This action adds a new section 910.228 and is based on Committee recommendations and other information. A proposed rule on the expenses and assessment rate was published in the August 9, 1990, issue of the **Federal Register** [55 FR 32423]. Comments on the proposed rule were invited from interested persons until August 20, 1990. No comments were received.

After consideration of the information and recommendation submitted by the Committee and other available information, it is found that this final rule will tend to effectuate the declared policy of the Act.

This rule should expedited because the Committee needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis. In addition, handlers are aware of this action, which was recommended by the Committee at public meetings. Therefore, it is 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].

List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, Reporting and recordkeeping requirements.

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. A new § 910.228 is added to read as follows:

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

§ 910.228 Expenses and assessment rate.

Expenses of $970,000 by the Lemon Administration Committee are authorized, and an assessment rate of $0.05 per carton of assessable lemons is established for the 1990–91 fiscal year ending on July 31, 1991. Unexpended funds from the 1989–90 fiscal year may be carried over as a reserve.

Dated: August 30, 1990.

Ronald L. Cioffi,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 90–20955 Filed 9–5–90; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 958

[Docket No. FV-90-165]

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Change in the Definition of Pearl Onions and Revision of Reporting Requirements for Pearl Onion Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the definition of pearl onions, which are exempt from regulation under the Idaho-Eastern Oregon onion marketing order. Such onions are defined as those equal to or less than 1¾ inches rather than 1½ inches in diameter. The change in the definition recognizes that there is an expanding market for pearl onions and should facilitate the marketing of such onions. This rule will also revise the reporting requirements with respect to pearl onions to require handlers to report shipments of such onions on a monthly basis rather than subsequent to each individual shipment of lots of such onions. Requiring less frequent reporting of pearl onion shipments will reduce reporting requirements imposed on handlers in view of the fact that individual shipments of lots of pearl onions contain relatively small volumes, and it is unnecessary to require each of those shipments to be reported separately.

EFFECTIVE DATE: September 6, 1990.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone (202) 475–5610.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 130 and Marketing Order No. 958, both as amended (7 CFR part 958), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. The marketing agreement and order are authorized under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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 action 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 30 handlers of Idaho-Eastern Oregon onions subject to regulation under the marketing order, and approximately 450 onion producers in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of the handlers and producers of Idaho-Eastern Oregon onions may be classified as small entities.

Under the terms of the marketing order, fresh market shipments of onions grown in Idaho-Eastern Oregon are required to be inspected and are subject to grade, size, maturity, and pack requirements. Handling requirements for fresh shipments of Idaho-Eastern Oregon onions are specified in 7 CFR 958.328. That regulation establishes grade and size requirements for each of the three types of onions grown in the production area—white, red and other varieties, the last consisting of mostly yellow varieties. Each of the three types of onions must grade at least U.S. No. 2. White onions are required to be at least 1 inch in diameter and red and other varieties are subject to a minimum size requirement of 1½ inches in diameter. Exemptions from these requirements are provided for certain types of onions (e.g., braided red onions) and onions used for certain specified purposes (e.g., dehydration).

At a meeting held on April 24, 1990, the Idaho-Eastern Oregon Onion Committee (committee), the agency responsible for local administration of the marketing order, recommended two changes in the current handling regulation. In accordance with the committee's recommendation, this rule changes the definition of pearl onions, which are exempt from regulation, to include onions equal to or less than 1¾ inches in diameter, rather than 1½ inches in diameter. This rule also revises safeguard requirements to provide that handlers must report shipments of pearl onions on a monthly basis rather than subsequent to each individual shipment of lots of pearl onions. These actions are designed to facilitate the marketing of pearl onions, which are sold as a specialty item and do not compete directly with other onions grown in the production area.

Pearl onions have been exempt from quality, size, inspection and assessment requirements since 1985. Pearl onions are grown using specific cultural practices to limit growth. For example, irrigation and planting techniques differ from those used in growing other onions. Pearl onions are grown and sold as a specialty item, and comprise a small percentage of the total volume of onions grown in the Idaho-Eastern Oregon production area. The committee believed, in recommending an exemption for pearl onions, that it was not necessary to regulate this small volume of pearl onions, and that producers and handlers of other onions would not be adversely affected because their onions were not competing directly with the exempt pearl onions. The committee also believed that the exemption for pearl onions would facilitate development of a new market for production area onions.

For purposes of the exemption, pearl onions are currently defined as onions grown using specific cultural practices to limit growth to a general size of less than 1½ inches in diameter. According to information submitted by the committee, pearl onions are typically less than 1½ inches in diameter. However, a pearl onion crop will often contain some larger onions. Buyers of pearl onions are willing to purchase these somewhat larger pearl onions to reduce the additional costs associated with sorting the various sizes. For these reasons, the committee recommended changing the definition to include onions up to 1¾ inches in diameter. Since pearl onions are sold as a specialty item distinct from other onions grown in the production area, it is not expected that this action will adversely affect the marketing of such other onions. In addition, the order in which definitions appear in § 958.328(g) is also being changed for clarity.

