

and Dillon County, South Carolina, as set forth below.

b. By revising the entire descriptions of the infested areas for Sampson County, North Carolina, and Dillon County, South Carolina, as set forth below.

§ 301.80-2a Regulated areas; generally infested and suppressive areas.

* * * * *

NORTH CAROLINA

(1) * * *

(2) *Suppressive areas.*

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Greene County.

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The Lane, Wilbert, farm located on the east side of State Secondary Road 1419 and 0.3 mile northeast of its junction with State Secondary Road 1418.

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Pender County.

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The Kea, Leo, farm located 0.3 mile east of State Secondary Road 1105 and 1.2 miles south of its intersection with State Secondary Road 1104.

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The McCallister, Mary, farm located 0.2 mile east of State Secondary Road 1105 and 1.1 miles south of its intersection with State Secondary Road 1104.

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The Squires, Nelson, farm located on the south side of State Secondary Road 1103 and 1.5 miles south, southeast of the junction of this road with State Secondary Road 1104.

* * * * *

Pitt County.

* * * * *

The Garris, Bruce, farm located 0.1 mile south of the intersection of State Secondary Road 1916 and State Highway 118 and 0.2 mile east of the intersection of State Secondary Road 118 with a field road.

* * * * *

Sampson County. That area bounded by a line beginning at a point where State Secondary Road 1927 intersects the Sampson-Duplin County line, then southerly and easterly along this county line to its junction with the Sampson-Pender County line, then southwesterly along this county line to its junction with the Sampson-Bladen County line, then northwesterly along this county line to its junction with the Sampson-Cumberland County line, then northwesterly, north, and northeast along this county line to its junction with the Sampson-Harnett County line,

then easterly along this county line to its junction with the Sampson-Johnston County line, then southeast along this county line to its intersection with North Carolina Highway 242, then south along this highway to its junction with U.S. Highway 421, then southeast along this highway to its intersection with U.S. Highway 701, then north along this highway to its junction with North Carolina Highway 403, then east along this highway to its junction with State Secondary Road 1919, then east along this highway to its intersection with State Secondary Road 1909, then southeast along this road to its intersection with State Secondary Road 1004, then southeast along this road to its junction with State Secondary Road 1911, then southeasterly along this road to its junction with State Secondary Road 1927, then southerly along this road to the point of beginning.

The Hobbs, Ed, farm located 0.7 mile south of State Secondary Road 1736 and 1 mile south of its intersection with State Secondary Road 1731.

The Pate, Ray, farm located on the west side of State Secondary Road 1738 and 0.6 mile southeast of its intersection with State Secondary Road 1940.

The Strickland, Edgebert, farm located on the north side of State Highway 421 and 1 mile east of its intersection with State Secondary Road 1703.

Wayne County. The Dunn, Dale, farm located on the west side of State Secondary Road 1009 and 0.6 mile north of its intersection with State Secondary Road 1101.

* * * * *

SOUTH CAROLINA

(1) * * *

(2) *Suppressive areas.*

Dillon County. That area bounded by a line beginning at a point where State Secondary Highway 22 intersects the South Carolina-North Carolina state line and extending south along said highway 22 to its junction with State Secondary Highway 45, then southwest along said Highway 45 to its intersection with the Little Pee Dee River, then northerly along said river to its intersection with Interstate 95, then southwest along said I-95 to its intersection with Reedy Creek, then northwest along Reedy Creek to its intersection with the Dillon-Marlboro County line, then northeast along said county line to its junction with the South Carolina-North Carolina state line, then southeast along said state line to the point of beginning.

* * * * *

The Wise, Wilbur, farm located on the south side of a field road and 0.15 mile southeast of the junction of the road

with State Secondary Road 626 and 0.55 mile southwest of the intersection of State Secondary Road 625 with State Highway 38.

