§ 301.78–2 [Amended]

2. In § 301.78–2, paragraph (a) is amended as follows:

a. By adding, in alphabetical order, "Lemon, Meyer (*Citrus limon* X *reticulata*)" and "Lemon, Rough (*Citrus jambhiri*)".

b. By revising the entry for "Lemon (*Citrus limon*)" to read "Lemon (*Citrus limon*) except smooth-skinned lemons harvested for packing by commercial packing houses".

§ 301.78–10 [Amended]

3. Section 301.78–10 is amended as follows:

a. In paragraph (c), the last sentence, by removing the words "by ground equipment", and by removing "2.4" and adding "1.2" in its place.

b. At the end of the section, by adding "(Approved by the Office of Management and Budget under control number 0579–0088)".

Done in Washington, DC, this 12th day of May 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–12002 Filed 5–17–94; 8:45 am]

BILLING CODE 3410–34–P

Agricultural Marketing Service

7 CFR Part 944

[Docket No. FV–92–058–FR]

Fruits; Import Regulations (Oranges); Reinstatement of Suspended Minimum Orange Import Grade Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule reinstates, with minor revisions, the suspended minimum grade requirement for oranges imported into the United States. This requirement was temporarily suspended on October 24, 1991, to provide the United States Trade Representative (USTR) adequate time to review contemplated changes in the import requirements. This rule is needed so that imported oranges meet the same minimum grade requirement as is established for oranges under the marketing order covering Texas oranges, consistent with section 8e of the amended Agricultural Marketing Agreement Act of 1937.

EFFECTIVE DATE: May 23, 1994.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone: 202–720–5331; or Belinda G. Garza, McAllen Marketing Field Office, USDA/AMS, 1313 East Hackberry, McAllen, Texas 78501; telephone: 210–682–2833.

SUPPLEMENTARY INFORMATION: This final rule is issued under section 8e (7 U.S.C. Section 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act. Section 8e of the Act provides that whenever specified commodities, including oranges, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities. Section 8e also provides that whenever two or more marketing orders regulate the same commodity produced in different areas of the United States, the Secretary shall determine which area the imported commodity is in most direct competition with and apply regulations based on that area to the imported commodity. The Secretary has determined that oranges imported into the United States are in most direct competition with oranges grown in Texas regulated under Marketing Order No. 906, and has found that the minimum grade and size requirements for imported oranges should be the same as those established for oranges under Marketing Order No. 906.

The Department is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this 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. Import regulations issued under the Act are based on those established under Federal marketing orders.

There are about 20 orange importers who will be subject to the orange import grade requirement. Small agricultural service firms, which include importers, have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $3,500,000. A majority of these importers may be classified as small entities.

A proposed rule concerning this reinstatement of the orange import grade requirement was issued on February 18, 1994, and published in the **Federal Register** (59 FR 9140, February 25, 1994). That rule provided a 15-day comment period which ended March 14, 1994. A comment was filed by Rick Perry, Commissioner, Texas Department of Agriculture, Austin, Texas, favoring the proposed reinstatement of the minimum grade requirement for imported oranges, because imported oranges should meet the same minimum grade requirement as is applied to Texas oranges.

A minimum grade requirement of U.S. No. 2 specified in § 944.312 (7 CFR part 944) for oranges imported into the United States was in effect on a continuous basis prior to its suspension on October 24, 1991 (56 FR 55983, October 31, 1991; 57 FR 2674, January 23, 1992). This requirement was suspended to provide the USTR adequate time to review contemplated changes in the grade requirement for imported oranges reflecting changes made in the minimum grade requirement for Texas oranges in § 906.365 (7 CFR part 906) under Marketing Order No. 906.

This final rule amends § 944.312 (7 CFR 944.312; as amended at 58 FR 69185, December 30, 1993; and corrected at 59 FR 4246, January 31, 1994) to reinstate a minimum grade requirement of U.S. No. 2 for oranges imported into the United States. This minimum grade requirement is the same as the minimum grade requirement currently in effect for oranges grown in Texas under Marketing Order No. 906, and is the same as the grade requirement effective for imported oranges under § 944.312 just prior to its suspension on October 24, 1991.

This final rule also defines the term "oranges", to precisely identify the fruit covered by this import regulation.

This final rule also changes the minimum quantity exemption under the import regulation to 400 pounds of fruit per day. The minimum quantity exemption in the suspended import regulation was ten 7/10 bushel cartons (420 pounds). This change makes the quantity exempted in the import regulation comparable to the quantity exempted from handling regulations under the marketing order for oranges grown in Texas.

A minimum size requirement specifying that oranges imported into the United States be at least 2 6/16 inches in diameter is currently effective under § 944.312, and this requirement remains in effect unchanged by this rule.

