

Mellette
 Miner
 Moody
 Potter
 Roberts
 Sanborn
 Spink
 Stanley
 Sully
 Todd
 Tripp
 Turner
 Union
 Walworth
 Washabaugh
 Yankton
 Ziebach
 Iowa:
 Dickinson
 Emmet
 Lyon
 Osceola
 Minnesota:
 Jackson
 Lincoln
 Lyon
 Murray
 Nobles
 Pipestone
 Rock

* * * * *

WYOMING

Survey Area

Wyoming:
 Albany
 Laramie
 Natrona
 South Dakota:
 Pennington

Area of application. Survey area plus:

Wyoming:
 Campbell
 Carbon
 Converse
 Crook
 Fremont
 Goshen
 Hot Springs
 Johnson
 Lincoln
 Niobrara
 Platte
 Sheridan
 Sublette
 Sweetwater
 Uinta
 Washakie
 Weston
 Nebraska:
 Banner
 Box Butte
 Cheyenne
 Dawes
 Deuel
 Garden
 Kimball
 Morrill
 Scotts Bluff
 Sheridan
 Sioux
 South Dakota:
 Butte
 Custer
 Fall River

Harding
 Jackson
 Lawrence
 Meade
 Perkins
 Shannon

[FR Doc. 99-25611 Filed 9-30-99; 8:45 am]

BILLING CODE 6325-01-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 915 and 944

[Docket No. FV99-915-2 FR]

Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements for Fresh Avocados

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the maturity requirements currently prescribed under the marketing order for avocados grown in south Florida, and those specified in the avocado import maturity regulation. The marketing order regulates the handling of avocados grown in south Florida, and is administered locally by the Avocado Administrative Committee (Committee). This rule changes maturity requirements by adding additional shipping dates, weights and/or diameters to the shipping schedule for several avocado varieties, and adds three new varieties of avocados to the shipping schedule. This rule facilitates the shipment of avocados as they mature, and ensures that only mature fruit is shipped to the fresh market. This helps improve grower returns and promotes orderly marketing. Application of the maturity requirements to imported avocados is required under section 8e of the Agricultural Marketing Agreement Act of 1937.

EFFECTIVE DATE: This final rule becomes effective October 4, 1999.

FOR FURTHER INFORMATION CONTACT:

Doris Jamieson, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (941) 299-4770, Fax: (941) 299-5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698. Small businesses may request information on complying with this regulation by

contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456; telephone (202) 720-2491, Fax: (202) 720-5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement No. 121 and Marketing Order No. 915, both as amended (7 CFR part 915), regulating the handling of avocados grown in South Florida, hereinafter referred to as the "order." The marketing agreement and order are 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 is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including avocados, 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.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This final 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.

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 to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

There are no administrative procedures which must be exhausted

prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

Under the terms of the marketing order, fresh market shipments of Florida avocados are required to be inspected and are subject to grade, size, maturity, pack, and container requirements. The maturity requirements for Florida avocados are intended to prevent the shipment of immature avocados. This helps to improve buyer confidence in the marketplace, and foster increased consumption. Current maturity requirements for the varieties of avocados grown in Florida are expressed in terms of minimum weights and diameters for specific dates during the shipping period (hereinafter referred to as the avocado maturity shipping schedule, maturity schedule, or shipping schedule), and color specifications for those varieties of avocados that turn red or purple when mature. The maturity requirements for the various varieties of avocados are different, because each variety has different growing and maturation characteristics. The maturity requirements for each variety are based on test results. A minimum grade requirement of U.S. No. 2 is also in effect for Florida avocados.

This rule changes the avocado maturity shipping schedule for various varieties currently prescribed in paragraph (a)(2) of § 915.332 under the order. The shipping schedule for each variety is divided into A, B, C, and D dates which reflect different ripening times associated with the individual variety. The dates for a particular variety are established to regulate the shipment of smaller-sized avocados, which tend to take longer to mature. Consequently, A dates are associated with larger diameter, heavier fruit, and are established for early season shipments. D dates are established for the end of a variety's marketing season and allow the remaining smaller-sized mature fruit to be shipped. For a majority of the avocado varieties, the maturity schedule includes B and C dates that fall somewhere between the A and D dates for the particular variety. This rule adds B or C shipping dates, with specific minimum weight, and/or minimum diameter measurements to the shipping schedule for the Arue, Beta, Donnie, Leona, Loretta, and Tower II varieties. It also adds three new varieties of avocados, the Semil 34, Semil 43, and the Melendez, to the maturity schedule, including specific shipping requirements for each. This rule facilitates the shipment of these varieties of avocados as they mature, and ensures that only mature fruit is

shipped to the fresh market, which is expected to help improve grower returns and promote orderly marketing. The Committee met and unanimously recommended these changes late last year.