* * * * *

Done in Washington, DC, this 31st day of July 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-19180 Filed 8-3-95; 8:45 am]

BILLING CODE 3410-34-P

Agricultural Marketing Service

7 CFR Part 989

[Docket No. FV95-989-3FR]

Raisins Produced From Grapes Grown in California; Change of Desirable Carryout Used in Computing Trade Demand

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the desirable carryout levels which are used in computing the yearly trade demand for California raisins. The trade demand is used to help determine the volume regulation percentages for each crop year, if necessary. The desirable carryout is being reduced from the current two and one-half months of shipments to two and one-fourth months of shipments during the 1995-96 crop year and to two months of shipments in subsequent crop years. The Raisin Administrative Committee (Committee), which is responsible for local administration of the Federal marketing order, believes that the current desirable carryout level has contributed to excessive supplies of marketable tonnage early in the crop year. This rule is expected to moderate the oversupply of California raisins early in the crop year, thus stabilizing the market conditions for producers and handlers.

EFFECTIVE DATE: August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Mark Hessel, 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, Fruit and Vegetable Division, AMS, USDA, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 205-2829, or fax (202) 720-5698.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 989 (7 CFR Part 989), as amended, regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." 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."

The Department of Agriculture (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 will reduce the desirable carryout for the 1995-96 crop year, beginning August 1, 1995, through July 31, 1996, and for subsequent crop years. 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 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 request 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 the 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 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 California raisins who are subject to regulation under the marketing order

and approximately 4,500 producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts (from all sources) are less than \$5,000,000, and small agricultural producers are defined as those having annual receipts of less than \$500,000. No more than eight handlers and a majority of producers of California raisins may be classified as small entities. Twelve of the 20 handlers subject to regulation have annual sales estimated to be at least \$5,000,000, and the remaining eight handlers have sales less than \$5,000,000, excluding receipts from any other sources.

This final rule changes section 989.154 of the administrative rules and regulations of the raisin marketing order. The Committee recommended by a vote of 31 to 15 at its April 28, 1995, meeting, to adjust the desirable carryout level in section 989.154 from the current two and one-half months of shipments to two and one-fourth months of shipments during the 1995-96 crop year and to two months of shipments in subsequent crop years. The crop year includes the 12-month period August 1 through July 31.

The desirable carryout level is the amount of tonnage from the prior crop year needed during the first part of the succeeding crop year to meet market needs, before new crop raisins are harvested and available for market. Currently, section 989.154 provides that the desirable carryout levels shall be equal to the shipments of free tonnage to all outlets for each varietal type during the months of August, September, and one-half of the total shipments for the month of October of the prior crop year.

The desirable carryout figure is used in marketing policy calculations to determine trade demand. The trade demand is 90 percent of prior year's shipments, adjusted by the carryin and desirable carryout. The trade demand is then used to help determine the volume regulation percentages for each crop year, if necessary.

Beginning in the 1991-92 crop year the desirable carryout was reduced from three months of shipments to two and one-half months of shipments. It was determined that the use of the three month desirable carryout level resulted in excessive supplies of marketable tonnage early in the season.

The Committee has used the two and one-half month desirable carryout figure for four crop years and has determined that the use of this figure has also contributed to an excessive supply of free tonnage at the beginning of the

marketing season. A majority of the Committee members believe that this causes unstable market conditions during the early part of the crop year.

To moderate the oversupply of marketable raisin tonnage early in the season, the Committee recommended that the desirable carryout levels be revised from two and one-half months of the prior year's shipments to two and one-fourth months of the prior year's shipments for the 1995-96 crop year and to two months of the prior year's shipments for subsequent crop years.

