

Service" and adding the phrase "plant protection service of the country of origin" in its place; and in the third and sixth sentences, the word "pathologists" is removed and the phrase "protection officers" is added in its place and the word "Japan" is removed and the phrase "the country of origin" is added in its place.

d. Paragraph (b)(2) is amended by removing the word "pathologists" and adding the phrase "protection officers" in its place and by removing the word "Japan" and adding the phrase "the country of origin" in its place.

e. Paragraph (b)(4)(ii) is amended by removing the phrase "Japanese Plant Protection Service" and adding the phrase "plant protection service of the country of origin" in its place.

f. Paragraph (b)(7) is removed.

g. In paragraph (f), the word "Japan" is removed and the phrase "the country of origin of the Unshu oranges" is added in its place.

Done in Washington, DC, this 24th day of July 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-18778 Filed 7-31-95; 8:45 am]

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Agricultural Marketing Service

7 CFR Parts 922, 923, and 924

[Docket No. FV95-922-2IFR]

Expenses for the 1995-96 Fiscal Year for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenses for the 1995-96 fiscal year for Marketing Orders (M.O.) No.'s 922 and 923, covering apricots and sweet cherries grown in designated counties in Washington, and M.O. No. 924 covering fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. Authorization of these budgets enables the Washington Apricot Marketing Committee, the Washington Cherry Marketing Committee, and the Washington-Oregon Fresh Prune Marketing Committee (Committees) established under these marketing orders to incur expenses that are reasonable and necessary to administer the programs. Funds to administer the programs are derived from assessments on handlers.

DATES: Effective beginning April 1, 1995, through March 31, 1996. Comments must be received by August 31, 1995.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523-S, Washington, DC 20090-6456; or by FAX: (202) 720-5698. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Britthany E. Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523-S, Washington, DC 20090-6456; telephone: (202) 720-5127; or Teresa Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 SW., Third Avenue, room 369, Portland, OR 97204; telephone: (503) 326-2724.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreements and Marketing Order No. 922 (7 CFR part 922) regulating the handling of apricots grown in designated counties in Washington; Marketing Order No. 923 (7 CFR part 923) regulating the handling of sweet cherries grown in designated counties in Washington; and Marketing Order No. 924 (7 CFR part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. The marketing agreements and orders are 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 of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action authorizes expenses for the 1995-96 fiscal period which began April 1, 1995, through March 31, 1996. This interim final 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 608c(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. A 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 date of the 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 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 about 55 handlers of Washington apricots, 55 handlers of Washington sweet cherries, and 30 handlers of Washington-Oregon fresh prunes subject to regulation under their respective marketing orders. In addition, there are about 190 Washington apricot producers, 1,100 Washington sweet cherry producers, and 350 Washington-Oregon fresh prune producers in the respective production areas. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) 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 \$5,000,000. The majority of these handlers and producers may be classified as small entities.

An annual budget of expenses is prepared by each marketing order committee and submitted to the Department for approval. The members of the Committees are handlers and producers of the regulated commodities. They are familiar with the Committees' needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly

affected persons have an opportunity to participate and provide input.

The Washington Apricot Marketing Committee met on May 25, 1995, and unanimously recommended 1995-96 expenses of \$9,594, which is \$4,008 less in expenses than the \$13,602 amount that was recommended for the 1994-95 fiscal year.

Shipments of fresh apricots for the current fiscal year are estimated at 5,150 tons. Funds in the reserve, estimated at \$16,798, will be adequate to cover the recommended expense amount.

The Washington Cherry Marketing Committee also met on March 25, 1995, and unanimously recommended 1995-96 expenses of \$55,393. This represents a decrease of \$44,820 from the \$100,213 recommended for the previous fiscal year.

The Committee anticipates shipments of 41,000 tons of fresh sweet cherries. Funds in the reserve, estimated at \$112,995, will be adequate to cover budgeted expenses.

The Washington-Oregon Fresh Prune Marketing Committee also met on March 25, 1995, and unanimously recommended a 1995-96 expense amount of \$10,018. In comparison, this represents a decrease of \$8,742 in expenses from the \$18,760 that was recommended for 1994-95 fiscal year.

Shipments of fresh prunes for the current fiscal year are estimated at 4,900 tons. Funds in the reserve, estimated at \$16,204, will adequately cover recommended expenses.

Each Committee unanimously voted against having assessment rates for their respective programs for the 1995-96 fiscal year. In comparison, assessment rates for the 1994-95 fiscal year were \$0.50 per ton for fresh apricots, \$1.00 per ton for sweet cherries, and \$1.00 per ton for fresh prunes.

Major expense categories for the Committees are for the administration of these marketing orders. Administrative expenses include \$43,000 for salaries, \$2,700 for travel, and \$15,600 for office operations. The stone fruit marketing Committees share office expenses, based on an agreement among the Committees.

Since no assessment rates are being recommended at this time, 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.

After consideration of all relevant matter presented, including information and recommendations submitted by the Committees 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.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The 1995-96 fiscal year for the Committees began April 1, 1995, and the Committees need to have approval to pay their respective expenses which are incurred on a continuous basis; (2) this action is similar to previously recommended budgets; and (3) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects

7 CFR Part 922

Apricots, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 923

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 924

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

For the reasons set forth in the preamble, 7 CFR parts 922, 923, and 924 are amended as follows:

1. The authority citation for 7 CFR parts 922, 923, and 924 continues to read as follows:

Authority: 7 U.S.C. 601-674.

Note: These sections will not appear in the Code of Federal Regulations.

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

2. A new § 922.234 is added to read as follows:

§ 922.234 Expenses and assessment rate.

Expenses of \$9,594 by the Washington Apricot Marketing Committee are authorized for the fiscal year ending March 31, 1996. Any unexpended funds may be carried over as a reserve.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

3. A new § 923.235 is added to read as follows:

§ 923.235 Expenses and assessment rate.

Expenses of \$55,393 by the Washington Cherry Marketing Committee are authorized for the fiscal year ending March 31, 1996. Any unexpended funds may be carried over as a reserve.

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND UMATILLA COUNTY, OREGON

4. A new § 924.235 is added to read as follows:

§ 924.235 Expenses and assessment rate.

Expenses of \$10,018 by the Washington-Oregon Fresh Prune Marketing Committee are authorized for the fiscal year ending March 31, 1996. Any unexpended funds may be carried over as a reserve.

Dated: July 26, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95-18787 Filed 7-31-95; 8:45 am]

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7 CFR Part 948

[Docket No. FV95-948-1FIR]

Irish Potatoes Grown in Colorado; Expenses and Assessment Rate

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 that authorized expenses and established an assessment rate that generated funds to pay those expenses. Authorization of this budget enables the Colorado Potato Administrative Committee, Northern Colorado Office (Area III) (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: July 1, 1995, through June 30, 1996.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918, or Dennis L. West, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone 503-326-2724.