Section 915.51 of the order provides the authority to issue regulations establishing specific maturity requirements for avocados. The maturity requirements for avocados grown in Florida, based on minimum weights, diameters, and skin color in § 915.332 (7 CFR 915.332) of the order, are in effect on a continuous basis. The maturity requirements specify minimum weights and diameters for specific shipping periods for approximately 60 varieties of avocados, and color specifications for those varieties which turn red or purple when mature. The maturity requirements and dates for the various varieties of avocados are different because each variety has different characteristics and maturity times.

This rule makes several changes to the maturity provisions under the order. The first change adds B or C shipping dates, with specific minimum weight, and/or minimum diameter measurements to the shipping schedule for the Arue, Beta, Donnie, Leona, Loretta, and Tower II varieties. Section 915.332 of the order rules and regulations outlines the maturity requirements for avocados using a maturity schedule. Over the years, the maturity schedule has been determined to be the best indicator of maturity for the different varieties of avocados grown in Florida, and growers and handlers rely on the schedule in making harvesting, packing, and shipping decisions. The maturity requirements are designed to make sure that all shipments of Florida avocados are mature, so as to provide consumer satisfaction essential for the successful marketing of the crop, and to provide the trade and consumers with an adequate supply of mature avocados in the interest of producers and consumers.

The maturity requirements for specified periods are based on the growing, harvesting, and maturity periods for the various varieties of Florida avocados. Such requirements prescribe minimum weights and/or diameters for specified periods as the maturity requirements for different varieties of avocados. These requirements are used as indicators during harvest to determine which avocados are sufficiently mature to complete the ripening process.

The maturity requirements pertain to certain dates. These dates are established based on years of testing.

Each covered variety has its own set of dates on the maturity schedule. The maturity requirements and dates for the various varieties of avocados are different because individual varieties have different characteristics and growing seasons. As previously mentioned, the schedule is broken up into A, B, C, and D dates, though not all varieties have dates and requirements for each.

The different dates are used to reflect the ripening time associated with the individual varieties. Larger fruit within a variety matures earlier, while smaller-sized fruit takes longer to mature. Consequently, A dates are associated with larger sizes and weights, and are established for shipments early in a variety's season. D dates are established for the end of a variety's season when all fruit should be mature, and releases all remaining sizes and weights.

For a majority of varieties, the schedule also includes B and C shipping dates that fall somewhere in between the A and D dates for the particular variety. These dates provide for a gradual shift in the maturity standards from the beginning of the season to its end, allowing for the shipment of smaller sizes and weights as a variety matures. However, not all varieties have established dates and requirements for B and C dates. Because of the nature and volume of the varieties when they were added to the schedule, the Committee, in the past, did not believe that establishing B and C dates for some varieties was necessary.

This rule permits varieties of avocados of certain minimum weights and diameters to be shipped by handlers earlier than currently required. This rule adds a C date for Arue variety avocados so those with a minimum weight of 12 ounces can be shipped by June 20, or the nearest Monday to that date each year. Currently, Arue variety avocados of this weight cannot be shipped until July 4. This rule adds a C date for Beta variety avocados so those with a minimum weight of 14 ounces or a minimum diameter of $3\frac{3}{16}$ inches can be shipped by August 29, or the nearest Monday to that date each year. Currently, Betas of this weight or size cannot be shipped until September 5. This rule also adds a C date for Donnie avocados so that those with a minimum weight of 12 ounces can be shipped by June 20, or the nearest Monday to that date each year. Currently, Donnies of this weight cannot be shipped until July 4. This rule also adds a B date for Leona avocados so that those with a minimum weight of 16 ounces can be shipped by October 3, or the nearest Monday to that date each year. Currently, Leonas of this

