derived from the operation of the marketing order. Therefore, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found that the budget of expenses, assessment rate, and carryover of unexpended funds are reasonable and will tend to effectuate the declared policy of the Act.

This budget of expenses and assessment rate should be expedited because the committee needs to have sufficient funds to pay their expenses, which are incurred on a continuous basis. Therefore, the Secretary also finds that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553).

List of Subjects in 7 CFR Part 906

Marketing agreements and orders, oranges and grapefruit, Texas.

For the reasons set forth in the preamble, 7 CFR Part 906 is amended as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

1. The authority citation for 7 CFR Part 906 continues to read as follows:

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

2. New § 906.228 is added to read as follows:

Note.—This section will not appear in the Code of Federal Regulations.

§ 906.228 Expenses and assessment rate.

Expenses of $1,376,634 by the Texas Valley Citrus Committee are authorized, and an assessment rate of $0.12 per 7/10 bushel carton of assessable oranges and grapefruit is established for the fiscal period ending July 31, 1989. Unexpended funds from the 1987–88 fiscal year may be carried over as a reserve.

Dated: October 18, 1988.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–24478 Filed 10–21–88; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 910

[Lemon Reg. 635, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action increases the quantity of fresh California-Arizona lemons that may be shipped to market during the period October 16 through October 22, 1988, from 229,000 cartons to 254,000 cartons. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 635, Amendment 1 (§ 910.935) is effective for the period October 16 through October 22, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities

The purpose of the RFA is to fit regulatory action 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 Agricultural Marketing Agreement 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.

This regulation is issued under Marketing Order No. 910, as amended [7 CFR Part 910] regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601–674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (committee) and upon their available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1988–89. The committee conducted a telephone poll on October 17, 1988, and, upon considering the current and prospective conditions of supply and demand, unanimously recommended that the quantity of lemons deemed advisable to be handled during the specified week be increased from 229,000 cartons to 254,000 cartons. The committee reports that the demand for lemons has improved beyond what was anticipated by the committee on October 12, 1988, when the 229,000 carton recommendation was made.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** 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. It is necessary, in order 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.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

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

2. Section 910.935 is revised to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.935 Lemon Regulation 635, Amendment 1.

The quantity of lemons grown in California and Arizona which may be handled during the period October 16, 1988, through October 22, 1988, is established at 254,000 cartons.

Dated: October 18, 1988.

Robert C. Keeney,

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

[FR Doc. 88–24479 Filed 10–21–88; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Reg. 636]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 636 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 264,000 cartons during the period October 23 through October 29, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 636 (§ 910.936) is effective for the period October 23 through October 29, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, D.C. 20090-6456; telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject ot such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement 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.

This regulation is issued under Marketing Order No. 910, as amended [7 CFR Part 910] regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1988-89. The Committee met publicly on October 19, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by an 11 to 1 vote, a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that the demand for lemons has improved.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** 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, in order 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.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

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

2. Section 910.936 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.936 Lemon Regulation 636.

The quantity of lemons grown in California and Arizona which may be handled during the period October 23, 1988, through October 29, 1988, is established at 264,000 cartons.

Dated: October 20, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88-24617 Filed 10-21-88; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 11

[Docket No. 88-160]

Horse Protection Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Horse Protection Regulations to remove language that would have terminated after October 31, 1988, provisions that prohibit heel buildup in excess of 1 inch on yearling horses. This amendment is necessary to better protect horses under the Horse Protection Act.

DATES: This interim rule is effective October 24, 1988. Consideration will be given only to comments postmarked or received on or before November 23, 1988.

ADDRESSES: Send an original and three copies of written comments to Regulatory Analysis and Development, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 88-160. Comments received may be inspected at USDA, Room 1141, South Building, 14th and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. R.L. Crawford, Director, Animal Care Staff, Regulatory Enforcement and Animal Care, APHIS, USDA, Room 756, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7833.

SUPPLEMENTARY INFORMATION:

Background

In this interim rule we are removing language, inadvertently retained in the Horse Protection Regulations in 9 CFR Part II (referred to below as the regulations), that would have terminated after October 31, 1988, a prohibition of heel buildup in excess of 1 inch on yearling horses.

On April 26, 1988, we published an interim rule in the **Federal Register** (53 FR 14778-14782, Docket No. 88-052) that amended the regulations to establish a schedule for phasing down the maximum allowable height of pads used on horses. The schedule would have limited the total height of pads to 1 inch as of November 1, 1988.

