

\$5,000,000, and small agricultural producers are defined as those having annual receipts of less than \$750,000. Thirteen of the 20 handlers subject to regulation have annual sales estimated to be at least \$5,000,000, and the remaining 7 handlers have sales less than \$5,000,000. No more than 7 handlers, and a majority of producers, of California raisins may be classified as small entities.

The order provides authority for volume and quality regulations that are imposed by varietal type of raisin. This rule continues to establish and add to the regulations a new varietal type (Other Seedless-Sulfured raisins), along with quality requirements for this varietal type. This is a new type of raisin that is being produced by some industry members. A new paragraph (j) was added to § 989.110 of the order's regulations to define the varietal type Other Seedless-Sulfured raisins. Pursuant to §§ 989.58 and 989.59, quality requirements for Other Seedless-Sulfured raisins were added to the order's regulations as follows: incoming quality requirements were added to §§ 989.210, 989.212, 989.213, and 989.701; a factor for converting between natural condition and processed weight is added to § 989.601; and outgoing quality requirements were added to § 989.702.

Regarding the impact of this action on affected entities, this rule allows the RAC to consider Other Seedless-Sulfured raisins separately from other varietal types of raisins for the purpose of volume and quality regulation, thereby recognizing distinct differences in supply and demand conditions for that product. Producers and handlers may take advantage of a separate and distinct market for Other Seedless-Sulfured raisins. This rule allows appropriate quality requirements to be applied to this new varietal type, which facilitates the production and handling of such raisins. In addition, this rule allows the RAC to examine data on acquisitions and shipments of Other Seedless-Sulfured raisins, as handlers submit various reports to the RAC where the data is segregated by varietal type. The RAC can analyze this data and assess marketing trends and opportunities for this unique varietal type. There are no expected additional costs associated with this regulation on either producers or handlers.

The RAC considered some alternatives to this action. The RAC reviewed the existing varietal types to see whether Other Seedless-Sulfured raisins could fit into an established category. The Golden Seedless and Other Seedless varietal types were

examined. However, Other Seedless-Sulfured raisins may not meet the color requirements for Golden Seedless raisins. In addition, Other Seedless-Sulfured raisins do not fit into the Other Seedless category because that varietal type has historically included raisins that have not been sulfured. The industry determined that it was appropriate to establish a separate varietal type for Other Seedless raisins that had been dehydrated and sulfured.

All raisin handlers are currently required to submit various reports to the RAC where the data collected is segregated by varietal type of raisin. These reports include: (1) Weekly Report of Standard Raisin Acquisitions (RAC-1); (2) Weekly Report of Standard Raisins Received for Memorandum Receipt or Warehousing (RAC-3); (3) Monthly Report of Free Tonnage Raisin Disposition (RAC-20); (4) Weekly Off-Grade Summary (RAC-30); (5) Inventory of Free Tonnage Standard Quality Raisins on Hand (RAC-50); and (6) Inventory of Off-Grade Raisins on Hand (RAC-51). This rule continues to require that an additional column be added to these six forms so that handlers can report Other Seedless-Sulfured raisins separately. The total annual burden for these six forms is 660 hours. This action does not change this burden on handlers.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements referenced above have been approved by the Office of Management and Budget (OMB) under OMB Control No. 0581-0178. 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.

Additionally, except for applicable section 8e import regulations, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. However, as previously stated, Other Seedless-Sulfured raisins must meet U.S. Grade C as defined in the United States Standards for Grades of Processed Raisins (§§ 52.1841 through 52.1858) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1622 through 1624).

Further, the RAC's meetings on August 14, September 20, and November 13, 2001, where this action was deliberated were public meetings widely publicized throughout the raisin industry. All interested persons were invited to attend the meetings and participate in the industry's deliberations.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

An interim final rule concerning this action was published in the **Federal Register** on May 28, 2002, (67 FR 36789). Copies of the rule were mailed by Committee staff to all Committee members and alternates, the Raisin Bargaining Association, handlers and dehydrators. In addition, the rule was made available through the Internet by the Office of the Federal Register and USDA. That rule provided for a 60-day comment period that ended on July 29, 2002. No comments were received.

