

§ 2.106 Administrator, Agricultural Research Service.

(a) * * *

(15) Administer a national food and human nutrition research program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3171-3175, 3177), except as otherwise delegated to the Administrator, Human Nutrition Information Service in § 2.92 (a)(1) and (a)(2).

Dated: June 27, 1983.

For Subpart C

John R. Block,

Secretary of Agriculture.

Dated: June 27, 1983.

For Subpart L

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

Dated: June 27, 1983.

For Subpart N

Orville G. Bentley,

Assistant Secretary for Science and Education.

[FR Doc. 83-17681 Filed 6-29-83; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

Correction

In FR Doc. 83-15472, beginning on page 26752, in the issue of Friday, June 10, 1983, make the following corrections:

1. On page 26752, in the second column, in the first paragraph under "SUPPLEMENTARY INFORMATION", in the seventh line "cost" should read "cost or".

2. Also on page 26752, in the third column, in the third complete paragraph, in the fourth line "AOL's" should read "AQL's".

3. On page 26753, in the second column, in the table of contents "52.2333" should read "52.2323".

4. On page 26754, in the second column, in § 52.2326(d)(2), in the first line, "Means" should read "Beans".

5. On page 26756, in Table XI, the headings should read as follows:

	Grade A			Grade B		Grade C
	Total *	Fairly good	Poor	Total *	Poor	Total *

6. Also on page 26756, in Table XIII, the heading should read as follows:

Tolerances					
Grade A		Grade B		Grade C	
Total *	Major	Total *	Major	Total *	Major

7. On page 26757, in the first column, in § 52.2334(a)(1), in the second line "§ 52.1238", should read "§ 52.2328".

BILLING CODE 1505-01-M

7 CFR Part 908

[Valencia Orange Regulation 306]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped

to market during the period July 1-July 7, 1983. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: July 1, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona Valencia orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia

oranges grown in Arizona and designated part of California. 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 recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

The action is consistent with the marketing policy for 1982-83. The marketing policy was recommended by the committee following discussion at a public meeting on February 22, 1983. The committee met again publicly on June 28, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is steady.

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 policy of the Act. Interested persons were given the opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

1. § 908.606 is added as follows:

§ 908.606 Valencia orange regulation 306.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period July 1, 1983 through July 7, 1983, are established as follows:

- (a) District 1: 360,000 cartons;
- (b) District 2: 390,000 cartons;
- (c) District 3: Unlimited cartons.

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

Dated: June 29, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-17873 Filed 6-29-83; 12:13 pm]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Parts 49, 70, 93, and 167

[Docket No. 83-070]

Rules of Practice Governing Proceedings Under Certain Acts

AGENCY: Animal and Plant Health
Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends Chapter 1 of Title 9 CFR to: (1) State that the "Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary of Agriculture" are applicable to adjudicatory, administrative hearings under certain statutes and regulations administered by the Animal and Plant Health Inspection Service and (2) provide Supplemental Rules of Practice to provide a mechanism for settling cases without the institution of such formal proceedings.

EFFECTIVE DATE: June 30, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5533.

SUPPLEMENTARY INFORMATION: Under the Administrative Regulations of the Department of Agriculture (7 CFR Part 1), any hearing to assess a civil penalty under the following statutory provisions must be conducted in accordance with the "Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary of Agriculture Under Various Statutes" as contained in Subpart H of Part 1, Subtitle A, 7 CFR:

Act of May 29, 1884, commonly known as the Animal Industry Act, Section 7, as amended (21 U.S.C. 117),

Act of August 30, 1890, Section 6, as amended (21 U.S.C. 104),

Act of February 2, 1903, commonly known as the Cattle Contagious Diseases Act of 1903, Section 3, as amended (21 U.S.C. 122),

Act of March 3, 1905, Section 6, as amended (21 U.S.C. 127),

Act of July 2, 1962, Section 6(a), as amended (21 U.S.C. 134e),

Act of May 6, 1970, Section 2, as amended (21 U.S.C. 135a),

Swine Health Protection Act, Sections 5 and 6 (7 U.S.C. 3804, 3805).

