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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Assistant Secretary for Natural Resources and Environment and Chief of the Forest Service; Delegation of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document delegates and codifies the authority from the Secretary of Agriculture to the Assistant Secretary for Natural Resources and Environment, and from the Assistant Secretary to the Chief of the Forest Service to act for the Department in all matters related to the Federal Water Power Act of June 10, 1920, as amended (16 U.S.C. 791-823). This action will enable the Department to better carry out its responsibilities and serve the public.

EFFECTIVE DATE: May 28, 1982.

ADDRESS: R. Max Peterson, Chief (5400), USDA, Forest Service, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, USDA, Forest Service, Lands Staff, P.O. Box 2417, Washington, DC 20013, (202) 235-8107.

SUPPLEMENTARY INFORMATION: The delegation of authority to the Chief of the Forest Service to represent the Department in all matters relating to the Federal Water Power Act has not been published in the Federal Register. The Chief has exercised this authority since it was delegated by letter in 1970. By this amendment, the delegation is included in the specific delegations through the Assistant Secretary for Natural Resources and Environment to the Chief.

This rule relates to internal agency management. Therefore, pursuant to 5

U.S.C. 553, it is found upon good cause that notice and other public participation procedures with respect to the rule are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. This action is not a rule as defined by Pub. L. 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

For the reasons set out in the preamble, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as set forth below:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Section 2.19 is amended by adding paragraph (d)(21) as follows:

§ 2.19 Delegations of authority to the Assistant Secretary for Natural Resources and Environment.

* * * * *

(d) * * *

(21) Represent the Department in all matters relating to responsibilities and authorities under the Federal Water Power Act, approved June 10, 1920, as amended (16 U.S.C. 791-823).

* * * * *

Subpart G—Delegations of Authority by the Assistant Secretary for Natural Resources and Environment

3. Section 2.60 is amended by adding a new paragraph (a)(22) to read as follows:

§ 2.60 Chief, Forest Service.

(a) * * *

(22) Represent the Department in all matters relating to responsibilities and authorities under the Federal Water Power Act, approved, June 10, 1920, as amended (16 U.S.C. 791-823).

* * * * *

For Subpart C:

Dated: May 25, 1982.

John R. Block,

Secretary of Agriculture.

For Subpart G:

Dated: March 4, 1982.

John B. Crowell,

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 82-14676 Filed 5-27-82; 8:45 am]

BILLING CODE 3410-11-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 361]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 30-June 5, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 30, 1982.

FOR FURTHER INFORMATION CONTACT:

William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby

found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. The committee met again publicly on May 25, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

Section 910.661 is added as follows:

§ 910.661 Lemon Regulation 361.

The quantity of lemons grown in California and Arizona which may be handled during the period May 30, 1982, through June 5, 1982, is established at 275,000 cartons.

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

Dated: May 26, 1982.

D. S. Kuryloski,

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

[FR Doc 82-14836 Filed 5-27-82; 12:29 pm]

BILLING CODE 3410-02-M

7 CFR Part 987

Domestic Dates Produced or Packed in Riverside County, California; Amendment of Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adds provisions to the current date administrative committee (DAC) container requirements established under the California date marketing order to permit the California Date Administrative Committee to designate additional types and sizes of containers for testing in connection with market research projects. This authority would allow the Committee to conduct market research projects on new container types and sizes and to evaluate the market effects of these containers in more timely fashion than can be done now. This action is based upon a unanimous recommendation of the Committee. The Committee works with USDA in administering the date marketing order program.

EFFECTIVE DATE: May 28, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order No. 12291 and Secretary's Memorandum 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Acting Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the 17 regulated handlers.

It is found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking and that good cause exists for not postponing the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because: (1) The industry wants to test market 7-ounce plastic containers to determine consumer acceptance this crop year, which ends September 30, 1982; (2) the initiation of this market research project should begin as soon as possible so packers can begin packing and making sales of the 7-ounce containers; (3) no useful purpose would be served by delaying the effective date of this action, and valuable time would be lost; (4) this action relieves restrictions on handlers and must be effective promptly to achieve its purpose; and (5) handlers have been aware of this action and have had ample time to prepare for operation thereunder.

This action would amend § 987.112a

of Subpart—Administrative Rules (7 CFR 987.101-987.172; 47 FR 4489) by adding a new subparagraph (4) to paragraph (b) to facilitate container size and type market testing. This action is issued under § 987.33 of the marketing agreement and Order No. 987 (7 CFR Part 987), both as amended, regulating the handling of domestic dates produced or packed in Riverside County, California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The purpose of this action is to allow the Committee to implement market research projects on new container types and sizes when it believes they have potential for improving and promoting date sales in the United States in more timely fashion than can be done now. Currently, the USDA has to initiate informal rulemaking procedures each time the Committee wants to test new container types and sizes. These procedures are quite time consuming. Under this action, USDA approval of such projects would be required. However, the approval could be accomplished by a letter to the Committee. This would give the Committee increased flexibility and facilitate container size and type testing.

