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Presidential Documents

Title 3—

The President

Proclamation 5765 of February 2, 1988

National Consumers Week, 1988

By the President of the United States of America

A Proclamation

Across our Nation and around the world, consumers are sending business an important message: there is no substitute for good service, the kind on which companies make their reputations. Under free enterprise, we consumers express our views through our everyday marketplace decisions and require businesses to adapt to our changing consumer choices.

The flexibility of American economic freedom opens the door to many opportunities for consumers and businesses. Both profit from today's increased emphasis on service. Customer-oriented companies that listen to their customers and make the commitment to act on their customers' wishes outperform their self-centered competitors time and again in profitability and customer loyalty. As a result, consumers are finding increasing responsiveness in some corners of the marketplace and are creating a demand for service in others. Indeed, customer service is emerging as a key competitive advantage today, not only in the domestic marketplace, but also in the expanding international arena.

In many industries, service is the product. The service sector accounts for 60 percent of our gross national product and provides some 70 percent of American jobs. Communications, transportation, utilities, banking, accounting, health care, and home maintenance are but a few examples of service industries indispensable to our way of life. Whether the transaction involves goods, services, or both, quality of customer service is a crucial ingredient in the interaction between customer and business, before, during, and after the sale. Service quality is often the factor that distinguishes businesses from one another.

This is the 7th year I have proclaimed National Consumers Week. I initiated National Consumers Week in 1982 to acknowledge and emphasize the significant stake consumers have in our economy. Our economy has three bases, the triad of capital, labor, and consumers; without any one of them the whole economy would lose its balance. Over the past 7 years, I have watched National Consumers Week grow into an established, national event involving millions of Americans in all sectors of our economy. I am proud of the success National Consumers Week enjoys. In recognition of the importance of consumers to our economy, and of service to consumers and business, "Consumers Buy Service" is the theme I have selected for National Consumers Week, 1988.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning April 24, 1988, as National Consumers Week. I urge consumers, businesses, educators, community organizations, labor unions, the media, and government officials to identify, emphasize, and promote activities during National Consumers Week that draw attention to the importance of service in consumers' purchasing decisions.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-2511
Filed 2-2-88; 4:50 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5766 of February 2, 1988

Small Business Week, 1988

By the President of the United States of America

A Proclamation

More than 17 million Americans own a small business; and the rest of us benefit from their ingenuity, enterprise, and hard work. These entrepreneurs employ half of all Americans in the work force. These achievements and the American heritage of economic liberty that helps make them possible are truly fitting reasons for each of us to join in observance of Small Business Week.

Today, small businesses provide well over two-thirds of all new American jobs, as well as 40 percent of our aggregate national output; the bulk of new American products and technologies; and more than two-thirds of all first jobs. The majority of jobs held by younger, older, minority, and female employees are in small business. In the next quarter-century, fully three-fourths of all new jobs created in America will have their genesis in small business.

The development of new enterprises depends on many factors, including the hopes, dreams, and hard work that have always characterized America's entrepreneurs. But it also depends on a climate hospitable to small business—a climate marked by a lack of government interference in the marketplace; low taxes; low interest rates; and the basic freedom to strive for and create progress, prosperity, and opportunity for ourselves and our fellow Americans. Government, the servant of the people, must make sure that it does not harm that climate, which is so necessary to our Nation's well-being and future.

The small business men and women of our land truly follow a great heritage and foster good for America.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of May 8 through May 14, 1988, as Small Business Week, and I urge all Americans to join with me in saluting our small business men and women by observing that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-2512
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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 945

[Docket No. AO-150-A5]

Idaho-Eastern Oregon Potato Marketing Order; Order Amending the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the marketing agreement and order for potatoes grown in certain counties in Idaho and Malheur County, Oregon. The amendments change the term of office for committee members to two years, and limit committee member tenure to three consecutive terms. In addition, the amendments change procedures for nominating committee members to permit nominations by mail and allow selection of dates, other than those specified in the order, for performing the procedures in the nomination process. Changes also have been made that revise the written acceptance procedures required of persons appointed as committee members; remove the limit on compensation to committee members; and provide for a larger operating reserve for excess funds. Periodic continuance referenda also are required. All of these changes will improve the committee's operations and procedures.

EFFECTIVE DATE: March 7, 1988.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456; telephone 202-447-5697.