Prior to the April 26 interim rule, § 11.2(b)(8) of the regulations prohibited

indefinitely the use of pads or other devices on yearling horses that elevate or change the angle of the yearlings' hooves more than 1 inch at the heel. This limit is necessary because the immature development of yearlings' limbs makes higher pads potentially harmful to these horses. However, our limiting the total height of pads on all horses to 1 inch as of November 1, 1988, made the provisions of § 11.2(b)(8) superfluous after October 31, 1988. Therefore, we added language to the regulations that would have terminated the provisions of § 11.2(b)(8) after October 31, 1988.

In a subsequent interim rule published July 28, 1988 (53 FR 28366–28373, Docket No. 88–125), we eliminated the regulations that phased down maximum pad height to 1 inch, and established in their place restrictions on pad height based on the length of a horse's natural foot. Under these new provisions, currently in effect, the pad height on some horses may exceed 1 inch, which would be injurious to yearling horses. However, in the July 28 interim rule, we inadvertently retained the language that terminates the provisions of § 11.2(b)(8) after October 31. Because it continues to be necessary for the well-being of yearing horses to limit any change in the elevation or angle of their hooves to 1 inch, we are removing the language in the regulations that would have terminated the provisions of § 11.2(b)(8) after October 31, 1988.

Emergency Action

The Adminnistrator of the Animal and Plant Health Inspection Service has determined that an emergency situation exists, which warrants publication of this interim rule without prior notice and opportunity for public comment.

It is important for the well-being of yearling horses that we retain the 1-inch limit on any change in the elevation or angle of those horses' hooves at the heel. To ensure that this restriction remains effective after October 31, 1988, we are publishing this interim rule.

Since prior notice and other public procedures with respect to this rule are impracticable and contrary to the public interst under these emergency conditions, there is good cause under 5 U.S.C. 553 for making it effective upon publication in the **Federal Register**. We will consider comments postmarked or received within 30 days of the publication of this rule in the **Federal Register**. Any amendments we make to this rule as a result of these comments will be published in the **Federal Register** as soon as possible following the close of the comment period.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this interim rule in conformance with Executive Order 12291 and Departmental Regulation 1512–1, and have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The change to the regulations made by this interim rule will cause no change in current industry practices.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paper Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 11

Animal welfare, Horses, Humane animal handling, Soring of horses.

PART 11—HORSE PROTECTION REGULATIONS

Accordingly, 9 CFR Part 11 is amended as follows:

1. The authority citation for Part 11 continues to read as follows:

Authority: 15 U.S.C. 1823, 1924, 1925, and 1928; 44 U.S.C. 3506.

2. Section 11.2 is amended by revising paragraph (b)(8) to read as follows:

§ 11.2 Prohibitions concerning exhibitors.

* * * * *

(b) * * *

(8) Pads or other devices on yearling horses that elevate or change the angle of such horses' hooves in excess of 1 inch at the hell.

* * * * *

Done in Washington, D.C., this 19th day of October, 1988.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88–24471 Filed 10–21–88; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No. 80475–8204]

U.S. Trade in Services; Revisions in Requirements for Exemption From Reporting in the BE–29 Survey of Foreign Ocean Carriers' Expenses in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This notice sets forth the final rule to revise the exemption requirements for the annual BE–29 survey of foreign ocean carriers' expenses in the United States. The survey is mandatory and is conducted pursuant to the International Investment and Trade in Services Survey Act.

This final rule amends 15 CFR Part 801, as amended. It implements changes in exemption criteria requested by U.S. agents that represent foreign ocean carriers in the United States.

EFFECTIVE DATE: The rules will be effective November 23, 1988, beginning with reports covering 1988. Reporting forms will be mailed to respondents in early January and will be due March 31, 1988.

FOR FURTHER INFORMATION CONTACT: Anthony J. Di Lullo, Assistant Chief, Balance of Payments Division (BE–58), Bureau of Economic Analysts, U.S. Department of Commerce, Washington, DC 20230; Phone (202) 523–0621.

SUPPLEMENTARY INFORMATION:

Background

In the July 14, 1988 **Federal Register**, Volume 53, No. 135 (53 FR 26603), BEA published a notice of proposed rulemaking to change the exemption criteria for reporting in the BE–29 survey of foreign ocean carriers' expenses in the United States. Two sets of comments were received which resulted in a change in wording to clarify the exemption criteria, as noted below. With the exception of this change, the final rule is the same as the proposed rule.