In making recommendations for this type of market research, the Committee would designate specific container types and sizes for testing, the time period for testing, and the quantity that could be test marketed during this period. The Committee would evaluate the results and make appropriate recommendations for changes in container requirements to the USDA.

After consideration of all relevant matter presented, the information and recommendation submitted by the Committee, and other available information, it is further found that the amendment of § 987.112a of Subpart—Administrative Rules (7 CFR 987.101-987.172; 47 FR 4489) will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 987

Marketing agreements and orders, Dates, California.

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Therefore, § 987.112a is amended by adding new subparagraph (4) to paragraph (b) to read as follows:

Subpart—Administrative Rules

Identification and Outlet Specifications

§ 987.112a Grade, size, and container requirements for each outlet category.

(b) *

(4) The California Date

Administrative Committee may designate with the approval of the Secretary such other types and sizes of containers for testing in connection with a research project conducted by or in cooperation with the Committee. The time period and the quantity of dates which may be marketed by handlers during that period shall be designated by the Committee for each market research project. The handling of each lot of dates in such test containers shall be subject to the prior approval, and under the supervision, of the Committee.

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

Dated: May 25, 1982.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 82-14678 Filed 5-27-82; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1106, 1108, 1120, 1126, 1131, 1132, and 1138

Milk in the St. Louis-Ozarks Marketing Area, et al.; Determination of a Change in the Data Used for computing the Basic Class II Formula Prices

7 CFR Part and Marketing Area

1062 St. Louis-Ozarks
1007 Georgia
1011 Tennessee Valley
1030 Chicago Regional
1032 Southern Illinois
1046 Louisville-Lexington-Evansville
1049 Indiana
1050 Central Illinois
1064 Greater Kansas city
1065 Nebraska-Western Iowa
1068 Upper Midwest
1071 Neosho Valley
1073 Wichita, Kansas
1076 Eastern South Dakota
1079 Iowa
1094 New Orleans-Mississippi
1096 Greater Louisiana
1097 Memphis, Tennessee
1098 Nashville, Tennessee
1099 Paducah, Kentucky
1102 Fort Smith, Arkansas
1106 Oklahoma Metropolitan
1108 Central Arkansas
1120 Lubbock-Plainview, Texas
1126 Texas
1131 Central Arizona

1132 Texas Panhandle
1138 Rio Grande Valley

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action substitutes selected quarterly data for certain monthly data now used in computing the basic Class II formula prices of the milk orders listed above. The change is necessary because the USDA Statistical Reporting Service has altered selected portions of its crop and livestock estimating programs, which will make certain monthly data on dairy products unavailable.

DATE: The change set forth herein become effective May 28, 1982.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable provisions of the respective orders, as amended, regulating the handling of milk in the aforesaid marketing areas, it is hereby found and determined with respect to these orders that:

(1) On March 10, 1982, the USDA Statistical Reporting Service (SRS) announced to the public that it was cutting back or otherwise altering selected portions of its crop and livestock estimating programs. One of the reports affected is the *Dairy Products* report which has been issued monthly and which in the future will be issued quarterly.

(2) The above-listed orders provide that the total American cheese production and nonfat dry milk production for the States of Minnesota and Wisconsin for the third preceding month, as reported by SRS in the *Dairy Products* report, shall be used in computing the basic Class II formula price for a particular month. For example, the basic Class II formula price for June would utilize the reported production data for March.

(3) Under the altered publication schedule for the SRS *Dairy Products* report, the first quarterly report of cheese and nonfat dry milk production will be published in the *Dairy Products* report on or about August 2, 1982. The reported data will reflect the total quantity of American cheese production and nonfat dry milk production in Minnesota and Wisconsin during the months of April, May and June 1982 combined. The production data will be

available for the mid-August announcement of the basic Class II formula price for September 1982. The last production data to be reported on a monthly basis will be the data for March 1982. Such data will be available for computing the June 1982 basic Class II formula price. Similar monthly data will not be available for computing such price for July and August 1982.

(4) Under the above circumstances, it is appropriate that the basic Class II formula prices for July and August 1982 under the above-listed orders be based on the production data for March 1982.

(5) It is also appropriate that upon the issuance of the *Dairy Products* report on a quarterly basis the monthly basic Class II formula prices under the above-listed orders be based on the American cheese and nonfat dry milk production data from the last quarterly report available for this purpose. For example, the same production data for April, May and June 1982 combined would be used in computing the basic Class II formula prices for September, October and November 1982. Similarly, the same production data for July, August and September 1982 combined would be used in computing the basic Class II formula prices for December 1982 and January and February 1983.

(6) The use of quarterly production data rather than monthly data should have a minimal impact on the basic Class II formula prices computed each month under the above-listed orders. Shown below are the results of computing the monthly basic Class II formula prices for the 28 months of January 1980 through April 1982 using weighting factors based on monthly production data as compared to using quarterly production data:

22 months—Both methods resulted in the same price.
4 months—Quarterly data resulted in a 1-cent higher price.
1 month—Quarterly data resulted in a 1-cent lower price.
1 month—Quarterly data resulted in a 2-cent lower price.

