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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

Tomatoes Grown in Florida; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses for the functioning of the Florida Tomato Committee. It enables the committee to collect assessments from first handlers on all assessable tomatoes handled and to use the resulting funds for its expenses.

EFFECTIVE DATE: August 1, 1980.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615. The Final Impact Statement relative to this final rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: Findings. This final action has been reviewed under USDA Procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant."

Pursuant to Marketing Order No. 966, as amended (7 CFR Part 966), regulating the handling of tomatoes grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon other information, it is found that the expenses and rate of assessment which follows will tend to effectuate the declared policy of the act.

It is further found that it is

impracticable and contrary to the public interest to provide 60 days for interested persons to file comments or to engage in public rulemaking, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553), as the order requires that the rate of assessment for a particular fiscal period shall apply to all assessable tomatoes handled from the beginning of such period. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the committee held September 5, 1980, in Sarasota, Florida. To effectuate the declared purposes of the act it is necessary to make these provisions effective as specified.

Section 966.216 is hereby terminated and § 966.217 is added as follows:

§ 966.217 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1981, by the Florida Tomato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate amount to \$152,700.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent (\$0.005) per 30-pound container or equivalent quantity of tomatoes handled by him as the first handler thereof during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 966.44(a)(2).

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 19, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-29605 Filed 9-23-80; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 3

Animal Welfare; Miscellaneous Amendments and Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule, correction.

SUMMARY: The purpose of this amendment is to correct §§ 3.104(b)(3)(iii) and 3.104(f)(3) of Subpart E of Part 3 of Chapter 9 of the Code of Federal Regulations pertaining to marine mammals.

EFFECTIVE DATE: September 24, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. D. F. Schwindaman, Animal Care Staff, USDA, APHIS, VS, Federal Building, Room 703, Hyattsville, MD 20782, (301) 436-7833.

SUPPLEMENTARY INFORMATION: On August 19, 1977, and September 19, 1978, proposed regulations were published in the **Federal Register** for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals (42 FR 42044-42054) (43 FR 42200-42218). On June 22, 1979, final regulations were published which became effective September 20, 1979, (44 FR 36868-36883). Due to revisions made in the final regulations and a proof reading oversight, two inaccurate section references appear in § 3.104(b)(3)(iii) and the words "the square of" were omitted in line 13, § 3.104(f)(3), between the words "one-half of" and "the sea otters average adult length by 3.14."

In order to correct these errors, § 3.104(b)(3)(iii) and (f)(3) are amended to read as follows:

§ 3.104 [Amended]

(b) * * *

(3) * * *

(iii) When a mixture of both Group I and Group II cetaceans are housed together, the MHD must be satisfied as stated in § 3.104(b)(1), and the minimum depth must be satisfied as stated in § 3.104(b)(2). . . .

* * * * *

(f) * * *

(3) * * * When the enclosure is to contain more than two sea otters, the dry resting area for each additional

animal shall be computed by multiplying one-half of the square of the sea otter's average adult length by 3.14 * * *

Done at Washington, D.C., this 19th day of September 1980.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 80-29609 Filed 9-23-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of Broward County and a portion of Dade County in Florida and a portion of Los Angeles County in California because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Broward County, Florida, on September 11, 1980; Dade County, Florida, on September 12, 1980; and Los Angeles County, California, on September 13, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected areas.

EFFECTIVE DATE: September 15, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 2505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: These amendments quarantine a portion of Broward County and a portion of Dade County in Florida and a portion of Los Angeles County in California, because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3(a)(1) relating to the State of Florida, new paragraphs (ii) and (iii)

relating to Broward County and Dade County are added to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *Florida.*

(ii) The premises of Bill's Bird Boutique, 4122 SW 64th Avenue, Davie, Broward County.

(iii) The premises of South Florida Bird Farm, 4444 SW 74th Avenue, Miami, Dade County.

2. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of California and a new paragraph (a)(2) relating to the State of California is added to read:

(a) * * *

(2) *California.* The premises of David Mohilef, 4105 Jefferson Blvd., Los Angeles, Los Angeles County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

These amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 15th day of September 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-29608 Filed 9-23-80; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

10 CFR Parts 206 and 708

Privacy Act; Records Maintained on Individuals; Correction

AGENCY: Department of Energy.

ACTION: Amendment to final rule.

SUMMARY: In the **Federal Register** (45 FR 61576) published September 16, 1980, 10 CFR Part 206 and 10 CFR Part 708 were inadvertently omitted from the heading and in the words of issuance.

EFFECTIVE DATE: October 16, 1980.

FOR FURTHER INFORMATION CONTACT:

Milton Jordan, Director, Office of Freedom of Information and Privacy Acts Activities, Office of Administration, Department of Energy, Room 5B-138, Forrestal Building, Washington, DC 20585, (202) 252-5955.

Leslie Borden Greenspan, Office of General Counsel, Room 6A-067, Forrestal Building, Washington, DC 20585, (202) 252-8618.

SUPPLEMENTARY INFORMATION: The words of issuance are amended to read as indicated below:

"Title 10 of the Code of Federal Regulations is amended as follows:

1. Parts 206 and 708 are revoked.
2. Part 1008 is added to read as set forth below:"

Issued in Washington, DC., on September 23, 1980.

Milton Jordan,

Director, Division of FOI and Privacy Acts Activities.

[FR Doc. 80-29476 Filed 9-23-80; 8:45 am]

BILLING CODE 6450-01-M