marketing conditions. The committee projected that 2⁹⁄₁₆ inch Dancy tangerines would reach the level of maturity and flavor which consumers prefer by that date. Early in the shipping season smaller Dancy tangerines are typically too hard and sour to be acceptable to most consumers. Shipment of such fruit would likely result in consumer disappointment and could have reduced the demand for tangerines later in the season.

The reduced size requirements for Dancy tangerines are effective only for the 1989–90 shipping season, with the tighter minimum requirements resuming for 1990–91 season shipments on August 20, 1990. The resumption of tighter requirements recognizes that smaller Dancy tangerines are not sufficiently flavorful early in the season, and is based upon the anticipated maturity, size, quality, and flavor characteristics of the fruit early in the shipping season.

The committee meets prior to and during each season to review the handling requirements for Dancy tangerines. Committee meetings are open to the public, and interested persons may express their views at these meetings. The U.S. Department of Agriculture reviews committee recommendations and information submitted by the committee and other available information and determines whether modification, suspension, or termination of the handling requirements would tend to effectuate the declared policy of the Act.

Some Florida citrus fruit shipments are exempt from handling requirements effective under the marketing order. Handlers may ship up to 15 standard packed cartons (12 bushels) of fruit per day under a minimum quantity exemption provision. Also, handlers may ship up to two standard packed cartons of fruit per day in gift packages which are individually addressed and not for resale, under the current exemption provisions. Fruit shipped for animal feed is also exempt under specific conditions. In addition, fruit shipped to commercial processors for conversion into canned or frozen products or into a beverage base is not subject to the handling requirements.

The Department's view is that the impact of this action upon handlers and producers will be beneficial because it will enable handlers to continue to provide fruit consistent with the demand conditions in the domestic market. Acceptable grades and sizes of Florida citrus fruit have been shipped to fresh markets over the past several years because handling requirements have been in effect under the marketing order.

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.

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other available information, it is found that this final rule finalizing the interim final rule, as published in the **Federal Register** (54 FR 46597, November 6, 1989), will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action maintains reduced size requirements currently in effect for Florida Dancy tangerines; (2) Florida Dancy tangerine handlers need no additional time to continuing complying with the reduced requirements, which were unanimously recommended by the committee at a public meeting; (3) shipment of the 1989–90 season Florida Dancy tangerine crop is currently underway; (4) the interim final rule provided a 30-day comment period, and no comments were received; and (5) no useful purpose would be served by delaying the effective date until 30 days after publication.

List of Subjects in 7 CFR Part 905

Florida, Grapefruit, Marketing agreements, Oranges, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 continues to read as follows:

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

2. Accordingly, the interim final rule amending the provisions of § 905.306, which was published in the **Federal Register** (54 FR 46597, November 6, 1989), is adopted as a final rule without change.

Note.—This action will not be published in the Code of Federal Regulations.

Dated: January 17, 1990.

Eric M. Forman,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 90–1501 Filed 1–22–90; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 989

[Docket No. FV–89–097FR]

Raisins Produced From Grapes Grown in California—Defining "Unstemmed" and "Stemmed" Raisins for the Purpose of Determining Whether Off-Grade Raisins May be Returned to Producers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the administrative rules and regulations established under the federal marketing order regulating raisins produced in California. This action defines the terms "unstemmed" and "stemmed" raisins for the purpose of determining whether or not individual lots of off-grade raisins received by raisin handlers may be returned to producers. This action was unanimously recommended by the Raisin Administrative Committee (Committee), which is responsible for local administration of the marketing order.

EFFECTIVE DATE: January 23, 1990.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 382–1754.

SUPPLEMENTARY INFORMATION: This final rule is issued under marketing agreement and Order No. 989 (7 CFR Part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." The order is effective under 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 No. 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 23 handlers of raisins who are subject to regulation under the raisin marketing order and approximately 5,000 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average annual receipts for the last three years of less than $500,000, and small agricultural service firms are defined as those whose average annual receipts are less than $3,500,000. A majority of producers and a minority of handlers of California raisins may be classified as small entities.