After consideration of all relevant material presented, including the information and recommendation submitted by the RAC 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 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 989 which was published at 67 FR 36789 on May 28, 2002, is adopted as a final rule without change.

Dated: September 4, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02-23036 Filed 9-10-02; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 999

[Docket No. FV02-999-1 FR]

Specialty Crops, Import Regulations; Addition of a New Varietal Type to the Raisin Import Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adds Other-Seedless Sulfured raisins, along with quality requirements, to the raisin import regulation. The import regulation is authorized under section 8e of the Agricultural Marketing Agreement Act of 1937 (Act) and requires imports of raisins to meet the same or comparable grade and size requirements as those in effect under Federal Marketing Order No. 989 (order). The order regulates the handling of raisins produced from grapes grown in California. The regulations authorized under the domestic order were recently changed to add Other-Seedless Sulfured raisins, along with quality requirements for this varietal type. This is a new type of raisin being produced by some California industry members. This rule brings the import regulation into conformity with the regulations for California raisins under the marketing order.

EFFECTIVE DATE: October 11, 2002.

FOR FURTHER INFORMATION CONTACT:

Maureen T. Pello, Senior Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487-5901, Fax: (559) 487-5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250-0237; telephone: (202) 720-2491, Fax: (202) 720-8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington DC 20250-0237; telephone: (202) 720-2491, Fax: (202) 720-8938, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act," which provides that whenever certain specified commodities, including raisins, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

The Department of Agriculture (USDA) is issuing this rule in

conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, 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.

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

This rule adds a new varietal type to the raisin import regulation. This action adds Other Seedless-Sulfured raisins, along with quality requirements, to the import regulation. This action is necessary to bring the import regulation in line with the domestic marketing order. The order regulates the handling of raisins produced from grapes grown in California.

The domestic order provides authority for volume and quality regulations that are imposed by varietal type. Section 989.10 of the order defines the term "varietal type" to mean raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. That section includes a list of varietal types, and provides authority for the Raisin Administrative Committee (RAC), with the approval of USDA, to change this list. A description of these varietal types, along with additional varietal types, is specified in § 989.110 of the order's administrative rules and regulations.

In August 2001, the RAC, which locally administers the order, recommended changing the domestic regulation to add a new varietal type of raisin. Some California industry members are marketing a new type of raisin that is made by dehydrating sulfured red seedless grapes. These raisins did not fit into any of the existing varietal types specified under the order prior to the issuance of the rulemaking action mentioned below. Such raisins are similar to the Other Seedless varietal type, except they have been sulfured. Such raisins are also similar to the Golden Seedless varietal type, but may not meet the color requirements for Golden Seedless raisins. Golden Seedless raisins are made from green seedless grapes and are mostly yellowish green to green amber in color when sulfured. Red seedless grapes typically vary in color when sulfured. Thus, the RAC recommended establishing a new varietal type, along

with quality requirements, for Other Seedless-Sulfured raisins. An interim final rule implementing this recommendation was published in the **Federal Register** on May 28, 2002 (67 FR 36789) and became effective on May 29, 2002. Comments were invited until July 29, 2002. No comments were received. A final rule on this action will be published in a different issue of the **Federal Register**.

This rule brings the raisin import regulation into conformity with the domestic order. This action adds Other Seedless-Sulfured raisins to the list of varietal types specified in § 999.300(a)(2) of the raisin import regulation. This rule also adds Other Seedless-Sulfured raisins to § 999.300(b)(1); thus, imports of such raisins will have to meet the same quality requirements in effect for such raisins domestically produced. USDA is not aware of any imports of this type of raisin at this time.