weight cannot be shipped until October 10. This rule adds a C date for Loretta avocados so that those with a minimum weight of 22 ounces or a minimum diameter of $3\frac{1}{16}$ inches can be shipped by September 19, or the nearest Monday to that date each year. Currently, Loretta's of this weight or size cannot be shipped until September 26. This rule also adds a C date for Tower II avocados so that those with a minimum weight of 10 ounces or a minimum diameter of $3\frac{3}{16}$ inches can be shipped by August 29, or the nearest Monday to that date each year. Currently, Tower II variety avocados of this weight or size cannot be shipped until September 5. This action was recommended by the Committee because it believes that for the varieties listed above, the absence of B or C dates left too much of a gap between the A and D dates.

Because smaller sizes were maturing before the next available shipping date, quantities of small mature fruit could be lost to fruit drop during the time gap before it could be harvested and shipped. With tree crops, incidents of fruit dropping from the limbs occurs due to weather, disease, or other reasons depending on the particular crop. Fruit drop can increase as the fruit begins to mature. It is usually best to harvest the crop as close to maturity as possible to minimize fruit drop. In the case of avocados, when fruit drops from the tree it can experience bruising, insect damage, or reach a stage of ripeness where it cannot successfully be packed without being bruised. This results in an economic loss for growers and handlers. The Committee agreed that this has become more of a problem during the past few years as the production of avocados has increased following the devastation caused by Hurricane Andrew in 1992.

As an example of the problem, consider the Arue variety. This variety currently has scheduled A, B, and D dates. However, the absence of a C date leaves a five-week gap between the B and D dates. This means that the minimum weight for the Arue variety remains at 14 ounces for this five-week period until the D date is reached releasing all weights. By filling the gap with a C date falling between the B and D dates, and a minimum weight of 12 ounces based on the Committee's maturity testing procedures, smaller sizes of this variety can be shipped as they mature. Similar situations exist for the Beta, Donnie, Leona, Loretta, and Tower II varieties, and the relaxed maturity requirements permit handlers to ship the fruit as it reaches satisfactory maturity, and avoid losses caused by fruit drop.

The above avocado varieties were tested by the Committee to better identify the maturity of avocados grown in South Florida. The Committee based its recommendations on the testing data.

This rule also adds three new varieties of avocados to the avocado maturity shipping schedule. A few years ago, budwood for the Semil 34, Semil 43, and Melendez varieties was obtained and evenly distributed among those growers interested in the new varieties. Growers who planted these varieties have been pleased with the production and quality of the fruit. The new varieties have also been well received in the market place. These varieties currently make up less than 1 percent of domestic shipments.

Committee members believe that the production of the Semil 43, Semil 34, and Melendez varieties will continue to increase. Therefore, maturity dates and requirements are needed to ensure that only mature fruit is shipped to the fresh market. Growers have indicated they would be replacing other varieties with these varieties or planting more acres of these new varieties. In the past, the Committee has used the 100 bushel mark in its considerations of whether to add or delete varieties from the shipping schedule. In the case of these three varieties, production has exceeded the 100 bushel mark and the Committee projects that production will continue to increase because they show so much promise.

As with all varieties currently listed on the maturity schedule, the fruit was tested using the Committee's established procedures for testing maturity of avocados grown in south Florida to determine dates when different sizes and/or weights become mature. This information is then used to recommend the dates and requirements for addition to the schedule. The Committee has tested the new varieties for the past few seasons. Adding them as regulated varieties would place them under the maturity requirements as are other covered avocado varieties. This prevents shipments of immature avocados to the fresh market, especially during the early part of the harvest season for each of these varieties. Providing fresh markets with mature fruit is an important aspect of creating consumer satisfaction and is in the interest of both producers and consumers.

Florida avocado handlers may ship, exempt from the minimum grade and maturity requirements effective under the order, up to 55 pounds of avocados during any one day under a minimum quantity provision, and up to 20 pounds of avocados as gift packs in individually addressed containers. Also, avocados

grown in Florida utilized in commercial processing are not subject to the grade and maturity requirements under the order.

Section 8e of the Act provides that when certain domestically produced commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements. Since this rule revises the maturity requirements under the domestic handling regulations, a corresponding change to the avocado import maturity regulations must also be made.