SUPPLEMENTARY INFORMATION: Prior Documents in this proceeding—Notice of Hearing issued November 8, 1985, and published in the November 15, 1985, issue of the **Federal Register** (50 FR 47226). The Recommended Decision was issued March 27, 1987, and published in the **Federal Register** April 6, 1987 (52 FR 10893). The Secretary's Decision was issued June 29, 1987, and published in the **Federal Register** July 2, 1987 (52 FR 25016).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and therefore is excluded from the requirements of Executive Order 12291 and Departmental Regulation 1512-1.

Preliminary Statement

This final rule was formulated on the record of a public hearing held at Pocatello, Idaho, on December 10, 1985, to consider the proposed amendment of the Marketing Agreement and Marketing Order No. 945, both as amended, regulating the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon, hereinafter referred to collectively as the "order." The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the "Act," and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900). The Notice of Hearing contained several amendment proposals submitted by the Idaho-Eastern Oregon Potato Committee established under the order, hereinafter referred to as the "committee." The proposals pertained to adding a public advisor to the committee, limiting the tenure of committee members, changing the term of office, changing nomination procedures, making changes in fiscal operations, and requiring periodic continuance referenda. The Department of Agriculture proposed that it make any necessary conforming changes.

Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator, on March 27, 1987, filed with the Hearing Clerk, U.S. Department of Agriculture, the Recommended Decision containing notice of the opportunity to file written exceptions thereto by May 6, 1987. Three exceptions were filed, and were discussed and ruled upon in the Secretary's Decision.

The Secretary's Decision was issued June 29, 1987, directing that a referendum be conducted during the period July 10-24, 1987, among Irish potato producers in designated counties in Idaho and Malheur County, Oregon to determine whether they favored various amendment proposals to the order. In that referendum, producers voted in favor of six of the eight amendment proposals listed on the referendum ballot. The proposals that did not receive the requisite two-thirds vote would have added a public advisor to the committee and deleted the assessment limitation of $1 per carload or equivalent. Accordingly, those two proposed amendments are not included in this order amending the order.

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 as defined by the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). As stated in the Notice of Hearing, interested persons were invited to present evidence at the hearing on the probable regulatory and informational impact of the amendment proposals on small businesses for purposes of the RFA. In that regard, such evidence was considered in arriving at the findings and conclusions contained in the Recommended Decision and in the Secretary's Decision. Those findings and conclusions are incorporated herein.

The Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601-674) requires the application of uniform rules to regulated handlers. Since handlers covered under M.O. 945 are predominantly small businesses, the order itself is tailored to the size and nature of these small businesses.

During the 1986-87 crop year, 106 handlers were regulated under M.O. 945 and handled potatoes for fresh market with an estimated crop value of $34.2 million. Given the applicable definition of a small business concern (i.e., for purposes of review pursuant to the Regulatory Flexibility Act, an agricultural services firm with average annual receipts not exceeding $3,500,000), almost all of the handlers of Idaho-Eastern Oregon potatoes would fall within that definition. In addition, there are about 3,648 producers of potatoes in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average gross annual revenues for the last three years of less than $100,000. The majority of handlers and producers may be classified as small entities.

List of Subjects in 7 CFR Part 945

Marketing agreements and orders, Potatoes, Idaho, Oregon.

Order Amending the Order Regulating the Handling of Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the Marketing Agreement and Marketing Order No. 945 (7 CFR Part 945) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon.

Upon the basis of the record, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as hereby amended, regulates the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing agreement and order upon which hearings have been held;

(3) The order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) There are no differences in the production and marketing of Irish potatoes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of Irish potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping potatoes covered by the said order, as hereby amended) who, during the period August 1, 1986, through June 30, 1987, handled not less than 50 percent of the volume of such potatoes covered by the said order as hereby amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, is favored or approved, by at least two-thirds of the producers who participated in a referendum on the question of its approval or produced for market at least two-thirds of the volume of such commodity represented in the referendum, all of such producers during the period August 1, 1986, through June 30, 1987 (which has been deemed to be a representative period), having engaged within the production area in the production of Irish Potatoes for fresh market.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

Except for the previously noted modifications, the provisions of the proposed marketing agreement and order amending the order contained in the Recommended Decision issued by the Administrator on March 27, 1987, and published in the Federal Register April 6, 1987 (52 FR 10293), and in the Secretary's Decision issued on June 29, 1987, and published in the Federal Register on July 2, 1987 (52 FR 25016) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR Part 945 continues to read as follows:

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

2. Revise § 945.21 to read as follows:

§ 945.21 Term of office.