According to the Department of Agriculture's Foreign Agricultural Service, U.S. fresh orange imports during the 1992/93 season were well below the corresponding levels in the 1991/92 season, reflecting record fresh-market domestic supplies. U.S. imports of fresh oranges during the 1992/93 season (beginning November 1) totaled 23.6 million pounds, nearly a third less than in 1991/92. In the five seasons 1987/88–1991/92 fresh orange imports varied greatly. The late December 1990 freeze caused extensive damage to orange crops in California and resulted in an unusually large quantity of imports in 1990/91. From 1987/88 through 1991/92, U.S. imports of fresh oranges ranged from a high of 137.3 million pounds in the 1990/91 season, to a low of 17.2 million pounds in 1988/89, with an average of 53.0 million pounds.

Fresh U.S. orange imports typically come from six countries, including Australia, the Dominican Republic, Mexico, Israel, Jamaica, and Spain. In the 1992/93 season, Australia accounted for 10.1 million pounds or 42 percent of U.S. fresh orange imports. In comparison, 1991/92 imports from Australia were 5.5 million pounds or 16 percent of U.S. fresh market orange imports. From 1987/88 through 1991/92, Mexico was a major source of U.S. fresh orange imports, ranging from a low of 2.2 million pounds (1988/89), to a high of 56.1 million pounds (1990/91), with a five year average of 18.0 million pounds per season.

In accordance with section 8e of the Act, the USTR has concurred with the issuance of this rule.

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

This final rule reflects the Department's appraisal of the need to reinstate the suspended orange import grade requirement and make specified changes in the orange import regulation, as hereinafter set forth, 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 rule until 30 days after publication in the **Federal Register** because: (1) The orange import grade requirement should be reinstated as soon as possible, so that imported oranges meet the same grade requirement as is effective for fresh shipments of Texas oranges in accordance with section 8e of the Act; and (2) the proposed rule provided a 15-day comment period, and the one comment received favored reinstatement of the grade requirement for imported oranges.

List of Subjects in 7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR part 944 is amended to read as follows:

PART 944—FRUITS; IMPORT REGULATIONS

1. The authority citation for 7 CFR part 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 944.312 is revised to read as follows:

§ 944.312 Orange import regulation.

(a) Pursuant to section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674), and part 944—Fruits; Import Regulations, the importation into the United States of any oranges is prohibited unless such oranges grade at least U.S. No. 2, and they are at least 2 6/16 inches in diameter.

(b) The term *oranges* is defined as Citrus sinensis, Osbeck.

(c) The term *importation* means release from custody of the United States Customs Service.

(d) Terms and tolerances pertaining to grade and size requirements, which are defined in the United States Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.714), shall be applicable herein.

(e) Any person may import up to 400 pounds a day of oranges exempt from the requirements specified in this section.

(f) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of oranges imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of oranges, is required on all such imports. The inspection and certification services will be available upon application in accordance with the Regulations Governing Inspection, Certification and Standards of Fresh Fruits, Vegetables, and Other Products (7 CFR part 51), and in accordance with the regulation designating inspection services and procedure for obtaining inspection and certification (7 CFR 944.400).

(g) Any oranges which fail to meet the import requirements, and are not being imported for purposes of consumption by charitable institutions, distribution by relief agencies, or processing into products; prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of such oranges borne by the importer.

(h) The grade, size, quality, and maturity requirements of this section shall not be applicable to oranges imported for consumption by charitable institutions, distribution by relief agencies, or processing into products, but shall be subject to the safeguard provisions contained in § 944.350.

(i) The Secretary has determined that oranges imported into the United States are in most direct competition with oranges grown in Texas regulated under Marketing Order No. 906.

Dated: May 12, 1994.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–12094 Filed 5–17–94; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 993

[Docket No. FV93–993–3FIR]

Dried Prunes Produced in California; Changes in Producer District Boundaries

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule which realigned the boundaries of seven

districts established for independent producer representation on the Prune Marketing Committee (Committee). Realigning the boundaries provides for more equitable representation for those members, and makes provisions of the order consistent with current industry demographics. This rule was unanimously recommended by the Committee, the agency responsible for local administration of the federal marketing order regulating dried prunes produced in California.

EFFECTIVE DATE: June 17, 1994.

FOR FURTHER INFORMATION CONTACT: Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901, or FAX (209) 487–5906; or Valerie L. Emmer, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20050–6456; Telephone: (202) 205–2829, or FAX (202) 720–5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 993 (7 CFR part 993), as amended, regulating the handling of dried prunes produced 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."

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of entry of the ruling.

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 20 handlers of dried prunes who are subject to regulation under the dried prune marketing order and approximately 1,360 producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $5,000,000, and small agricultural producers have been defined as those having annual receipts of less than $500,000. The majority of handlers and producers of California dried prunes may be classified as small entities.

The interim final rule realigned the boundaries of the seven districts established for independent producer representation on the Committee. To be consistent with current industry demographics, the interim rule ensured that, insofar as practicable, each district represents an equal number of independent producers and an equal volume of prunes grown by such producers. The change did not impose any additional regulatory, informational, or cost requirements on handlers or producers.