Accordingly, imported lots of Other Seedless-Sulfured raisins will have to meet the requirements of U.S. Grade C as defined in the United States Standards for Grades of Processed Raisins (§§ 52.1841 through 52.1858) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1622 through 1624). At least 70 percent, by weight, of the raisins in a lot will have to be well-matured or reasonably well-matured. With respect to select-sized and mixed-sized lots, the raisins will have to at least meet the U.S. Grade B tolerances for pieces of stem and undeveloped and substandard raisins, and small (midget) sized raisins will have to meet the U.S. Grade C tolerances for those factors. Raisin importers will continue to be charged \$47 per hour by USDA for inspecting the raisins.

Final Regulatory Flexibility Analysis

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 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. Import regulations issued under the Act

are based on those established under Federal marketing orders.

There are approximately 75 importers of raisins. During the 2000–01 season (August 2000 through September 2001), the dollar value of U.S. raisin imports totaled \$12.2 million. During the 1999–2000 season, the value was \$21.7 million. During the 1996–97 through 2000–01 seasons, the value of imports ranged from a low of \$11.8 million in 1997–98 to a high of \$29.6 million in 1998–99. Small agricultural service firms, which include raisin importers, are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than \$5,000,000. A majority of importers may be classified as small entities.

Mexico, Chile, Argentina, and the Republic of South Africa are the major raisin-producing countries exporting raisins to the United States. During the 2000–01 season, 11,631 metric tons of raisins were imported into the United States. Chile accounted for 4,841 metric tons, 3,811 metric tons arrived from Mexico, 1,245 metric tons were imported from Argentina, and 1,245 metric tons arrived from the Republic of South Africa. Most of the remaining balance came from Iran, Turkey, and Pakistan. During the 1999–2000 season, 17,538 metric tons of raisins were imported. Of the tonnage, 6,076 metric tons came from Mexico, 6,134 metric tons came from Chile, 2,436 tons arrived from Argentina, and 1,400 metric tons were from the Republic of South Africa. Most the remaining tonnage was imported from Afghanistan, Turkey, and Pakistan. During the 1996–97 through 2000–01 seasons, raisins imports ranged from a low of 10,390 metric tons in 1997–98 to a high of 25,337 metric tons in 1998–99.

This rule adds Other Seedless-Sulfured raisins to the list of varietal types specified in § 999.300(a)(2) of the raisin import regulation. This rule also adds Other Seedless-Sulfured raisins to § 999.300(b)(1); thus, imports of such raisins will have to meet the same quality requirements in effect for such domestically produced raisins. Authority for these changes is provided in section 8e of the Act.

Regarding the impact of this action on affected entities, this rule brings the import regulation into conformity with the domestic regulation. The domestic regulation was changed on May 29, 2002 (67 FR 36789) to add a varietal type, along with quality requirements, for Other Seedless-Sulfured raisins. This is a new type of raisin being produced by some members of the California raisin industry. Accordingly, under section 8e of the Act, imports of Other

Seedless-Sulfured raisins will have to meet the same quality requirements as the domestic product. Raisin importers will continue to be charged \$47 per ton by USDA for inspecting the raisins. As previously stated, USDA is not aware at this time of any imports of this type of raisin.

With regard to alternatives, as previously stated, the Act requires that raisin imports meet the same or comparable grade and size requirements as those in effect under Federal Marketing Order No. 989.

This rule will impose no additional reporting or recordkeeping requirements on either small or large raisin importers. Reports and forms required under the raisin import regulation are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. There are currently two forms required under the raisin import regulation. Forms 1 and 2 must be completed only for lots of raisins that do not meet applicable grade and size requirements and are going to be used in the production of other products besides raisins. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements referenced herein have been approved by the Office of Management and Budget (OMB) under OMB. NO. 0581–0178. It is estimated that it takes importers of raisins about 15 minutes to complete Raisin Form No. 1, and processors of failing imported raisins about 15 minutes to complete Raisin Form No. 2. The total annual burden for Raisin Form Nos. 1 and 2, respectively, is 24 hours.