Maturity requirements for avocados imported into the United States are currently in effect under § 944.31 (7 CFR 944.31). The Hass, Fuerte, Zutano, and Edranol varieties of avocados currently are exempt from the maturity schedule, and continue to be exempt under this final rule. However, these varieties are not exempt from the grade import regulation, which is not being changed.

This rule adds B or C shipping dates, with specific minimum weight, and/or minimum diameter measurements to the avocado maturity shipping schedule for the Arue, Beta, Donnie, Leona, Loretta, and Tower II varieties offered for importation into the United States. It also adds three new varieties of avocados, the Semil 34, Semil 43, and the Melendez, to the maturity schedule, including specific shipping requirements for each. The domestic maturity requirements for specified periods are based on the growing, maturation, and harvesting characteristics of the various varieties of South Florida avocados.

Import data for calendar years 1995 through April 1999 reveals that the major exporters of avocados to the United States are Chile, Mexico, Dominican Republic, and the Bahamas. Imports from these countries totaled 18,577 metric tons in 1995, 25,405 in 1996, 26,562 in 1997, 60,611 metric tons in 1998, and 9,261 through April of 1999. Other exporting countries include New Zealand, Belize, Israel, and Ecuador. Imports from the latter group of countries are small and sporadic.

Chile is the predominant exporting country. Imports from Chile are growing and reached 44,757 metric tons in calendar year 1998. Chile exports avocados into the United States predominately during the months of August through December. However, exports have occurred during the period from January through May, and in 1999, Chile exported some avocados during the period January through April. The major varieties imported from Chile are Hass, Fuerte, Zutano, and Edranol, all of

which are exempt from the avocado maturity shipping schedule, and continue to be exempt under this final rule for domestic and imported avocados. These varieties, however, are subject to grade requirements.

During calendar year 1998, Mexico was the second largest exporter of avocados into the United States. In 1998, exports from Mexico totaled 9,295 metric tons. Mexican shipments of fresh avocados to the United States are limited to November through February. The only variety of avocado imported from Mexico is the Hass, and the Hass variety is exempt from the maturity regulation as mentioned earlier.

The third major importing country is the Dominican Republic. During 1998, a total of 6,029 metric tons were imported during all 12 months of the year. Imports from the Bahamas during this period were small and appear to be declining.

Non-exempt varieties of avocados from the foreign countries in close proximity to Florida (Mexico, the Dominican Republic, and Bahamas) have similar growing, harvesting, and maturity periods, and have met the minimum weight and diameter maturity requirements without any apparent problems, and this is expected to continue. The import maturity requirements based on skin color apply to avocados which turn red or purple when mature.

A survey of Fresh Products Branch inspection offices checking imported avocados in 1998 revealed that most of the imported avocados were of the Hass variety.

This rule facilitates shipments of avocados as they mature, and ensures that only mature fruit is shipped to the fresh market. Thus, importers benefit from the changes in maturity requirements, just like Florida growers and handlers.

In the maturity schedule tables in §§ 915.332 and 944.31, the entries for "Tower" are removed and entries for "Tower II" are inserted in their place. This is being done to correct the name of the avocado variety listed in each of the tables.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

Accordingly, AMS has prepared this final regulatory flexibility analysis.

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 approximately 141 avocado producers in the production area and approximately 49 handlers subject to regulation under the marketing order. There are approximately 35 importers of avocados. Small agricultural producers have been defined by the Small Business Administration (SBA) as those having annual receipts less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000 (13 CFR 121.601).

The average price for fresh avocados during the 1997-98 season was \$14.60 per 55 pound bushel box equivalent for all domestic shipments and the total shipments were 937,568 bushels. Approximately 10 percent of all handlers handled 90 percent of Florida avocado shipments. Many avocado handlers ship other tropical fruit and vegetable products which are not included in the Committees' data but would contribute further to handler receipts.

Using these prices, about 90 percent of avocado handlers could be considered small businesses under the SBA definition and about 10 percent of the handlers could be considered large businesses. Although specific data is unavailable, the Department believes that the majority of avocado producers and importers may be classified as small entities.

