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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona; Amendment of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment to the rules and regulations of the marketing order increases from 150 cartons to 250 cartons per week, the amount of organic lemons handlers may ship without regard to volume and size regulations under the order. The amendment recognizes the additional opportunity to market organic lemons to organic or health food wholesalers or retailers and is consistent with the special purpose shipment provisions of the marketing order.

DATES: Effective August 1, 1984, through July 31, 1985.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been revised under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been certified 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 final rule is issued under marketing order 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricutural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This final rule is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this final rule will tend to effectuate the declared policy of the Act.

Section 910.180(d)(3) of the rules and regulations established under the order prescribes procedures governing the exemption from volume and size requirements issued under the order of organic lemons handled in minimum quantities. This amendment increases to 250 cartons the amount of organic lemons handlers may ship each week to organic or health food wholesalers and retailers. Previously handlers could ship 150 cartons of such lemons weekly. Handlers have indicated that organic fruit markets have absorbed this level of shipments and that additional marketing opportunity exists for organic lemons. This action is designed to facilitate the marketing of organic lemons and would be in effect for the 1984-85 fiscal year, which ends July 31, 1985.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that the time intervening between the date when information upon which this final rule is based became available and the time when this final rule must become effective in order to effectuate the declared policy of the Act is insufficient. The rule currently in effect which authorizes the exemption of organic lemons expires July 31, 1984. It is necessary to make this rule effective on August 1, 1984, in order to prevent the disruption of the orderly marketing of organic lemons. Interested persons were given an opportunity to submit information and views on this action at an open meeting, at which the committee recommended the action. It is necessary to effectuate the declared purposes of the Act to make this final rule effective as specified. This final rule relieves restrictions on the handling of lemons and handlers have been apprised of such provisions.

List of Subjects in 7 CFR Part 910

Marketing agreement and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Therefore, § 910.180 paragraph (3) of paragraph (d) is revised to read as follows (this final rule expires July 31, 1985, and will not be published in the annual Code of Federal Regulations):

§ 910.180 Lemons not subject to regulation.

* * * * *

(d) Minimum quantities and types of shipments.* * *

(3) During the period August 1, 1984, through July 31, 1985, any person may be granted an exemption of up to 250 cartons per week, or an equivalent amount thereof, to market or distribute organic lemons to organic or health food wholesalers or retailers. Such lemons shall be exempt from volume and size requirements issued under this part. Persons shall file with the committee an application for exemptions as described in paragraph (d)(1) of this section. Such persons shall also file weekly reports (LAC form 8) during each week in which such organic lemons are shipped. For purposes of this section, "organic lemons" means lemons which are produced, harvested, distributed, stored, processed and packaged without application of synthetically compounded fertilizers, pesticides or growth regulators. In addition, no synthetically compounded fertilizers, pesticides, or growth regulators shall be applied by the grower to the field or area in which the lemons are grown for 12 months prior to the appearance of flower buds and throughout the entire growing and harvest season, for lemons.

* * * * *

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

Dated: July 31, 1984.

Thomas R. Clark,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-20681 Filed 8-3-84; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 921

Handling of Fresh Peaches Grown in Designated Counties in Washington; Interim Amendment of the Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule relaxes the grade requirements for certain shipments of Washington peaches. The interim rule also adds a labeling requirement for peaches exempt from inspection requirements for home use. These changes are designed to maximize the marketing of fresh peaches of suitable quality in the interest of producers and consumers, and aid in the administration of the marketing order.

DATES: *Effective date:* August 6, 1984. *Comment date:* Comments due by September 5, 1984. The Director of the Federal Register approves the incorporation by reference of Washington Standards for Peaches in 7 CFR Part 921.318.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone: 202-447-5975.

SUPPLEMENTARY INFORMATION: This interim final rule has been reviewed under Secretary's Memorandum 1512-1 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.

The interim final rule is issued under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The regulation was recommended by the Washington Fresh Peach Marketing Committee.

Effective since August 1, 1981, § 921.318 provides the minimum grade, size, pack and container regulations applicable to peaches handled under the marketing order. Currently, it provides that such peaches grade at least Washington Extra Fancy Grade, except that peaches which grade Washington Fancy Grade or better may be handled if they are packed in the western lug box or the standard peach box. However, the committee now believes that there is a demand for lower grade peaches to be shipped to local markets for home canning and immediate consumption. The committee believes that the less restrictive Washington No. 2 grade for peaches shipped in the western lug box would best further that objective as that container is not used for interstate shipments. Such shipments would make available additional quantities of peaches of lower quality not permitted to be shipped under current order regulations. In order to maximize consumption of 1984 crop peaches it is advantageous to establish this change as soon as possible. Such early establishment with an opportunity for the public to comment on the interim rule for 30 days following its issuance would allow the committee and handlers the opportunity to observe the effect of this relaxation of restrictions on the marketing of peaches and marketing order administration. In that regard, the committee recommended that while no adverse effect on the coexisting grade regulations applicable to other containers was known or anticipated, the change should apply only through March 31, 1985, the end of the current fiscal period, as it is impossible to assess the effect of the proposed regulation prior to implementation. The committee is expected to review the change before that time to determine whether it should be established on a permanent basis.