Additionally, except for applicable domestic regulations, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. However, as previously stated, imports of Other Seedless-Sulfured raisins must meet a modified U.S. Grade C as defined in the United States Standards for Grades of Processed Raisins (§§ 52.1841 through 52.1858) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1622 through 1624). Finally, all interested persons were invited to submit information on the regulatory and information impact of this action on small businesses.

A proposed rule concerning this action was published in the **Federal Register** on June 14, 2002 (67 FR 40879). Copies of the proposed rule were also mailed or sent via facsimile to raisin importers and other interested persons. Finally, the proposal was made available through the Internet by the Office of the Federal Register and USDA. A 60-day comment period

ending August 13, 2002, was provided for interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

After consideration of all relevant material presented and information available to USDA, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the purposes of the Act.

List of Subjects in 7 CFR Part 999

Dates, Filberts, Food grades and standards, Imports, Nuts, Prunes, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 999 is amended to read as followed:

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

1. The authority citation for 7 CFR part 999 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 999.300, paragraphs (a)(2) and (b)(1) are revised to read as follows:

§ 999.300 Regulation governing importation of raisins.

(a) * * *

(2) *Varietal type* means the applicable one of the following: Thompson Seedless raisins, Muscat raisins, Layer Muscat raisins, Currant raisins, Monukka raisins, Other Seedless raisins, Golden Seedless raisins, and Other Seedless-Sulfured raisins.

* * * * *

(b) * * *

(1) With respect to Thompson Seedless and Other Seedless-Sulfured raisins—the requirements of U.S. Grade C as defined in the effective United States Standards of Grades of Processed Raisins (§§ 52.1841 through 52.1858 of this title): *Provided*, That, at least 70 percent, by weight, of the raisins shall be well-matured or reasonably well-matured. With respect to select-sized and mixed-sized lots, the raisins shall at least meet the U.S. Grade B tolerances for pieces of stem and undeveloped and substandard raisins, and small (midget)

sized raisins shall meet the U.S. Grade C tolerances for those factors;

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Dated: September 4, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02-23035 Filed 9-10-02; 8:45 am]

BILLING CODE 3410-02-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 16

RIN 3150-AG96

Salary Offset Procedures for Collecting Debts Owed by Federal Employees to the Federal Government

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations concerning the procedures used to collect debts that are owed to NRC by Federal employees. These amendments will conform NRC regulations to the legislative changes enacted in the Debt Collection Improvement Act of 1996 (DCIA) and the amended procedures presented in the Federal Claims Collection Standards (FCCS) issued by the Department of the Treasury (Treasury) and the Department of Justice (DOJ). The final action will allow the NRC to improve its collection of debts due the United States from Federal employees.

EFFECTIVE DATE: October 11, 2002.

FOR FURTHER INFORMATION CONTACT:

Leah Tremper, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, 11545 Rockville Pike, Rockville, MD 20852-2738, Telephone 301-415-7347.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Comments on Proposed Rule
- III. Section by Section Analysis
- IV. Voluntary Consensus Standards
- V. Finding of No Significant Environmental Impact
- VI. Paperwork Reduction Act
- VII. Regulatory Analysis
- VIII. Regulatory Flexibility Certification
- IX. Backfit Analysis

