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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 35

[Docket No. FV-96-35-1 FIR]

Regulations Issued Under the Export Grape and Plum Act; Exemption From Size Regulations for Black Corinth Grapes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule the provisions of an interim final rule exempting the Black Corinth variety of grapes from the minimum bunch and berry size requirements issued for grapes under the Export Grape and Plum Act. This change expands the markets for this variety of grapes and increases their fresh utilization. This rule was recommended by the California Grape and Tree Fruit League after the proposal had been presented at industry meetings of growers and handlers.

EFFECTIVE DATE: May 21, 1997.

FOR FURTHER INFORMATION CONTACT: Dennis L. West, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 S.W. Third Avenue, room 369, Portland, Oregon 97204-2807; telephone: (503) 326-2724 or FAX (503) 326-7440; or William R. Addington, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456; telephone: (202) 720-2412 or FAX # (202) 720-5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O.

Box 96456, room 2523-S, Washington, DC 20090-6456; telephone (202) 720-2491; Fax # (202) 720-5698.

SUPPLEMENTARY INFORMATION: This rule is issued under authority of the Export Grape and Plum Act, as amended, [7 U.S.C. 591-599], hereinafter referred to as the "Act." This rule amends "Regulations Issued Under Authority of the Export Grape and Plum Act" [7 CFR Part 35].

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

This rule has been reviewed under Executive Order 12988, 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. 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. In the United States there are approximately 250 handlers of table grapes that are subject to regulations under the authority of the Export Grape and Plum Act, and approximately 1300 grape producers. Small agricultural service firms, which include handlers of grapes, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those whose annual receipts are less than \$500,000. The majority of grape handlers and producers regulated under the Export Grape and Plum Act may be classified as small entities.

Black Corinth grapes represent less than one percent of all grapes grown in the United States. Supplies of this variety are provided by many small growers located in California and Arizona who are prepared to ship grapes into fresh markets abroad. As the export

markets develop for Black Corinth grapes, economic opportunities for small growers, marketers, and exporters are expected to improve. Therefore, the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Section 35.11 of the "Regulations issued under authority of the Export Grape and Plum Act" establishes minimum size and quality requirements for export shipments of any variety of vinifera species table grapes. Prior to the issuance of the interim final rule, export shipments of grapes being shipped to Japan, Europe, or Greenland were required to meet a minimum grade of U.S. Fancy Table as specified in the U.S. Standards for Grades of Table Grapes (7 CFR Part 51, sections 51.880-51.992), except that the minimum bunch size shall be one-half pound. Table grapes shipped to countries other than Japan, Europe, Greenland, Canada, or Mexico were required to meet the requirements of U.S. No.1 Table, except that the minimum bunch size shall be one-fourth pound. (Shipments to Canada and Mexico are currently not regulated under this part.) The U.S. Fancy Table grade includes a requirement for unlisted varieties (such as Black Corinth), that 90 percent of the berries, by count, in each bunch shall be at least ten-sixteenths of an inch in diameter. Similarly, the U.S. No. 1 Table grade includes a requirement for unlisted varieties (such as Black Corinth), that 75 percent of the berries, by count, shall be at least nine-sixteenths of an inch in diameter.

The Board of Directors of the California Grape and Tree Fruit League (Board), which represents a substantial portion of the fresh table grape industry, unanimously recommended that the Black Corinth variety of grapes be exempted from the minimum bunch and berry size requirements established for export shipments.

The Board advised that a change is needed because the Black Corinth variety (sometimes referred to as Zante Currants) are characteristically of high quality but of very small bunch and berry size. The small size prevents this variety from meeting the minimum size requirements established for export shipments.

Traditionally, this variety of grapes had been dried for use as raisins. As

oversupply conditions occurred in recent years for this variety, handlers within the industry were successful in developing fresh outlets. The variety received good consumer acceptance, primarily because of its unique size and sweetness.

Exempting the Black Corinth variety of grapes from the minimum bunch and berry size requirements for export shipments enables handlers to further expand their markets and increase fresh utilization. This improves the marketing of these varieties and increases returns to producers.

The interim final rule was issued on October 17, 1996, and published in the **Federal Register** (61 FR 54081, October 17, 1996), with an effective date of October 18, 1996. That rule amended § 35.11 Minimum requirements under regulations in effect under the Act. That rule provided a 30-day comment period which ended November 18, 1996. No comments were received.

After consideration of all relevant material presented, the information and recommendations submitted by the Board, and other information, finalizing the interim final rule, without change, as published in the **Federal Register** (61 FR 54081, October 17, 1996) is appropriate.

It is also 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: (1) This action continues a relaxation of the requirements for export shipments of Black Corinth grapes; (2) the Board unanimously recommended this rule at a public meeting and all interested persons had an opportunity to provide input; (3) shipments of the Black Corinth variety of grapes have already begun; (4) handlers and producers of the Black Corinth variety of grapes are aware of this rule and they need no additional time to comply with the relaxed requirements; and (5) a 30-day comment period was provided for in the interim final rule and none were received.

List of Subjects in 7 CFR Part 35

Administrative practice and procedure, Exports, Grapes, Plums, Reporting and record keeping requirements.

For the reasons set forth in the preamble, 7 CFR part 35 is amended as follows:

PART 35—EXPORT GRAPES AND PLUMS

Accordingly, the interim final rule amending 7 CFR part 35 which was published at 61 FR 54081 on October

17, 1996, is adopted as a final rule without change.

Dated: May 14, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97-13128 Filed 5-19-97; 8:45 am]

BILLING CODE 3410-02-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 110

RIN 3150-AF72

Facsimile Telephone Number and Address Change for the NRC's Office of the Secretary

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to change the name, address, and facsimile telephone numbers of the Docketing and Service Branch, Office of the Secretary. These amendments reflect the reorganization of the Office of the Secretary. These amendments are necessary to inform the public of these administrative changes to the NRC's regulations.

EFFECTIVE DATE: May 20, 1997.

FOR FURTHER INFORMATION CONTACT: Emile L. Julian, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-1966.

SUPPLEMENTARY INFORMATION: On April 21, 1997, the NRC changed the name of the Docketing and Service Branch, to the Rulemakings and Adjudications Staff. The facsimile telephone numbers for the Rulemakings and Adjudications Staff were changed from (301) 415-2275 and (301) 415-1672, to (301) 415-1101. The verification number has been changed from (301) 415-1977 to (301) 415-1966. Also, the e-mail address has been added. Current facsimile telephone numbers in use in the Office of the Secretary are still available.

Because this amendment deals with agency procedures, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). Good cause exists to dispense with the usual 30-day delay in the effective date because the amendments are of a minor and administrative nature dealing with a change in address and telephone number.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0036.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid OMB control number.

Regulatory Analysis

A regulatory analysis has not been prepared for this final rule because it is an administrative action that changes the address and telephone number of an NRC office.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule because this rule does not involve any provisions that would impose a backfit as defined in § 50.109(a)(1). Therefore, a backfit analysis is not required for this rule.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Export, Import, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recording requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 2 and 110.