The change in the desirable carryout levels reduces the trade demand and the free tonnage percentage, and makes less free tonnage available to handlers for immediate use. However, handlers will still be provided an opportunity to increase their inventories, if necessary, by purchasing raisins from the reserve pool under order-mandated 10 plus 10 offers during November and other releases of reserve pool raisins available under the marketing order. The 10 plus 10 offers are two simultaneous offers of reserve pool raisins which are made available to handlers each season. For each such offer, a quantity of raisins equal to 10 percent of the prior year's shipments is made available for free use. Although this final rule tends to tighten the supply of raisins early in the season, handlers will still have the opportunity to obtain additional supplies to increase their carryouts from the 10 plus 10 offers.

This rule is intended to stabilize the early season raisin market. Bringing early season supplies more in line with market needs is expected to stabilize market prices. This price stabilization should make raisin buyers less likely to postpone their purchases. Thus, decreasing the desirable carryout could strengthen the market and increase shipments, which would benefit raisin producers and handlers.

One alternative that was discussed by the Committee prior to recommending the change was to immediately set the desirable carryout level at two months of the prior year's shipments. It was determined that this was too rapid an adjustment and that first setting the desirable carryout levels at two and one-quarter months for the 1995-96 season and two months in subsequent crop years would be a more prudent approach.

Another alternative considered was setting the desirable carryout at a fixed tonnage. However, this alternative does not allow the desirable carryout to fluctuate with changing market conditions from year to year.

Those voting in opposition to the recommendation to reduce the desirable

carryout level believed that the marketing order should not further restrict supplies during the early part of the crop year. However, the following table shows that adequate supplies of Natural (sun-dried) Seedless raisins have been available early in the crop year to meet demand. Natural (sun-dried) Seedless raisins represent about 90 percent of all raisins produced in California. The other two varieties which had reserve pools for the 1994-95 crop year, Zante Currant raisins and Other Seedless raisins, had carryins far exceeding the annual trade demand. "Carryin" is synonymous with the "carryout" of the preceding crop year. All figures are in natural condition tons.

(In tons)

Crop year	Desirable carryin (Aug, Sept & 1/2 Oct shipments)	Physical carryin	Aug/Sept shipments
1994-95	84,671	92,248	64,374
1993-94	81,867	93,752	67,784
1992-93	82,591	115,440	65,495
1991-92	84,541	109,306	65,613

The desirable carryin is set to meet the demand for the early part of the crop year (August and September) before the new crop becomes available. The actual physical carryin has far exceeded the desirable carryin and has resulted in an oversupply of free tonnage during the early part of the crop year. The reduction in desirable carryout contributes to correcting the problem by adjusting the free tonnage market supply, which brings it more in line with demand.

The desirable carryout levels that are established by this rule apply uniformly to all handlers in the industry, whether small or large, and there will be no known additional costs incurred by small handlers. The stabilizing effects of the revised desirable carryout levels impact both small and large handlers positively by helping them maintain and expand markets.

In the event that the prior year's shipments are limited because of crop conditions, a proviso in section 989.154 allows the committee to select the total shipments during the months of August, September and one-half of the total shipments for October during one of the three years preceding the prior crop year. Consistent with the need to reduce early season supplies, this rule makes a corresponding revision to this proviso, by changing the total shipments from August, September, and one-half of the total shipments for October to the total shipments from August and September only.

The proposed rule concerning this action was published in the June 21, 1995, **Federal Register** (60 FR 32280), with a 15-day comment period ending July 6, 1995. Four comments were received, three in favor and the other in opposition to the proposed rule.

The three comments in favor of the proposed rule were submitted by Mr. Vaughn Koligian, General Manager of the Raisin Bargaining Association (RBA) and a raisin grower; Mr. Gerald Chooljian of Del Rey Packing, a raisin handler and grower; and Mr. Ernest A. Bedrosian of National Raisin Company and EKK Bedrosian Farms, a raisin handler and grower. The RBA represents approximately 2,000 raisin growers. Mr. Koligian further stated that 15 raisin packers, including Mr. Chooljian and Mr. Bedrosian, support the change in the desirable carryout level as set forth in the proposed rule. The three comments in favor of implementing the change set forth in the proposed rule reiterate the justification specified in the proposed rule.