This rule finalizes an interim final rule which revised § 993.128 of Subpart—Administrative Rules and Regulations and was based on a unanimous recommendation of the Committee and other available information.

Section 993.24 of the order provides that the Committee shall consist of 22 members, of which 14 shall represent producers, 7 shall represent handlers, and one shall represent the public. The 14 producer member positions are apportioned between cooperative producers and independent producers in the same proportion, insofar as is practicable, as the percentage of the total prune tonnage handled by the cooperative and independent handlers during the year preceding the year in which nominations are made is to the total handled by all handlers. In recent years and currently, cooperative producers and independent producers each have been eligible to nominate seven members.

Section 993.28 of the order provides that, for independent producers, the Committee shall, with the approval of the Secretary of Agriculture, divide the production area into districts, giving, insofar as practicable, equal representation throughout the production area by numbers of independent producers and production of prune tonnage by such producers. When revisions are required, the Committee must make its recommendations to the Secretary of Agriculture to change the district boundaries prior to January 31 of any year in which nominations are to be made. Nominations are made in all even-numbered years, including 1994.

The Committee recommended this change at its December 8, 1993, meeting. Since the last redistricting in 1990, the number of producers and volume of production in most districts changed, causing imbalances among some districts. Thus, redistricting was needed to bring the districts in line with order requirements and current California prune industry demographics.

The interim final rule established Colusa and Glenn counties as District 1 and added Tehama and Shasta counties to District 4. It also moved the boundary between the central Sutter and southern Sutter districts north from Oswald Road to Bogue Road, and made the central Sutter County area a part of District 2. That rule also designated the portion of District 4, which includes the San Joaquin Valley counties, as District 7. That rule also added northern Sutter County to Butte County which became a new District 5. District 6 continued to be Yuba County.

The Committee calculated the percentage of total independent prune growers and the percentage of total independent grower prune tonnage for each proposed new district. The two percentages were averaged for each district to determine a representation factor for each district. The optimal representation factor was determined to be 14.29 percent (100 percent divided by 7 districts).

The representation factors for the seven old and the seven new districts are shown below, based on the 1992–93 crop year.

District	Representation factor	
	Old districts (percent)	New districts (percent)
1	7.52	12.81
2	21.02	14.89
3	11.07	15.09
4	14.27	12.78
5	9.15	16.67
6	16.10	16.10
7	20.88	11.67

The redistricting recommendation was deemed to be desirable because it allowed each district to approximate the optimal representation factor, while maintaining a continuous geographic boundary for each district. In addition, several of the districts whose representation factors are below the optimum are expected to experience production increases in the next few years which are likely to be above the industry average.

The interim final rule which changed the boundaries of the districts established for independent producer representation on the Committee was issued on February 17, 1994, and published in the **Federal Register** (59 FR 8517, February 23, 1994), with an effective date of February 23, 1994. That rule provided a 30-day comment period which ended March 25, 1994. No comments were received.

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.

After consideration of all relevant material presented, including the Committee's unanimous recommendation and other information, it is found that finalizing the interim final rule, without change, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

1. The authority citation for 7 CFR part 993 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

2. Accordingly, the interim final rule amending 7 CFR Part 993 which was published at 59 FR 8517 on February 23, 1994, is adopted as a final rule without change

Dated: May 12, 1994.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–12097 Filed 5–17–94; 8:45 am]

BILLING CODE 3410–02–P

Commodity Credit Corporation

7 CFR Parts 1413 and 1421

RIN 0560–AD18

1994 Rice Acreage Reduction Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations to establish the acreage reduction percentage for the 1994 crop of rice at zero percent and to establish the price support rates for the 1993 and 1994 crops of rice. Such price support rates are established by statutory formula. These actions are required by section 101B of the Agricultural Act of 1949 (the 1949 Act), as amended. Public comment regarding the 1994 rice program provisions was requested in the **Federal Register** on October 12, 1993.

EFFECTIVE DATE: May 17, 1994.

FOR FURTHER INFORMATION CONTACT: Gene S. Rosera, Agricultural Economist, Fibers and Rice Analysis Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, room 3758–S, P.O. Box 2415, Washington, DC 20013–2415 or call 202–720–6734.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined to be economically significant because it would have an annual effect on the economy of more than $100 million. A Final Regulatory Impact Analysis estimates net income from the production of rice under the selected program at $434.4 million, with established (target) price payments estimated at $72.7 million. Based on other Department estimates, it has been determined that this final rule:

(1) Would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Would not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and

(4) Would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866

Final Regulatory Impact Analysis

The Final Regulatory Impact Analysis describing the options considered in developing this final rule and the impact of the implementation of the selected option is available on request from the above-named individual.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation is not required to request comments with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Federal Assistance Program

The title and number of the Federal assistance program, as found in the Catalog of Federal Domestic Assistance, to which this final rule applies, are as follows: Rice Production Stabilization—10.065.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of the final rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Paperwork Reduction Act

The amendments to 7 CFR parts 1413 and 1421 set forth in this final rule do not contain information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. 35.