(7) Notice of proposed rulemaking and public procedure thereon are impracticable, unnecessary, and contrary to the public interest in that:

(a) The forthcoming unavailability of American cheese and nonfat dry milk production data on a monthly basis for use in computing the basic Class II formula prices under the above-listed orders necessitates the prompt establishment of an alternative means of computing such prices;

(b) The substitution of quarterly production data for monthly data is an appropriate and practicable method of

utilizing such data in computing the basic class II formula prices; and

(c) This action does not require substantial or extensive preparation by any person.

Effective date: The procedure set forth herein becomes effective May 28, 1982.

List of Subjects

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on May 24, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection.

Add the following note to each of the paragraphs listed below:

Note.—The computation of the basic class II formula price is affected by a determination document published on May 28, 1982 at 47 FR **234170**

7 CFR Section and Marketing Area

- 1062.51a(c) (1) and (2)—St. Louis-Ozarks
- 1007.51a(c) (1) and (2)—Georgia
- 1011.51a(c) (1) and (2)—Tennessee Valley
- 1030.51a(c) (1) and (2)—Chicago Regional
- 1032.51a(c) (1) and (2)—Southern Illinois
- 1046.51a(c) (1) and (2)—Louisville-Lexington-Evansville
- 1049.51a(c) (1) and (2)—Indiana
- 1050.51a(c) (1) and (2)—Central Illinois
- 1064.51a(c) (1) and (2)—Greater Kansas City
- 1065.51a(c) (1) and (2)—Nebraska-Western Iowa
- 1068.51a(c) (1) and (2)—Upper Midwest
- 1071.51a(c) (1) and (2)—Neosho Valley
- 1073.51a(c) (1) and (2)—Wichita, Kansas
- 1076.51a(c) (1) and (2)—Eastern South Dakota
- 1079.51a(c) (1) and (2)—Iowa
- 1094.51a(c) (1) and (2)—New Orleans-Mississippi
- 1096.51a(c) (1) and (2)—Greater Louisiana
- 1097.51a(c) (1) and (2)—Memphis, Tennessee
- 1098.51a(c) (1) and (2)—Nashville, Tennessee
- 1099.51a(c) (1) and (2)—Paducah, Kentucky
- 1102.51a(c) (1) and (2)—Fort Smith, Arkansas
- 1106.51a(c) (1) and (2)—Oklahoma Metropolitan
- 1108.51a(c) (1) and (2)—Central Arkansas
- 1120.51a(c) (1) and (2)—Lubbock-Plainview, Texas
- 1126.51a(c) (1) and (2)—Texas
- 1131.51a(c) (1) and (2)—Central Arizona
- 1132.51a(c) (1) and (2)—Texas Panhandle

1138.51a(c) (1) and (2)—Rio Grande Valley

[FR Doc 82-14591 Filed 5-27-82; 8:45 am]

BILLING CODE 3410-01-M

7 CFR Part 1033

[Milk Order No. 33]

Milk in the Ohio Valley Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain order provisions affecting the regulatory status of milk plants under the Ohio Valley Federal milk order. The suspension makes inoperative for the months of May through August 1982 the requirement that a distributing plant dispose of not less than 45 percent of its receipts as route disposition in order to be a pool plant. The action was requested by a proprietary handler operating five distributing plants pooled under the order to assure the efficient disposition of milk not needed for fluid use and still maintain pool status for its distributing plants and producer status for dairy farmers who regularly have supplied the fluid milk needs of the market. No comments were received in opposition to a notice of proposed suspension.

EFFECTIVE DATE: May 28, 1982.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued May 5, 1982; published May 11, 1982 (47 FR 20146).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the *Federal Register*. However, this would not permit the completion of the suspension in time to include May 1982 in the suspension period. The initial request for the action was received April 30, 1982. A notice of

proposed suspension was issued on May 5, 1982, inviting interested parties to comment on the proposed action by May 18, 1982.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers regularly supplying a portion of the market's fluid needs will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Ohio Valley marketing area.

Notice of proposed rulemaking was published in the *Federal Register* on May 11, 1982 (47 FR 20146), concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After considering all relevant material, including the proposal in the notice, the comments received from the proponent, and other available information, it is hereby found and determined that for the months of May through August 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1033.12, paragraph (a)(2).

Statement of Consideration

This action makes inoperative for May 1982 through August 1982 the provision requiring a distributing plant to dispose of not less than 45 percent of its receipts as route disposition during the months of March through August in order to remain pooled. The suspension was requested by Beatrice Foods Co., a proprietary handler which operates five pool distributing plants under the order.

The suspension is necessary because of producer milk deliveries in the Ohio Valley market which are increasing both seasonally and over the levels of previous years. At the same time milk production is at its seasonal peak, Beatrice anticipates a decline in Class I disposition from its plants due to summer closure of schools and the resulting loss of fluid milk sales to schools.

For the first three months of 1982, producer milk pooled on the Ohio Valley order increased nearly 1 percent over