The comment in opposition to the proposed rule was submitted by Mr. Barry F. Kriebel, President of Sun-Maid Growers of California (Sun-Maid), an agricultural marketing cooperative comprised of approximately 1,300 growers.

Mr. Kriebel claims that the reduction of the desirable carryout levels would create an artificial shortage and drive up consumer prices. He presents as evidence, a table showing that the field prices for Natural (sun-dried) Seedless raisins increased dramatically from 1984 until the desirable carryout level was changed from 60,000 tons for Natural (sun-dried) Seedless raisins to three months of shipments (103,090 tons) beginning in the 1989-90 crop year. Mr. Kriebel contends that this increase in field prices should not have occurred from 1984 to 1989 because there was a consistent oversupply of raisins.

For example, Mr. Kriebel points out that the field price for Natural (sun-dried) Seedless raisins was \$1,300 per ton during the 1983-84 crop year, even though only 37.5 percent of the crop was declared "free." Although this price was historically high, it was caused for the most part by factors other than the desirable carryout level for Natural (sun-dried) Seedless raisins. In the 1983-84 crop year, the industry attempted to market the large raisin supply without decreasing the field price from the prior year. The raisin industry managed to moderately increase shipments over the prior year's shipments, but not in sufficient quantities to account for the drastic increase in raisin supply. An

oversupply situation occurred in the 1983-84 crop year partly because the amount of raisin-variety grapes purchased by wineries decreased 57 percent from 1982 to 1983 resulting in unusually high Natural (sun-dried) Seedless raisin inventories at the end of the 1983-84 crop year. The Natural (sun-dried) Seedless raisin field price cannot be adjusted to react to such changes in market conditions because it is established early in the crop year (normally on or before October 5). It was not until the beginning of the 1984-85 crop year that the industry drastically lowered the field price to \$700 per ton.

Mr. Kriebel does not provide sufficient evidence that desirable carryout levels are solely responsible for the increase in field prices. The lowering of the desirable carryout levels has its greatest impact on supply during the early part of the crop year, before the new crop is harvested. As stated earlier, the decrease in the desirable carryout levels from two and one-half months to two months adjusts the free market supply during the early part of the crop year and brings it more in line with demand. As for the remaining part of the crop year, handlers are still provided an opportunity to increase their inventories, if necessary, by purchasing raisins from the reserve pool under order-mandated 10 plus 10 offers and other releases of reserve pool raisins available under the marketing order.

The desirable carryout was reduced from three months to two and one-half months of shipments beginning in the 1991-92 crop year. However, the field price has only risen 4 percent from \$1115/ton in the 1990-91 crop year to \$1160/ton in 1994-95 crop year. In comparison, the consumer price index for food products increased 14.4 percent from 1990 to 1994.

Mr. Kriebel also implies that the reduction in the desirable carryout will result in a greater amount of raisins being "aborted" through the Raisin Diversion Program (RDP). The order allows raisin growers to participate in the RDP by not growing their grape crop when a surplus of raisins exists in the market. Mr. Kriebel does not provide evidence of a correlation between the use of the RDP and the desirable carryout levels. It may be the case that it is more likely consistent surpluses, and thus a need for the RDP, have been caused by the downward trend in sales of raisin-variety grapes, particularly Thompson Seedless, to wineries. This is because wineries have been receiving a greater percentage of their distillation materials from wine-variety grapes or from other sugar sources, such as apples. This may also partially explain

why field prices for Natural (sun-dried) Seedless raisins have increased less during the 1990's. Since competition from wineries for raisin-variety grapes has decreased, there has been less pressure to increase field prices.

The Department does not find evidence that this rule will cause more raisins to be "aborted" in the RDP or that raisin prices will increase significantly. Instead, this rule seems to provide the industry with the means of mitigating the oversupply of raisins early in the crop year, and help stabilize market conditions for producers and handlers. Thus, no change is being made in response to the above comment.