Section 989.24(b) of the order defines off-grade raisins to mean raisins which do not meet the incoming minimum grade and condition standards for natural condition raisins. Pursuant to § 989.58(e)(1) of the order, when incoming natural condition raisins are certified as off-grade, they may be: (1) Received by the raisin handler for disposal in eligible non-normal outlets; (2) received by the handler for reconditioning; or (3) returned unstemmed to the raisin producer.

Off-grade raisins which are disposed of in eligible non-normal outlets may be used in livestock feed or distillation. Producers receive a lower price for such raisins since the raisins may not be sold in normal market channels.

Off-grade raisins which are reconditioned by raisin handlers to meet incoming standards have the added cost of the reconditioning process. Thus, producers receive a lower price for such raisins than if the raisins had initially passed the incoming standards.

Finally, off-grade raisins which are received by the handler may also be returned unstemmed to the raisin producer and the return of such raisins must comply with the requirements specified in § 989.158(c)(7) of the regulations. Unstemmed raisins may not be sold in normal market outlets since they have not had their stems removed. If off-grade raisins were returned to producers stemmed, the raisins would resemble processed raisins and such raisins might be sold in normal market channels. This would be very undesirable since these raisins would still fail to meet the minimum standards. Therefore, only unstemmed off-grade raisins may be returned to producers. Producers may then recondition the raisins on their own premises or take the raisins to a packer or dehydrator for reconditioning. If the raisins were successfully reconditioned to meet the minimum standards, producers would then be able to receive a more competitive price for such reconditioned raisins.

In past seasons, the term "unstemmed" has described raisins which have not had their large stems removed in the reconditioning process. Large stems are the branch or main stem of a grape bunch. Thus, only off-grade raisins with large stems intact may currently be returned to producers. Over the years, however, the process of stemming raisins has changed and now refers to running the raisins through equipment which removes not only the raisins' large stems but smaller capstems as well. Capstems are the small woody stems exceeding one-eighth inch in length which attach the raisins to the branches of the bunch. Therefore, the Committee recommended that "unstemmed" and "stemmed" be clearly defined in the rules and regulations of the order for the purpose of determining which lots of off-grade raisins received by raisin handlers may be returned to producers. Accordingly, the Committee recommended that "unstemmed" raisins should mean lots of raisins which contain 150 or more capstems per pound. "Stemmed" raisins should mean lots of raisins the contain less than 150 capstems per pound.

The Committee considers it necessary to establish this tolerance level for the number of capstems remaining on stemmed raisins to help distinguish stemmed raisins that may still be off-grade from raisins that have been fully processed. This action will help ensure that off-grade stemmed raisins do not enter normal market channels. Raisins that have been stemmed may still not meet the minimum standards for natural condition raisins. These off-grade stemmed raisins are almost indistinguishable from fully processed raisins, which have had even more capstems removed through processing. The tolerance level for the number of capstems per pound for U.S. Department of Agriculture (USDA) Grade C raisins, the lowest USDA grade of processed raisins, is 35 (7 CFR section 52.1846). The Committee determined that a tolerance level of 150 capsteams per pound for stemmed raisins will be sufficient to distinguish such stemmed raisins from fully processed raisins. Off-grade raisins with less than 150 capstems may not be returned to producers. Instead, these raisins must be reconditioned by the handler or disposed of in eligible non-normal outlets, pursuant to section 989.58(e)(1).

Notice of this action was published in the **Federal Register** on November 14, 1989 (54 FR 47367). Written comments were invited from interested persons until December 14, 1989. One comment was received from Mr. Vaughn Koligian, General Manager of the Raisin Bargaining Association of California. The comment supported the proposed action recommended by the Committee, noting that the rule could benefit producers to whom the unstemmed raisins could be returned.

In addition, for the purpose of clarity, this final rule makes a change to the amendatory language which was published in the proposed rule. The proposed amendatory language provided that unstemmed raisins were to be defined as lots of raisins that contain more than 150 capstems per pound while stemmed raisins would be lots of raisins that contain less than 150 capstems per pound. Accordingly, the proposed language was not clear as to whether lots of raisins with exactly 150 capstems per pound could be returned to producers. This language is clarified in this final rule to specify that lots of raisins with exactly 150 capstems per pound may be returned to producers.