Section 921.318 also provides that handlers may ship peaches without regard to the assessment, inspection and certification requirements under the order if such peaches are sold for home use and not for resale, and such individual shipments do not exceed 500 pounds net weight. However, unlike Marketing Order Nos. 922, 923 and 924 for Washington apricots, sweet cherries and fresh prunes, respectively, Marketing Order No. 921 contains no requirement that each such container be stamped or marked with the words "not for resale" in letters at least one-half inch in height. Thus, the Washington Fresh Peach Marketing Committee recommended that this labeling requirement be established for peaches to aid in its compliance activities. Since many handlers are also regulated under one or more of the other three orders for Washington fruits, immediate implementation of the change should not impose any significant burden on handlers. Immediate adoption of this change would contribute to orderly marketing conditions for the duration of the 1984 season and will improve the administration of the order.

Certain minor changes are also made in paragraph (b) of § 921.318 to reference Washington No. 2 grade and to conform that paragraph to the current incorporation by reference terminology of the **Federal Register.**

Lists of Subjects in 7 CFR Part 921

Marketing agreements and orders, Washington, Peaches, Incorporation by reference.

The Secretary finds that upon good cause shown it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in other public procedures, and postpone the effective date of this interim final rule 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 rule is based and the effective date necessary to effectuate the declared policy of the Act. Shipments of Washington peaches begin presently. Interested persons were given an opportunity to submit information and views on the changes at an open meeting at which the committee recommended implementation of the requirements specified in this rule. Handlers have been apprised of the provisions and effective date of the changes. In addition, one of the changes represents a relief of restrictions by making more peaches available for sale, and no useful purpose is served by delaying the issuance of this interim final rule. The interim final rule provides a 30-day comment period. A longer comment period would be contrary to the public interest, as any comments on the effect of the rule need to be received within 30 days, so that any necessary changes can be made promptly in the grade requirement. All comments received will be considered prior to finalization of this rule. It is found that this rule will tend to effectuate the declared policy of the Act.

PART 921—[AMENDED]

Therefore, § 921.318 is amended by revising paragraphs (a)(1) and (a)(5), and paragraph (b), to read as follows:

§ 921.318 Peach Regulation 18.

(a) * * *

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade or better may be handled if they are packed in the western lug box or the standard peach box: and *Provided further,* That for the period ending March 31, 1985, peaches which grade Washington No. 2 Grade or better may be handled if they are packed in the western lug box.

* * * * *

(5) * * *

(i) The shipment consists of peaches sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) *Definitions.* (1) The terms "Washington Extra Fancy Grade", "Washington Fancy" and "Washington No. 2 Grade", are specified in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture. Copies of the grade specifications are available from William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975, and they are also available for inspection at the Office of the Federal Register Information Center, Room 8401, 1100 L Street, N.W., Washington, D.C. 20408. Chapter 16-436 of the Washington Administrative Code, Washington Standard for Peaches, 1983 ed. is incorporated by reference and was approved by the Director of the Federal Register. The materials are incorporated as they exist on the date of approval and a notice of any changes in the material will be published in the **Federal Register.**

(2) The term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the containers in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "well filled" shall mean the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end; and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: July 12, 1984.

Thomas R. Clark,

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

[FR Doc. 84-18930 Filed 8-3-84; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Amendment No. 1 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the continuing regulation § 958.328 by adjusting the size specifications for "prepack" yellow onions. This will allow handlers to more efficiently fill orders for these smaller sized onions.

EFFECTIVE DATE: August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-5764.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (7 CFR Part 958) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB No. 0581-0087.

This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. Pursuant to regulations set forth in the Regulatory Flexibility Act (RFA) 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.

Marketing Agreement No. 130 and Order No. 958, both as amended, regulate the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Idaho-Eastern Oregon Onion Committee, established under the order, is responsible for its local administration.

Because requirements under this program have changed infrequently, in June 1982 the committee recommended and the Secretary approved, a regulation which would continue in effect from marketing season to marketing season indefinitely unless modified, suspended or terminated by the Secretary upon recommendation of the committee or other information available to the Secretary.

At its annual meeting in Ontario, Oregon, on June 19, 1984, the committee recommended the continuing regulation be amended.

