date will coincide with the beginning of the 1999 crop year and facilitate the marketing of rye.

List of Subjects

7 CFR Part 800

Administrative practice and procedure, Exports, Grain.

7 CFR Part 810

Exports, Grain.

For reasons set out in the preamble, 7 CFR Part 800 and 7 CFR Part 810 are amended as follows:

PART 800—GENERAL REGULATIONS

1. The authority citation for Part 800 continues to read as follows:

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

2. Section 800.86(c)(2) is amended by revising the entry for ''Dockage'' in Table 14 to read as follows:

§ 800.86 Inspection of shiplot, unit trains, and lash barge grain in single lots.

* * * * *

(c) * * *

(2) * * *

TABLE 14—BREAKPOINTS (BP) FOR RYE SPECIAL GRADES AND FACTORS

Special grade or factor	Grade limit	Breakpoint
* * *	* *	* *
Dockage	As specified by contract or load order grade.	0.2

* * * * *

PART 810—OFFICIAL UNITED STATES STANDARDS FOR GRAIN

3. The authority citation for Part 810 continues to read as follows:

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

4. Section 810.104 is amended by revising the first three sentences of paragraph (b) to read as follows:

§ 810.104 Percentages.

* * * * *

(b) *Recording.* The percentage of dockage in flaxseed and sorghum is reported in whole percent with fractions of a percent being disregarded. Dockage in barley and triticale is reported in whole and half percent with a fraction less than one-half percent being disregarded. Dockage in wheat and rye is reported in whole and tenth percents to the nearest tenth percent. * * *

Dated: April 14, 1998.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 98–10768 Filed 4–22–98; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Docket No. FV98–932–1 FR]

Olives Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the California Olive Committee (Committee) under Marketing Order No. 932 for the 1998 and subsequent fiscal years from $14.99 to $17.10 per ton of assessable olives. The Committee is responsible for local administration of the marketing order which regulates the handling of olives grown in California. Authorization to assess olive handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal year began on January 1 and ends December 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: April 24, 1998.

FOR FURTHER INFORMATION CONTACT: Diane Purvis, Marketing Assistant, or J. Terry Vawter, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone: (209) 487–5901, Fax: (209) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, PO 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, PO Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 148 and Order No. 932, both as amended (7 CFR part 932), regulating the handling of olives grown in California, 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 (Department) 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, California olive 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 olives beginning January 1, 1998, and continue 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 increases the assessment rate established for the Committee for the 1998 and subsequent fiscal years from $14.99 per ton to $17.10 per ton.

The California olive marketing 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 California olives. 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 1997 and subsequent fiscal years, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from fiscal year to fiscal year 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 December 11, 1997, and unanimously recommended 1998 expenditures of $1,750,400 and an assessment rate of $17.10 per ton of olives received during the 1997–98 crop year, which began August 1, 1997, and ends July 31, 1998. In comparison, last year's budgeted expenditures were $2,159,265. The assessment rate of $17.10 is $2.11 higher than the rate currently in effect.

Olive trees have an alternate-bearing characteristic causing a large crop one year and a small crop the next. Handler receipts of olives for the 1997–98 crop year were 85,585 tons, which is 41 percent less than the 144,075 tons received in 1996–97. Although the 1998 fiscal year budgeted expenditures are less than those in the prior year, the decrease in olive receipts necessitates an increase in the assessment rate to cover all anticipated expenditures. If the assessment rate is not increased from the 1997 fiscal year assessment rate of $14.99, funds will fall approximately $467,481 short of 1998 fiscal year budgeted expenses.

The major expenditures recommended by the Committee for the 1998 year include $357,900 for administration, $50,000 for research, and $1,308,500 for market development. Budgeted expenses for these items in 1997 were $390,890, $173,375, and $1,595,000, respectively.

The assessment rate recommended by the Committee was derived by considering anticipated expenses, actual receipts of olives, and additional pertinent factors. The revised assessment rate should provide $1,463,504 in assessment income. Income derived from handler assessments, interest, and carryover of reserve funds will be adequate to cover budgeted expenses. Funds in the reserve (currently $287,996) will be kept within the maximum permitted by the order (approximately one fiscal year's expenses; § 932.40).