Subchapters B, C, D, and K of Chapter 1, Title 9 CFR, contain regulations issued pursuant to these Acts. This document amends Subchapters B, C, E, and K of Chapter 1, Title 9 CFR by adding new Parts to (1) state, for informational purposes, that the Rules of Practice in Subpart H of Part 1, Subtitle A, 7 CFR are applicable to adjudicatory, administrative proceedings under the specified sections of the Acts listed above and (2) provide Supplemental Rules of Practice to provide a mechanism for settling cases without the institution of such formal proceedings.

This rule relates to internal agency management, and, therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect thereto are impracticable 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. Finally, this action is not a rule as defined by Pub. L. 96-351, The Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 9 CFR Parts 49, 70, 93 and 167

Administrative practice and
procedure.

Accordingly, Chapter 1 of Title 9 CFR, is amended as follows:

1. Subchapter B is amended by adding a new part 49 to read as follows:

PART 49—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS

Subpart A—General

Sec.

49.1 Scope and applicability of rules of
practice.

Subpart B—Supplemental Rules of Practice

49.10 Stipulations.

Authority: Secs. 3-7, 23 Stat. 32, as amended; Secs. 2 and 3, 32 Stat. 792, as amended; Secs. 1, 3, 4, and 6, 33 Stat. 1264, 1265, as amended; Sec. 11, 58 Stat. 734, as amended; Sec. 2, 65 Stat. 693, as amended; Secs. 3 and 4, 76 Stat. 130; Sec. 6, 76 Stat. 131, as amended; Sec. 11, 76 Stat. 132; 21 U.S.C. 111, 112, 114, 114a, 114a-1, 115, 117, 120, 122, 123, 125-127, 134b, 134c, 134e, 134f; 7 CFR 2.17, 2.51, 371.2(d).

Subpart A—General

§ 49.1 Scope and applicability of rules of practice.

The Uniform Rules of Practice for the Department of Agriculture promulgated in Subpart H of Part 1, Subtitle A, Title 7, Code of Federal Regulations, are the

Rules of Practice applicable to adjudicatory, administrative proceedings under the following statutory provisions:

Act of May 29, 1884, commonly known as the Animal Industry Act, Section 7, as amended (21 U.S.C. 117),

Act of February 2, 1903, commonly known as the Cattle Contagious Diseases Act of 1903, Section 3, as amended (21 U.S.C. 122),

Act of March 3, 1905, Section 6, as amended (21 U.S.C. 127),

Act of July 2, 1962, Section 6(a), as amended (21 U.S.C. 134e).

In addition, the Supplemental Rules of Practice set forth in Subpart B of this part shall be applicable to such proceedings.

Subpart B—Supplemental Rules of Practice

§ 49.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under any of the Acts listed in § 49.1, the Administrator, in his discretion, may enter into a stipulation with any person in which:

(1) The Administrator or the Administrator's delegate gives notice of an apparent violation of the applicable Act, or the regulations issued thereunder, by such person and affords such person an opportunity for a hearing regarding the matter as provided by such Act;

(2) Such person expressly waives hearing and agrees to pay a specified penalty within a designated time; and

(3) The Administrator agrees to accept the penalty in settlement of the particular matter involved if the penalty is paid within the designated time.

(b) If the penalty is not paid within the time designated in such a stipulation, the amount of the stipulated penalty shall not be relevant in any respect to the penalty which may be assessed after issuance of a complaint.

2. Subchapter C is amended by adding a new Part 70 to read as follows:

PART 70—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS

Subpart A—General

Sec.

70.1 Scope and applicability of rules of
practice.

Subpart B—Supplemental Rules of Practice

70.10 Stipulations.

Authority: Secs. 4-7, 23 Stat. 32, as amended; Secs. 2 and 3, 32 Stat. 792, as amended; Secs. 1, 3, 4, and 6, 33 Stat. 1264, 1265, as amended; Sec. 11, 58 Stat. 734, as amended; Sec. 2, 65 Stat. 693, as amended; Secs. 3 and 4, 76 Stat. 130, Sec. 6, 76 Stat. 131,

as amended; Sec. 11, 76 Stat. 132; 21 U.S.C. 111, 112, 114a, 114a-1, 115, 117, 120, 122, 123, 125-127, 134b, 134c, 134e, 134f; 7 CFR 2.17, 2.51, 371.2(d).