Currently, handlers of pearl onions must apply to the committee for a Certificate of Privilege to be permitted to ship pearl onions exempt from marketing order requirements. Once receiving a Certificate of Privilege, handlers report each individual shipment of lots of pearl onions to the committee. Since pearl onion shipments are typically of relatively low volume, the committee does not believe that it is necessary that each such shipment be reported separately as it occurs. The committee therefore recommended that the current reporting requirements be revised to require pearl onion handlers to report shipments on a monthly basis. This will reduce the reporting requirements imposed on handlers, while still ensuring that the committee receives information it needs relative to the volume of pearl onions being marketed.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection requirements included in this final rule have been submitted to the Office of Management and Budget (OMB) and have been approved under OMB No. 0581-0087.

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

A proposed rule was published in the July 6, 1990, **Federal Register** (55 FR 27825) and afforded interested persons until August 6, 1990, to submit written comments. No comments were received.

After consideration of all relevant matter presented, including the information and recommendations submitted by the committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the shipping season began in July and therefore this rule should be implemented as soon as possible. Further, handlers are aware of this action, which was recommended by the committee at a public meeting.

List of Subjects in 7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 958 is amended as follows:

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

1. The authority citation for 7 CFR part 958 continues to read as follows:

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

2. Section 958.328 is amended by revising paragraph (e)(2) and paragraph (g) to read as follows:

Note: This section will appear in the annual Code of Federal Regulations.

§ 958.328 Handling regulation.

* * * * *

(e) * * *

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section; except that shipments of pearl onions shall be reported to the committee on a monthly basis on forms furnished by the committee;

* * * * *

(g) *Definitions.* The terms "U.S. No. 1," "U.S. Commercial," and "U.S. No. 2" have the same meaning as defined in the United States Standards for Grades of Onions (Other than Bermuda-Granex-Grano and Creole Type), as amended (7 CFR 51.2830-2854), or the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 51.3195-51.3209), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "braided red onions" means onions of red varieties with tops braided (interlaced). "Pearl onions" means onions produced using specific cultural practices that limit growth to the same general size as boilers and picklers, measuring 1¾ inches in diameter or less. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

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Dated: August 30, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-20956 Filed 9-5-90; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 965

[Docket No. FV-90-192]

Tomatoes Grown in the Lower Rio Grande Valley in Texas; Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures under Marketing Order No. 965 for the 1990-91 fiscal period. Authorization of this budget will permit

the Texas Valley Tomato Committee to finance a varietal research project from operating reserve funds.

EFFECTIVE DATE: August 1, 1990, through July 31, 1991.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-447-2020.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 965, as amended (7 CFR part 965), regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in the State of Texas. The marketing 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 rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final 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 the 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 5 handlers of Texas tomatoes under this marketing order, and 25 tomato producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of tomato producers and handlers may be classified as small entities.

The budget of expenses for the 1990-91 fiscal period was prepared by the Texas Valley Tomato Committee (committee), the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of Texas tomatoes. They are familiar with the committee's needs and with the costs of goods and services in their local area and are in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The committee met on July 10, 1990, and unanimously recommended that $2,500 of the committee's operating reserve funds be allocated to conduct a varietal research project. The projected reserve at the end of the 1990-91 fiscal period is $547.79, which will be carried over into the next fiscal period. This amount is within the maximum permitted by the order of two fiscal periods' expenses.

Since the expenses will be financed from the committee's operating reserve, no additional costs will be imposed on handlers. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was published in the **Federal Register** on August 9, 1990 (55 FR 32423). That document contained a proposal to add § 965.215 to authorize expenses for the committee. That rule provided that interested persons could file comments through August 20, 1990. No comments were received.

It is found that the specified expenses are reasonable and likely to be incurred and that such expenses will tend to effectuate the declared policy of the Act.

This action should be expedited because the committee needs to finance this research project. The 1990-91 fiscal period for the program began on August 1, 1990. The industry is aware of this action which was recommended by the committee at a public meeting. Therefore, it is also 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).

List of Subjects in 7 CFR Part 965

Marketing agreements, reporting and recordkeeping requirements, tomatoes.

For the reasons set forth in the preamble, 7 CFR part 965 is amended as follows:

PART 965—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

1. The authority citation for 7 CFR part 965 continues to read as follows:

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

2. Section 965.215 is added to read as follows:

Note: This section will not be published in the Code of Federal Regulations:

§ 965.215 Expenses.

Expenses of $2,500 by the Texas Valley Tomato Committee are authorized for the fiscal period ending July 31, 1991. Unexpended funds may be carried over as a reserve.

Dated: August 30, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-20952 Filed 9-5-90; 8:45 am]

BILLING CODE 3410-02

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7 CFR Part 981

[FV-90-183 FR]

Expenses and Assessment Rate for Almonds Grown in California

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate for the 1990-91 crop year under the marketing agreement and order for California almonds. Funds to administer this program are derived from assessments on handlers. This action is needed in order for the Almond Board of California (Board), which is responsible for local administration of the order, to have sufficient funds to meet the expenses of operating the program. Expenses are incurred on a continuous basis.

EFFECTIVE DATES: July 1, 1990, through June 30, 1991.

FOR FURTHER INFORMATION CONTACT: Sheila Young, Marketing Specialist, Marketing Order Administration Branch, F&V, AMDS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456; telephone: (202) 475-5992.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 981 (7 CFR part 981), both as amended, regulating the handling of almonds grown in California. This 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 by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive order 12291 and has been determined to be a "non-major" rule.