After consideration of all relevant matter presented, including the Committee's recommendation and other available information, it is found that the changes hereinafter set forth will tend to effectuate the declared policy of the Act.

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

List of Subjects in 7 CFR Part 989

California, Grapes, Marketing agreements, Raisins.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as set forth below.

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

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

Subpart—Administrative Rules and Regulations

2. Section 989.158 is amended by adding paragraph (c)(7)(i) to read as follows:

§ 989.158 Natural condition raisins.

* * * * *

(c)* * *

(7) *Return of off-grade raisins to tenderer.*

* * * * *

(i) *Unstemmed and stemmed raisins.* For the purpose of determining whether or not off-grade raisins may be returned to the person tendering such raisins, "unstemmed" raisins shall be defined as lots of raisins that contain 150 or more capstems per pound. "Stemmed" raisins means lots of raisins that contain less than 150 capstems per pound.

* * * * *

Dated: January 17, 1990.

Eric M. Forman,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 90-1500 Filed 1-22-90; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1032

[DA-90-007]

Milk in the Southern Illinois-Eastern Missouri Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain provisions of the Southern Illinois-Eastern Missouri Federal milk marketing order for the month of January 1990. The action reduces the shipping standard for pool supply plants. The suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that operates supply plants and represents producers who supply the market. As Mid-Am contends, the action is necessary to reflect a reduced need for shipments of milk from supply plants to distributing plants. Mid-Am indicates that less of its supply plant milk is needed because of the sale of a distributing plant whose fluid milk accounts have been shifted to distributing plants that are regulated under other Federal orders. In response to this situation, a previous suspension order was issued for the months of November 1989 through January 1990 that reduced the shipping standard for supply plants operated by cooperative associations to 25 percent of milk receipts. Mid-Am now indicates that, under current marketing conditions, it will not be able to perform at the 25 percent shipping level to pool its supply plant at Cabool, Missouri, without engaging in inefficient and uneconomic movements of milk. Thus, as Mid-Am contends, a further suspension is necessary to eliminate unnecessary shipments of milk to pool the milk of dairy farmers who have historically supplied the fluid milk needs of the market.

EFFECTIVE DATE: January 23, 1990.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued December 26, 1989; published December 29, 1989 (54 FR 53652).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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 the criteria contained therein.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Southern Illinois-Eastern Missouri marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on December 29, 1989 (54 FR 53652) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. No comments opposing the action were received.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the month of January 1990 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1032.7(b), the words "during December at least 40 percent, and at least 50 percent in all other months, of the total", the words "(including producer milk diverted from such plant pursuant to § 1032.13 but excluding milk diverted to such plant) and handlers described in § 1032.9(c)", the words, "except that the minimum qualifying percentage shall be 25 percent for a plant(s) operated by a cooperative association that delivered producer milk", the words "each of", the words "months of", the words "through August", the word "to", and the words "plants described in paragraph (a) of this section".

For the benefit of the reader, the above suspension in conjunction with a previous suspension that was issued on November 15, 1989 (54 FR 48078) results in a provision that reads "A supply plant from which receipts of milk from dairy farmers is transferred to and physically received at plants described in paragraph (a) of this section during the immediately preceding September."

Statement of Consideration

This action suspends certain provisions of the order for the month of January 1990. The action reduces the shipping standard for pool supply plants that transferred milk to distributing plants during September 1989.

The order provides that a supply plant must ship at least 40 percent of its receipts of milk to distributing plants during December, and 50 percent in other months, to be a pool plant under the order. A supply plant that meets the pooling standard during each of the months of September through January is a pool plant during each of the months of February through August. Also, the order provides an alternative shipping standard of 25 percent for a supply plant operated by a cooperative association if at least 75 percent of the cooperative's total milk supply during the preceding months of September through August is received at distributing plants. A previous suspension action for the months of November 1989-January 1990 reduced the shipping standard to 25 percent of receipts for any cooperative association supply plant that delivered producer milk during each of the immediately preceding months of September through August. This action further reduces the amount of milk that must be shipped from any supply plant to a distributing plant during January 1990 if the supply plant shipped milk during September 1989.