Subpart A—General

§ 70.1 Scope and applicability of rules of practice.

The Uniform Rules of Practice for the Department of Agriculture promulgated in Subpart H of Part 1, Subtitle A, Title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under the following statutory provisions:

Act of May 29, 1884, commonly known as the Animal Industry Act, Section 7, as amended (21 U.S.C. 117).

Act of February 2, 1903, commonly known as the Cattle Contagious Diseases Act of 1903, Section 3, as amended (21 U.S.C. 122).

Act of March 3, 1905, Section 6, as amended (21 U.S.C. 127).

Act of July 2, 1962, Section 6(a), as amended (21 U.S.C. 134e).

In addition, the Supplemental Rules of Practice set forth in Subpart B of this part shall be applicable to such proceedings.

Subpart B—Supplemental Rules of Practice

§ 70.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under any of the Acts listed in § 70.1, the Administrator, in his discretion, may enter into a stipulation with any person in which:

(1) The Administrator or the Administrator's delegate gives notice of an apparent violation of the Act, or the regulations issued thereunder, by such person and affords such person an opportunity for a hearing regarding the matter as provided by the Act;

(2) Such person expressly waives hearing and agrees to pay a specified penalty within a designated time; and

(3) The Administrator agrees to accept the penalty in settlement of the particular matter involved if the penalty is paid within the designated time.

(b) If the Penalty is not paid within the time designated in such a stipulation, the amount of the stipulated penalty shall not be relevant in any respect to the penalty which may be assessed after issuance of a complaint.

3. Subchapter D is amended by adding a new Part 93 to read as follows:

PART 93—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS

Subpart A—General

Sec.

93.1 Scope and applicability of rules of practice.

Subpart B—Supplemental Rules of Practice

93.10 Stipulations.

Authority: Secs. 3, 4, 5, and 7, 23 Stat. 32, as amended; Secs. 6, 26 Stat. 416, as amended; Secs. 7 and 8, 26 Stat. 416; Sec. 10, 26 Stat. 417; Secs. 2 and 3, 32 Stat. 792, as amended; Secs. 3 and 4, 76 Stat. 130; Sec. 6, 76 Stat. 131, as amended; Sec. 11, 76 Stat. 132; Secs. 1 and 2, 84 Stat. 202; 21 U.S.C. 102-105, 111, 112, 114a, 117, 120, 122, 134b, 134c, 134e, 134f, 135, 135a; 7 CFR 2.17, 2.51, 371.2(d).

Subpart A—General

§ 93.1 Scope and applicability of rules of practice.

The Uniform Rules of Practice for the Department of Agriculture promulgated in Subpart H of Part 1, Subtitle A, Title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under the following statutory provisions:

Act of May 29, 1884, commonly known as the Animal Industry Act, Section 7, as amended (21 U.S.C. 117).

Act of August 30, 1890, Section 6, as amended (21 U.S.C. 104).

Act of February 2, 1903, commonly known as the Cattle Contagious Diseases Act of 1903, Section 3, as amended (21 U.S.C. 122).

Act of July 2, 1962, Section 6(a), as amended (21 U.S.C. 134e).

Act of May 8, 1970, Section 2, as amended (21 U.S.C. 135a).

In addition, the Supplemental Rules of Practice set forth in Subpart B of this part shall be applicable to such proceedings.

Subpart B—Supplemental Rules of Practice

§ 93.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under any of the Acts listed in § 93.1, the Administrator, in his discretion, may enter into a stipulation with any person in which:

(1) The Administrator or the Administrator's delegate gives notice of an apparent violation of the applicable Act, or the regulations issued thereunder, by such person and affords such person an opportunity for a hearing regarding the matter as provided by such Act;

(2) Such person expressly waives hearing and agrees to pay a specified penalty within a designated time; and

(3) The Administrator agrees to accept the penalty in settlement of the particular matter involved if the penalty is paid within the designated time.

(b) If the penalty is not paid within the time designated in such a stipulation, the amount of the stipulated penalty shall not be relevant in any respect to the penalty which may be assessed after issuance of a complaint.