(a) Except as otherwise provided in this section, the term of office of committee members and alternates shall be for two years beginning June 1 or such other date as recommended by the committee and approved by the Secretary. The term of office of members and alternates shall be so determined that approximately one-half of the total producer and handler committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified and continue until their successors are selected and have qualified. Beginning with the 1987 term of office, no member or alternate shall serve more than three full consecutive terms: *Provided,* That an alternate member may serve up to three consecutive terms and then serve as a member for up to three consecutive terms without a break in service. Members serving three consecutive terms could again become eligible to serve on the committee by not serving for one full term as either member or alternate member: *Provided,* That in the event a position would otherwise remain vacant for lack of eligible nominees or eligible persons willing to serve, the Secretary may authorize a member or alternate member to serve more than three full consecutive terms.

3. Amend § 945.25 as follows:

(1) Revise paragraphs (a) and (c).

(2) Redesignate paragraph (e) as paragraph (g) and revise it.

(3) Redesignate paragraph (f) as paragraph (e).

(4) Redesignate paragraph (g) as paragraph (f).

§ 945.25 Nominations.

* * * * *

(a) In order to provide nominations for producer and handler committee members and alternates, the committee shall hold, or cause to be held, prior to April 1 of each year, or such other date as the Secretary may designate, one or more meetings of producers and of handlers in each district to nominate such members and alternates; or the committee may conduct nominations by mail in a manner recommended by the committee and approved by the Secretary.

* * * * *

(c) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

* * * * *

(g) Nominations shall be supplied to the Secretary in such manner and form as the Secretary may prescribe, not later than May 1 of each year, or such other date as the Secretary may specify.

4. Revise § 945.27 as follows:

§ 945.27 Acceptance.

Any person nominated to serve on the committee as a member or as an alternate shall qualify by filing a statement of willingness to serve with the Secretary.

5. Revise § 945.31 to read as follows:

§ 945.31 Expenses.

Committee members and alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and may receive compensation at a rate determined by the committee, and approved by the Secretary, for each day or portion thereof, spent in conducting committee business.

6. In § 945.44 revise the heading; remove the introductory paragraph and revise paragraphs (a) and (b) to read as follows:

§ 945.44 Excess funds.

(a) The funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over, with the approval of the Secretary, into following periods as a reserve. Such reserve shall be established at an amount not to exceed approximately one fiscal period's budgeted expenses. Funds in such reserve shall be available for use by the committee for expenses authorized under § 945.40.

(b) Funds in excess of those placed in the operating reserve shall be credited proportionately against a handler's operations of the following fiscal period, except that if the handler demands payment, such proportionate refund shall be paid to such handler.

* * * * *

7. Section 945.83 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 945.83 Termination.

* * * * *

(d) The Secretary shall conduct a referendum as soon as practicable after July 31, 1992, and at such time every sixth year thereafter, to ascertain whether continuance of this order is favored by potato producers. The Secretary may terminate the provisions of this order at the end of any fiscal period in which the Secretary has found that continuance of this order is not favored by producers who, during a representative period determined by the Secretary, have been engaged in the production for market of potatoes in the production area. Termination of the order shall be effective only if announced on or before July 1 of the then current fiscal period.

* * * * *

Signed at Washington, DC, on January 26, 1988 to become effective March 7, 1988.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Service.

[FR Doc. 88-2176 Filed 2-3-88; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 966

Tomatoes Grown in Florida and Tomatoes Imported Into the United States; Amendment to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule will extend the effective period of the handling regulation from June 15 to June 30, increase the minimum grade for fresh market shipments of 6×7 size (small) tomatoes outside the regulated area from U.S. No. 3 to U.S. No. 2, and establish a minimum grade requirement for 6×7 size tomatoes of U.S. No. 2 for shipments within the regulated area. The changes will apply to both domestic shipments of tomatoes under the marketing order and to imported tomatoes. This action is intended to prevent tomatoes of undesirable size and quality from being distributed in fresh market channels.