The current handling regulation establishes three pack classifications for onions which are neither a red nor white variety and prohibits commingling the different categories. One pack specification is for onions that meet a U.S. No. 1 grade and a 1½ inch minimum and 2¼ inch maximum size. With the sizing equipment currently available, problems have been encountered in meeting these specifications, and the tolerance for oversize is often exceeded. Therefore, the committee recommended that the maximum size be raised from 2¼ to 2½ inches. This change would allow onion handlers to more efficiently fill orders for these smaller onions.

Findings

After consideration of all relevant matters, it is found that the following amendment will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rulemaking procedure, 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) in that (1) to maximize benefits to producers, this amendment should apply to as many shipments as possible during the effective period, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of production area onions.

List of Subjects in 7 CFR Part 958

Marketing agreements and orders, Onions, Idaho, Oregon.

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Section 958.328 (47 FR 32912, July 30, 1982) is hereby amended by revising paragraph (a)(3)(ii) to read as follows:

§ 958.328 Handling regulation.

* * * * *

(a) *Grade and size requirements.*

* * * * *

(3) * * *

(ii) U.S. No. 1, 1½ inches minimum to 2½ inches maximum diameter; or

* * * * *

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

Dated: July 31, 1984, to become effective August 1, 1984.

Thomas R. Clark,

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

[FR Doc. 84-20758 Filed 8-3-84; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1980

Economic Emergency Loans; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule, correction.

SUMMARY: The Farmers Home Administration (FmHA) corrects a final rule published December 9, 1983 (48 FR 55107). It was the intent of the amended guaranteed economic emergency regulations published December 9, 1983 to permit advances made after September 30, 1984, to be covered under the contract of guarantee provided such advances were in accordance with the terms of the line of credit agreement. The present language in the regulations suggests that the authority to make advances under the guarantee may expire on September 30, 1984, the termination date of the program. Therefore, it is the purpose of this action to correct the regulations to clarify that advances made after September 30, 1984, are covered under the contract of guarantee entered into on or after December 22, 1983, provided such advances are in accordance with the terms of the line of credit agreement. Likewise, advances made after September 30, 1984, under existing contracts of guarantee entered into prior to September 30, 1981, are covered by the guarantee provided such advances are in accordance with the terms specified in the existing or properly extended line of credit agreement.

FOR FURTHER INFORMATION CONTACT: Roger H. Witt, Emergency Loan Specialist, Emergency Division, Farmers Home Administration, USDA, Room 5344, South Agricultural Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382-1654.

The following corrections are made in FR Doc. 83-32807 appearing in the first column on page 55107 in the issue of December 9, 1983:

PART 1980—[AMENDED]

Paragraph (e) and the introductory paragraph of paragraph (f), of § 1980.518 of Subpart F of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations, are corrected to read as follows:

§ 1980.518 Loan rates and terms.

* * * * *

(e) *Advances Under a Contract of Guarantee—Line of Credit.* A lender may pay off an outstanding guaranteed advance before the end of its term with funds from a new guaranteed advance, provided the line of credit ceiling is not exceeded. However, no advance may be made for a term which exceeds the period remaining in the original or extended line of credit term. The line of credit term may be up to 7 years, but it is limited to the term established in the "Line of Credit Agreement." FmHA consent is not needed to make these line of credit advances under a Contract of Guarantee. Advances outstanding at the end of the initial term may be rescheduled for an additional 7 years with FmHA's written consent. When deemed to be in the best interest of the Government and the borrower, and with FmHA's written approval, advances may be rescheduled again for an additional 7 years provided the rescheduling will not extend the loan terms beyond 14 years from the date of the original "Line of Credit Agreement."

(f) *Extension of "Line of Credit Agreements."* EE Loan Contracts of Guarantee do not reflect an expiration date. "Line of Credit Agreements" which have already expired cannot be extended under this paragraph. Included in this category are those Line of Credit Agreements which expired between September 30, 1981 and December 22, 1983. However, lenders are authorized to continue making advances under existing Line of Credit Agreements provided such Line of Credit Agreements do not expire prior to the date any new advances are made and subject to the following:

* * * * *

(Sec. 209(c), title II of Pub. L. 95-334, as amended by Pub. L. 96-220 and Pub. L. 97-98 and as affected by Pub. L. 97-370; 7 CFR 2.23; 7 CFR 2.70)

Dated: July 16, 1984.

Michael E. Brunner,

Acting Administrator, Farmers Home Administration.

[FR Doc. 84-20680 Filed 8-3-84; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of American International Airways

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of transportation lines which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States by adding the name of American International Airways.

EFFECTIVE DATE: July 19, 1984.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with American International Airways on July 19, 1984 to provide for the preinspection of their passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds a transportation line's name to the present listing and is editorial in nature.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.