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 will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal year 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 1998 budget was approved on February 17, 1998, and those for subsequent fiscal years 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 rule 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 1,200 producers of olives in the production area and 4 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 California olive producers may be classified as small entities. None of the handlers may be so classified.

This rule increases the assessment rate established for the Committee and collected from handlers for the 1998 and subsequent fiscal years from $14.99 per ton of olives to $17.10 per ton of olives. The Committee unanimously recommended 1998 expenditures of $1,750,400 and an assessment rate of $17.10 per ton of olives. The assessment rate of $17.10 is $2.11 higher than the 1997 rate. The $17.10 rate should provide $1,463,504 in assessment income. The Committee will use reserve funds and interest income to make up the shortfall in assessment income. Therefore, income derived from handler assessments, interest, and carried over reserve funds will be adequate to cover budgeted expenses for the 1998 fiscal period. Funds in the reserve (currently $287,996) will be kept within the maximum permitted by the order (approximately one fiscal year's expenses; § 932.40).

Although the 1998 fiscal year budgeted expenditures are less than those in the prior year, the decrease in olive receipts necessitates an increase in the assessment rate to cover all anticipated expenditures. If the assessment rate is not increased from the 1997 fiscal year assessment rate of $14.99, funds will fall approximately $467,481 short of 1998 fiscal year budgeted expenses.

A review of historical and preliminary information pertaining to the current crop year indicates that the grower prices for the 1997–98 crop year could range from $150 to $825 per ton of olives for canning sizes. Therefore, the estimated assessment revenue for the 1998 fiscal year as a percentage of total grower revenue could range between 11.4 and 2 percent, respectively. If the prices for canning sizes average about $500 per ton during the 1997–98 crop year, the estimated assessment revenue for the 1998 fiscal year as a percentage of total grower revenue will be about 3 percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform 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 California olive industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the December 11, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. In addition, all four regulated handlers are equally represented on the Committee and voted unanimously in favor of the assessment increase. Finally, interested persons were invited to submit information on the regulatory and information impacts of this rule on small entities.

This rule imposes no additional reporting or recordkeeping requirements on California olive handlers, none of which are small entities. 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 rule.

A proposed rule concerning this action was published in the **Federal Register** on February 17, 1998 (63 FR 7732). Copies of the proposed rule were also mailed or sent via facsimile to all olive handlers. Finally, the proposal was made available through the Internet by the Office of the Federal Register.

A 30-day comment period ending March 19, 1998, was provided for interested persons to respond to the proposal. No comments were received in response to the proposal.

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.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because the marketing order requires that the rate of assessment for each fiscal period apply to all assessable olives handled during such period. The fiscal year under the order covers the period January 1 through December 31. Further, handlers are aware of this rule which was recommended at a public meeting. Also, a 30-day comment period was provided in the proposed rule, and no comments were received.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 932.230 is revised to read as follows:

§ 932.230 Assessment rate.

On and after January 1, 1998, an assessment rate of $17.10 per ton is established for assessable olives grown in California.

Dated: April 9, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–10772 Filed 4–22–98; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. FV98–993–1 FR]

Dried Prunes Produced in California; Undersized Regulation for the 1998–99 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the undersized regulation for dried prunes received by handlers from producers and dehydrators under Marketing Order No. 993 for the 1998–99 crop year. The marketing order regulates the handling of dried prunes produced in California and is administered locally by the Prune Marketing Committee (Committee). This rule removes the smallest, least desirable of the marketable size dried prunes produced in California from human consumption outlets, and allows handlers to dispose of undersized prunes in such outlets as livestock feed. The Committee estimated that this rule will reduce the calculated excess of about 78,000 tons of dried prunes expected at the end of the 1997–98 crop year by approximately 7,300 tons, leaving sufficient prunes to fulfill foreign and domestic trade demand.

EFFECTIVE DATES: August 1, 1998, through July 31, 1999.

FOR FURTHER INFORMATION CONTACT: Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901, Fax: (209) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, PO 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, PO Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 993, both as amended (7 CFR part 993), regulating the handling of dried prunes produced in California, hereinafter referred to as the ''order.'' The marketing agreement and order are