After thoroughly analyzing the comments received and other available information, the Department has concluded that this final rule is an appropriate means of solving the marketing problems discussed herein.

Based on available information, 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 available information, it is found that the action, 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 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 crop year begins August 1, 1995, and this rule should be effective promptly because the order requires that the committee meet on or before August 15 to compute and announce the trade demand, and the desirable carryout level is a necessary item in that calculation; and (2) growers and handlers are aware of this rule which was discussed and recommended at a public meeting.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

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

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

2. Section 989.154 is revised to read as follows:

§ 989.154 Desirable carryout levels.

The desirable carryout levels to be used in computing and announcing a crop year's marketing policy shall be equal to the total shipments of free tonnage of the prior crop year during the months of August and September, for each varietal type, converted to a natural condition basis: *Provided*, That the desirable carryout levels to be used in computing and announcing the 1995-96 crop year's marketing policy shall be equal to the total 1994 shipments of free tonnage for the months of August and September, and one-fourth of the total shipments for the month of October: *Provided further*, That should the prior year's shipments be limited because of crop conditions, the Committee may select the total shipments during the months of August and September during one of the three crop years preceding the prior crop year.

Dated: July 31, 1995.

Martha B. Ransom,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95-19323 Filed 8-3-95; 8:45 am]

BILLING CODE 3410-02-P

Animal and Plant Health Inspection Service

9 CFR Parts 160 and 161

[Docket No. 94-027-2]

Standards for Accredited Veterinarian Duties

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are allowing, under certain conditions, accredited veterinarians to issue official animal health documents up to 30 days after inspection for animals in herds or flocks under regular health maintenance programs. For all other animals, we will allow accredited veterinarians to issue official animal health documents up to 10 days following inspection. Last, we are requiring that all official animal health documents be valid for only 30 days following inspection, regardless of the date of issuance. We will continue to require that accredited veterinarians issue official animal health documents only for animals that they have inspected.

These actions will extend the time period allowed between inspection and the issuance of official animal health documents. We believe these actions will both alleviate the burden placed by the current time requirement on

accredited veterinarians and reduce the costs of health inspection for the livestock industry, without significantly increasing animal disease risk.

EFFECTIVE DATE: September 5, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. J. A. Heamon, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-6954.

SUPPLEMENTARY INFORMATION:

Background

In accordance with 9 CFR parts 160, 161, and 162 (referred to below as the regulations), some veterinarians are accredited by the Federal Government to cooperate with the Animal and Plant Health Inspection Service (APHIS) in controlling and preventing the spread of animal diseases throughout the country and internationally. Accredited veterinarians use their professional training in veterinary medicine to perform certain regulatory tasks.

On March 10, 1995, we published in the **Federal Register** (60 FR 13084-13086, Docket No. 94-027-1) a proposal to amend the regulations to allow, under certain conditions, accredited veterinarians to issue official animal health documents for animals in herds or flocks under regular health maintenance programs for up to 30 days after inspection. For all animals not part of a regular health maintenance program, we proposed to allow accredited veterinarians to issue official animal health documents for up to 10 days following inspection. We further proposed to require that all official animal health documents be valid for only 30 days following the date of issuance. Finally, we proposed to add definitions of *issue* and *regular health maintenance program*.

We solicited comments concerning our proposal for 60 days ending May 9, 1995. We received seven comments by that date. They were from a swine breeding stock company, two national veterinary associations, a pork industry association, a Federal veterinarian, and two State agriculture agencies. Four of the commenters supported the proposed rule, although one of those commenters appeared to have some reservations about one aspect of the proposal. The remaining three commenters expressed concerns regarding specific aspects of the proposed rule. The concerns and reservations of those commenters are discussed below.

One commenter supported our proposal to allow an accredited veterinarian to issue an official animal