EFFECTIVE DATE: The changes in the requirements for tomatoes grown in Florida are effective from February 4, 1988, through June 30, 1988, for the 1987–88 season and from February 8, 1988, through June 30, 1988, for imported tomatoes. For each season thereafter, these regulations are effective October 10 through June 30.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone (202) 447–5331.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 966 (7 CFR Part 966), as amended, regulating the handling of tomatoes grown in Florida. This order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

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 (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions 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 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.

There are approximately 103 handlers of tomatoes subject to regulation under the Florida Tomato Marketing Order, and approximately 180 tomato producers in Florida.

Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of Florida tomatoes may be classified as small entities.

The 1986–87 annual report of the Florida Tomato Committee indicated that total shipments for the 1986–87 season were 56,366,486 25–lb. equivalents, compared to 52,421,792 for the 1985–86 season and 52,471,073 for 1984–85. The average yield was approximately 1,107 25–lb. equivalents per acre compared to 1,150 the previous season and 1,173 in 1984–85. The total acres harvested were 5,387 more than the 45,530 acres harvested last season, and shipments were up 3,944,694 packages. Available forecasts predict that adequate tomato supplies will be available in the fall, winter, and spring of the 1987–88 season. Tomato production in the Florida marketing order area is expected to be at least equal to the 56.4 million 25–lb. equivalents shipped in 1986–87.

For mature green and vine ripe 6×7 size tomatoes grading U.S. No. 3 total shipments for 1986–87 were 1,787,153 million 25–lb. equivalents or approximately three percent of the total shipments of 52,366,486 25-lb. equivalents for all sizes and grades. Mature green and vine ripe 6×7 size tomatoes grading U.S. No. 3 were valued at $6,022,910.25 or 1.4 percent of the total sales dollars of $410,124,645 for all tomato grades and sizes shipped.

The final rule will change the handling regulation specified at 7 CFR in section 966.323 (49 FR 47189 December 3, 1984; 51 FR 41074 November 13, 1986; 52 FR 46345 December 7, 1987) to extend the handling regulation effective period, increase the minimum grade for fresh market shipments of 6×7 size tomatoes outside the regulated area, and establish a minimum grade for shipments of 6×7 size tomatoes within the regulated area.

Changes will be made in the introductory text and in § 966.324(a)(1) to help maintain the quality of Florida tomato shipments by extending the handling regulation effective period and increasing and extending the coverage of the minimum grade requirement. This final rule is being issued pursuant to § 966.52 of the order.

Notice of this change was published in the December 15, 1987, issue of the **Federal Register** (52 FR 47576) affording interested persons 20 days in which to submit written comments. One comment was received from the Florida Tomato Exchange which unanimously supported the committee's recommendation.

Growers are producing and harvesting tomatoes into late June. Currently, the handling regulations are in effect October 10–June 15. After June 15, handlers may ship tomatoes free of the grade, size, container, and inspection requirements under the marketing order. According to the committee, many tomatoes that would not meet the requirements of the marketing order were shipped after June 15 last season. Quality standards have been imposed on the Florida tomato industry to improve its image and give the consumer a better product. According to the committee, to stop regulations before all harvesting is complete and allow significant supplies of poor quality tomatoes to be shipped to fresh market channels at the end of a season defeats the purpose of the regulations. Members of the committee believe extending the effective period to June 30 is needed to maintain the quality of late season shipments of tomatoes by requiring the tomatoes to meet the applicable grade, size, and quality requirements established under the order.

Marketing Order No. 966 defines the "regulated area" as that portion of the State which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico. Tomatoes shipped to points outside the regulated area are currently required to be at least U.S. No. 3 grade and 2–8/32 inches in diameter, and be sized and packed in accordance with three classifications. The smallest of the three designated sizes is the 6×7, which includes tomatoes ranging form 2–8/32 to 2–18/32 inches in diameter. The committee has recommended that the minimum grade for the 6×7 size be increased to U.S. No. 2.

It also was recommended that this requirement be made applicable to fresh market shipments within the regulated area. Such shipments are now subject only to size and inspection requirements.

This revision in the grade requirements is expected to prevent small, low-quality tomatoes from reaching the marketplace. This action is intended to improve the overall quality of tomatoes in fresh marketing channels.