4. Subchapter K is amended by adding a new part 167 to read as follows:

PART 167—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE SWINE HEALTH PROTECTION ACT

Subpart A—General

Sec.

167.1 Scope and applicability of rules of practice.

Subpart B—Supplemental Rules of Practice

167.10 Stipulations.

Authority: Sec. 5, 94 Stat. 2230; Sec. 6, 94 Stat. 2231; Sec. 12, 94 Stat. 2233; 7 U.S.C. 3804, 3805, 3811; 7 CFR 2.17, 2.51, 371.2(d).

Subpart A—General

§ 167.1 Scope and applicability of rules of practice.

The Uniform Rules of Practice for the Department of Agriculture promulgated in Subpart H of Part 1, Subtitle A, Title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under sections 5 and 6 of the Swine Health Protection Act (7 U.S.C. 3804, 3805). In addition, the Supplemental Rules of Practice set forth in Subpart B of this part shall be applicable to such proceedings.

Subpart B—Supplemental Rules of Practice

§ 167.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under the Act, the Administrator, in his discretion, may enter into a stipulation with any person in which:

(1) The Administrator or the Administrator's delegate gives notice of an apparent violation of the Act, or the regulations issued thereunder, by such person and affords such person an opportunity for a hearing regarding the matter as provided by the Act;

(2) Such person expressly waives hearing and agrees to a specified order which may include an agreement to pay a specified penalty within a designated time; and

(3) The Administrator agrees to accept the order in settlement of the particular matter conditioned upon timely payment

of the penalty if the order includes an agreement to pay a penalty.

(b) If the order includes an agreement to pay a penalty and the penalty is not paid within the time designated in such a stipulation, the amount of the penalty shall not be relevant in any respect to the penalty which may be assessed after issuance of a complaint.

Done at Washington, D.C., this 27th day of June, 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

(FR Doc. 83-17667 Filed 6-29-83; 8:45 am)

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-AWA-2]

Correction to Alteration of Santa Barbara, CA, and Control 1176 Additional Control Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: An error was noted in the description of Additional Control Area 1176 as published in the *Federal Register* on June 6, 1983 (48 FR 25169) and this action corrects that error.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

In FR Doc. 83-14995 published in the *Federal Register* on June 6, 1983, amended the description of the Santa Barbara, CA, and Control 1176 Additional Control Areas. An error was noted in the description of Control 1176. The description was technically correct; however, where the amendment was placed in the current text, it actually deleted that portion of airspace, where our intention was to add to that portion of airspace, and this action corrects that mistake.

List of Subjects in 14 CFR Part 71

Additional control areas.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, FR Document 83-14995, as published in the *Federal Register* on June 6, 1983 (48 FR 25169) is corrected to read as follows:

Control 1176 [Amended]

After the words "Oakland Oceanic CTA/FIR boundary", insert the words "and that airspace extending upward from 1,200 feet MSL bounded by a line beginning at lat. 34°24'00"N., long. 120°30'00"W.; to lat. 34°06'45"N., long. 120°30'00"W.; to lat. 34°03'59"N., long. 120°33'08"W.; to lat. 34°18'36"N., long. 120°45'34"W.; to point of beginning."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 20, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

(FR Doc. 83-17668 Filed 6-29-83; 8:45 am)

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASO-24]

Alteration of Control Zone; Raleigh, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Raleigh, North Carolina, control zone by revising the coordinates of Raleigh-Durham Airport, reducing the size of three control zone arrival extensions and redesignating radials upon which the arrival extensions are predicated. The geographical coordinates of the airport are improperly listed and this action will correct the deficiency. The control zone arrival extensions are

larger than required and will be reduced in both length and width. The extensions will be realigned one degree to coincide with the instrument approach procedures serving the airport.

DATES: Effective date: 0901 G.m.t., September 29, 1983. Comments must be received on or before August 29, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves technical corrections to the description of the control zone and a reduction in size and realignment of arrival extensions and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Raleigh, North Carolina, control zone by revising the geographical coordinates of the airport and realigning and reducing the size of arrival extensions. This action will raise the floor of controlled airspace in areas northeast, southeast, and southwest of