Both the current and previous actions were requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that operates supply plants under the order and represents producers who supply the market. Mid-Am contends the action is necessary because of a reduced need for shipments of milk from supply plants to furnish the fluid milk requirements of distributing plants.

Mid-Am indicates that the reduction of the fluid milk requirements for the market is a result of the recent sale of a distributing plant to another handler that is regulated under the order. Mid-Am has maintained pool plant status under the order for its Cabool, Missouri, supply plant by making shipments to the distributing plant that was sold. The fluid milk accounts of the plant that sold were shifted to distributing plants that are regulated under other Federal orders and the plant ceased receiving milk on October 19, 1989. As a result, there was a reduction in the amount of supplemental supply plant milk required of Mid-Am to meet the fluid milk needs of the market.

In response to this situation, a suspension order was issued for the months of November 1989–January 1990 that reduced the shipping standard for supply plants operated by cooperative associations to 25 percent of milk receipts. Mid-Am now contends that, under current marketing conditions, it will not be able to perform at the 25 percent shipping level to pool its supply plant at Cabool, Missouri, without engaging in inefficient and uneconomic movements of milk. Thus, as Mid-Am contends, a further suspension for January 1990 is necessary to eliminate unnecessary shipments of milk to pool the milk of dairy farmers who have historically supplied the fluid milk needs of the market.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that such action is necessary to permit the continued pooling of supply plants and the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No comments in opposition to this action were received.

Therefore, good cause exists for making this order effective upon publication in the Federal Register.

List of Subjects in 7 CFR Part 1032

Dairy products, Milk, Milk marketing orders.

It is therefore ordered, That the following provisions in § 1032.7(b) of the Southern Illinois-Eastern Missouri order are hereby suspended for the month of January 1990.

PART 1032—MILK IN THE SOUTHERN ILLINOIS-EASTERN MISSOURI MARKETING AREA

1. The authority citation for 7 CFR Part 1032 continues to read as follows:

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

§ 1032.7 [Suspended in part]

2. In § 1032.7(b), the words "during December at least 40 percent, and at least 50 percent in all other months, of the total", the words "(including producer milk diverted from such plant pursuant to § 1032.13 but excluding milk diverted to such plant) and handlers described in § 1032.9(c)", the words ", except that the minimum qualifying percentage shall be 25 percent for a plant(s) operated by a cooperative association that delivered producer milk", the words "each of", the words "months of", the words "through August", the word "to", and the words "plants described in paragraph (a) of this section" are hereby suspended for the month of January 1990.

Signed at Washington, DC, on January 16, 1990.

John E. Frydenlund,

Acting Assistant Secretary.

[FR Doc. 90–1503 Filed 1–22–90; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 97

[Docket No. 89–204

Commuted Traveltime Periods

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning overtime services provided by employees of Veterinary Services (VS) by adding a commuted traveltime allowance for Portal, North Dakota. Commuted traveltime allowances are the periods of time required for VS employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by VS employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of the commuted traveltime for this location.

EFFECTIVE DATE: January 23, 1990.

FOR FURTHER INFORMATION CONTACT: Louise R. Lothery, Director, Resource Management Support, VS, APHIS, USDA, Room 740, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7517.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR, chapter I, subchapter D, and 7 CFR, chapter III, require inspection, laboratory testing, certification, or quarantine of certain animals, animal products, plants, plant products, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of VS on a Sunday or holiday, or at any other time outside the VS employee's regular duty hours, the Government charges a fee for the service in accordance with 9 CFR Part 97. Under circumstances described in § 97.1(a), this fee may include the cost of commuted traveltime. Section 97.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the time required for VS employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 97.2 of the regulations by adding a commuted traveltime allowance for Portal, North Dakota. The amendment is set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

Executive Order 12291 and Regulatory Flexibility Act.

We are issuing this rule in conformance with Executive Order 12291, and we 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.