Tomatoes grading U.S. No. 3 must be well developed, may be misshapen, and cannot be seriously damaged by sunscald. Tomatoes grading U.S. No. 2 have to be well developed, reasonably well-formed, and free from sunscald. Sunscald is an injury which usually occurs on the sides or upper half of the tomato, but may occur wherever the rays of the sun strike most directly. The first symptom is a whitish, shiny, blistered area. The affected tissue gradually collapses, forming a slight sunken area that may become a pale yellow color and will often wrinkle or shrivel as the tomato ripens. This detracts from the overall appearance and quality of the tomato.

The difference between tomatoes grading U.S. No. 3 and U.S. No. 2 with regard to development, shape, and sunscald is especially noticeable in smaller sized tomatoes.

Preliminary findings of a research study being conducted by Dr. John VanSickle, Marketing Economist, Food & Resources Economics Department, College of Agriculture, University of Florida, indicate that 6x7 U.S. No. 3 grade tomatoes are generally of very poor quality and are not desired by the consumer. Moreover, the data shows that when tomatoes of this quality are offered for sale to consumers they have an adverse affect on the demand and sale of other Florida tomatoes.

While this regulation will extend the effective period of the handling regulations, and increase and extend the applicability of the minimum grade requirement, exemptions to the handling regulation will continue to be available. For example, several varieties or types of tomatoes are completely exempt and handlers may ship up to 60 pounds of tomatoes per day without regard to the requirements of the handling regulation. Shipments of tomatoes for canning, experimental purposes, relief, charity, or export are also exempt. Importers can also ship up to 60 pounds of tomatoes per day exempt from the import regulation.

Section 8e of the Act (7 U.S.C. 608e–1) provides that whenever specified commodities, including tomatoes, are regulated under a Federal marketing order, imports of that commodity are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. Because this final rule will extend the effective period of the handling regulation, and establish a higher minimum grade requirement for domestic tomato shipments, this change will be applicable to imported tomatoes.

Florida tomatoes must be packed in accordance with three specified size designations, and tomatoes falling into different size classifications may not be commingled in a single container. These pack restrictions do not apply to imported tomatoes. Imported tomatoes are generally sized in accordance with the U.S. Standard for Grades of Tomatoes [§§ 51.1855 through 51.1877]. Under these standards, there are specific diameter ranges for different size classifications, e.g. medium size tomatoes are classified as tomatoes which range from $2\frac{9}{32}$ to $2\frac{17}{32}$ inches in diameter and large size tomatoes are classified as tomatoes which range from $2\frac{17}{32}$ to $2\frac{28}{32}$ (§ 51.1859 of the standards). In addition, different sizes of imported tomatoes (e.g. medium and large) may be commingled in the same container. In this instance, a lot of imported tomatoes may range from the smallest size of medium tomatoes to the largest size of large tomatoes, i.e. $2\frac{9}{32}$ to $2\frac{28}{32}$ inches in diameter. Under these circumstances, it would be impracticable to require imported tomatoes to meet the same quality requirements proposed for Florida 6x7 size tomatoes which range from $2\frac{8}{32}$ inches to $2\frac{18}{32}$ inches in diameter because of the variation in the way imported tomatoes are sized. Thus, a comparable quality requirement is being established for imported tomatoes. The upper range of a medium tomato in the U.S. Standards for tomatoes is $2\frac{17}{32}$

inches in diameter. Since most imported tomatoes are sized in accordance with such standards and medium tomatoes under the standards are comparable to Florida 6x7 tomatoes, imported tomatoes with a minimum diameter of $2^{17}/_{32}$ inches or larger will be required to grade at least U.S. No. 3. All other imported tomatoes (those ranging from $2^{8}/_{32}$ inches to $2^{16}/_{32}$ inches in diameter) will be required to be U.S. No. 2 or better. Moreover, the current undersize tolerance will remain in effect. That means any lot with more than 10 percent of its tomatoes less than $2^{17}/_{32}$ inches in diameter will have to grade at least U.S. No. 2.

While section 8e of the Act requires that imports meet quality standards the same or comparable to those imposed on domestic tomatoes, it also provides that any import regulation shall not become effective until reasonable notice is given, which notice shall not be less than three days. In accordance with the provisions of section 8e, it has been determined that the effective date for import requirements for the 1987-88 season beginning three days after the publication of this final rule in the **Federal Register** is reasonable notice. In future seasons, both the domestic and import requirements will be effective during the same time period, i.e. from October 10 through June 30 each season.