I. Background

On October 16, 1991 (56 FR 51829), the Nuclear Regulatory Commission (NRC) published a final rule concerning procedures for the collection of debts from Federal employees. Since then, the DCIA of 1996 (Pub. L. 104-134), was

enacted on April 26, 1996. A major purpose of the DCIA of 1996 is to increase the collection of delinquent nontax debts owed to the Federal Government. Among other things, the DCIA of 1996 established a centralized process for withholding or reducing eligible Federal payments, including Federal salary payments, to pay the payee's delinquent debt owed to the United States. This process is known as "centralized administrative offset." The DCIA of 1996 requires Federal agencies to annually match their delinquent debtor records with records of Federal employees to identify Federal employees who owe delinquent debt to the Federal Government. The Treasury and other disbursing officials will match payments from the Federal Government, including Federal salary payments, for the purpose of offsetting the payments of those debtors who owe debt to the United States. When a match occurs and all the requirements for offset have been met, the payment will be offset to satisfy the debt in whole or part. To meet this responsibility, Treasury has established the Treasury Offset Program. Under the DCIA of 1996, Federal agencies are required to notify the Financial Management Service (FMS) of all past-due, legally enforceable nontax debts owed to the United States that are over 180 days delinquent. The debts are included in the delinquent debtor database, and include debts owed by Federal employees that the NRC seeks to collect from the employee's pay account at another agency. Compliance with the administrative offset provisions of the DCIA of 1996 will accomplish salary offset. This rule establishes NRC's procedures for notifying Treasury of delinquent debtors for the purpose of matching NRC's debtors against the delinquent debtor database.

The FCCS (31 CFR Chapter IX and Parts 900, 901, 902, 903, and 904) were revised on November 22, 2000 (65 FR 70390). The revised FCCS clarify and simplify Federal debt collection procedures and reflect changes under the DCIA of 1996 and the General Accounting Office Act of 1996. The revised FCCS reflect legislative changes to Federal debt collection procedures enacted under the DCIA of 1996, Pub. L. 104-134, 110 Stat. 1321-358, as part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996. The revised FCCS provide agencies with greater latitude to adopt agency-specific regulations, tailored to the legal and policy requirements applicable to the various types of Federal debt, to maximize the effectiveness of Federal debt collection procedures. The

Secretary of the Treasury has been added as a co-promulgator of the FCCS in accordance with section 31001(g)(1)(C) of the DCIA of 1996. The Comptroller General has been removed as a co-promulgator in accordance with section 115(g) of the General Accounting Office Act of 1996, Pub. L. 104-316, 110 Stat. 3826 (October 19, 1996), (65 FR 70390 (November 22, 2000)). The Department of the Treasury and DOJ have published the revised FCCS as a joint final rule under new Chapter IX, 31 Code of Federal Regulations. The revised FCCS supersede the current FCCS codified at 4 CFR Parts 101-105.

The revised FCCS prescribe standards for Federal agency use in the administrative collection, offset, compromise, and the suspension or termination of collection activity for civil claims for money, funds, or property, as defined by 31 U.S.C. 3701(b), unless specific Federal agency statutes or regulations apply to such activities, or as provided for by Title 11 of the United States Code when the claims involve bankruptcy. The revised FCCS also prescribe standards for referring debts to the Department of Justice for litigation.

II. Comments on Proposed Rule

On April 24, 2002 (67 FR 20059), the NRC published a proposed rule to amend its salary offset procedures to conform NRC regulations to the legislative changes enacted in the DCIA of 1996 and the revised FCCS. The comment period expired on July 8, 2002. No comments were received on the proposed rule.

III. Section by Section Analysis

Section 16.1 Purpose and Scope

This section is amended to (1) state the NRC is not limited to collection remedies contained in the revised FCCS, (2) delete the statement that these procedures do not apply to the Social Security Act, 42 U.S.C. 301 *et. seq.*, and (3) delete the reference to 4 CFR parts 101-105 and substitute the reference to 31 CFR Chapter IX, Parts 900-904.

Section 16.3 Definitions

This section is amended to revise the definitions of "agency," "creditor agency," "debt and claim," "disposable pay," "employee," and "FCCS" to conform with the DCIA of 1996. Other definitions such as "centralized salary offset computer matching," "debt collection center," "delinquent debt record," "disbursing official," and "Treasury" have been added to conform to the definitions in the DCIA of 1996.