A conforming change of § 966.323(f) *Applicability to imports* will be made to reflect the change in the effective period of the import regulation and the increase in the minimum grade requirement. No change is needed in the import regulation for tomatoes which appears in Part 980 (7 CFR 980.212; 42 FR 55192, October 4, 1977).

Quality assurance is very important to the Florida tomato industry both within and outside of the State. Providing the public with acceptable quality produce which is appealing to the consumer on a consistent basis is necessary to maintain buyer confidence in the marketplace. To the extent that this action increases the quality of tomatoes in the marketplace, it will also be of benefit to both Florida tomato growers and handlers.

Based on the above, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is hereby found that extending the effective period of the handling regulation from June 15 to June 30, increasing the minimum grade for fresh market shipments of 6x7 size (small) tomatoes outside the regulated area from U.S. No. 3 to U.S. No. 2, and establishing the minimum grade requirement of U.S. No. 2 for 6x7 size tomato shipments within the regulated area will tend to effectuate the declared policy of the Act.

It is hereby further found 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) in that the harvesting and shipping season for Florida tomatoes has begun and to be of maximum benefit to producers and handlers this rule should become effective as soon as possible. In addition, pursuant to section 8e of the Act, it has been determined that the requirements for imported tomatoes should become effective three days after publication of this final rule.

List of Subjects in 7 CFR Part 966

Marketing agreements and orders, Tomatoes, Florida.

For the reasons set forth in the preamble, 7 CFR Part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 966, Tomatoes Grown in Florida continues to read as follows:

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

2. Section 966.323 is amended by revising the introductory text, paragraph (f), and the first sentence of (a)(1) to read as follows:

§ 966.323 Handling regulation.

During February 4, 1988, through June 30, 1988, for the 1987-88 season and from October 10 through June 30 each season thereafter, except as provided in paragraphs (b) and (d) of this section, no person shall handle any lot of tomatoes for shipment outside the regulated area unless it meets the requirements of paragraph (a) of this section and no person shall handle any lot of tomatoes for shipment within the regulated area unless it meets the requirements of paragraphs (a)(1), (a)(2)(i), and (a)(4) of this section.

(a) *Grade, size, container, and inspection requirements.* (1) *Grade.* Tomatoes shipped outside the regulated area shall be graded and meet the requirements for U.S. No. 1, U.S. Combination, U.S. No. 2, or U.S. No. 3 of the U.S. Standards for Grades of Fresh Tomatoes, except that all shipments of size 6x7 tomatoes must grade at least U.S. No. 2 or better.* * *

* * * * *

(f) *Applicability to imports.* Under section 8e of the Act and § 980.212 "Import regulations" (7 CFR 980.212) tomatoes imported during the period February 8, 1988, through June 30, 1988, during the 1987-88 season and from October 10 through June 30 each season thereafter shall be at least $2^{8}/_{32}$ inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter. All lots with a minimum diameter of $2^{17}/_{32}$ inches and larger shall be at least U.S. No. 3 grade. All other tomatoes shall be at least U.S. No. 2 grade. Any lot with more than 10 percent of its tomatoes less than $2^{17}/_{32}$ inches in diameter shall grade at least U.S. No. 2.

Dated: February 2, 1988.

Robert C. Keeney,

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

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FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations; Loss-Sharing Agreements; Correction

AGENCY: Farm Credit Administration.

ACTION: Final rule; correction.

SUMMARY: The Farm Credit Administration (FCA) is correcting a typographical error in the final rule which amended the regulation relating to the reversal of previously accrued financial assistance under Farm Credit System loss-sharing agreements. The final rule appeared in the **Federal Register** on January 13, 1988 (53 FR 775).

FOR FURTHER INFORMATION CONTACT: Gary L. Norton, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: In Typing the final rule for submission to the **Federal Register**, the word "Capital" was inadvertently omitted in the amended language of § 614.4341.

PART 614—LOAN POLICIES AND OPERATIONS

1. Section 614.4341, Subpart I, Loss-Sharing Agreements is corrected to read as follows:

Subpart I—Loss-Sharing Agreements

§ 614.4341 Financial assistance.

No institution shall reverse any financial assistance provided under the 37-Bank Capital Preservation Agreement or any other capital preservation/loss-