Section 915.51 of the order provides the authority to issue regulations establishing specific maturity requirements for avocados. Maturity requirements for avocados grown in Florida, based on minimum weights, diameters, and skin color, are specified in § 915.332 (7 CFR 915.332) of the order, and are in effect on a continuous basis. These maturity requirements specify minimum weights and diameters for specific shipping periods for approximately 60 varieties of avocados, and color specifications for those varieties which turn red or purple when mature. The maturity requirements and dates for the various varieties of avocados are different because each variety has different varietal characteristics and maturity times.

This rule makes several changes to the order's maturity rules and regulations. This rule revises maturity requirements

by adding shipping dates, weights, and/or diameters to the shipping schedule for several avocado varieties where no dates currently exist. Specifically, this rule adds B or C shipping dates, with specific minimum weight, and/or minimum diameter measurements to the shipping schedule for the Arue, Beta, Donnie, Leona, Loretta, and Tower II varieties. It also adds three new varieties of avocados, the Semil 34, Semil 43, and the Melendez, to the shipping schedule, including specific shipping requirements for each. This rule facilitates the shipment of these varieties of avocados as they mature, and ensures that only mature fruit is shipped to the fresh market. This helps improve grower returns and promote orderly marketing.

This rule has a positive impact on affected entities. The changes are recommended to provide additional flexibility in packing avocados and to ensure that only mature fruit is shipped to the fresh market.

The impact of the change in these maturity regulations will not be adverse to growers, handlers, and importers. The application of maturity requirements to both Florida and imported avocados over the past several years has helped to assure that only mature avocados were shipped to fresh markets. The Committee continues to believe that the maturity requirements for Florida avocados are needed to improve grower returns. Preventing the shipment of immature avocados improves buyer confidence in the marketplace, and fosters increased consumption. Florida avocado producers and handlers have found such maturity requirements beneficial in the successful marketing of their avocado crop.

The change that adds B or C dates to six varieties under the order will not create any additional costs. This change relaxes requirements and facilitates the shipment of smaller-sized fruit as it matures. Growers have noticed that smaller-sized fruit of these varieties has been maturing prior to the currently specified shipping dates. This has caused an increased incidence of fruit drop, resulting in an economic loss to both growers and handlers. The additional minimum weights and/or diameters for the six varieties will allow growers to pick the fruit as it matures, and reduce fruit loss while still supplying the market with mature fruit.

The change that adds three additional varieties to the schedule will also be beneficial in that regard. During the 1997-98 season, the three additional varieties comprised less than 1 percent of total shipments from south Florida. While this rule may result in some

additional costs by requiring fruit to meet minimum weight and/or diameter maturity standards, the benefits are expected to outweigh costs. Inspection costs for Florida avocados are 14 cents for a 40 pound package, or equivalent thereof. Import inspection costs could range from 2.2 cents per package for a dockside inspection up to \$86 for an individual trailer load. Adding these varieties to the domestic and import maturity schedules helps keep immature fruit from reaching the market. Preventing the shipment of immature avocados improves buyer confidence in the marketplace, and fosters increased consumption, thus, improving grower returns.

These changes are intended to provide some additional flexibility for all handlers covered under the order, while helping to ensure that only mature fruit reaches the market. The opportunities and benefits of this rule are expected to be equally available to all avocado handlers and growers regardless of their size of operation. In addition, importers are expected to benefit similarly.

The change in the avocado maturity shipping schedule is expected to benefit the marketers of both Florida and imported avocados by assuring that the avocados marketed are of satisfactory maturity. Experience has shown that when immature avocados are found in market channels they tend to weaken the market for the mature fruit. Fresh Products Branch inspection officials indicated that the fruit offered for importation has generally met maturity requirements. Thus, the Department believes that the changes will not limit the quantity of imported avocados or place an undue burden on exporters, or importers of avocados. The changes are expected to continue to foster customer satisfaction and benefit all affected entities regardless of size.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large avocado handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and

duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the avocado industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the December 8, 1998, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Finally, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

A proposed rule concerning this action was published in the **Federal Register** on Friday, August 20, 1999 (64 FR 45461). Copies of the rule were mailed to all Committee members and avocado handlers. The rule was made available through the Internet by the Office of the Federal Register. Copies of the proposed rule also were sent to all known avocado importers and to the foreign embassies of the countries known to be exporting avocados to the United States. A 30-day comment period ending September 20, 1999, was provided to allow interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and speciality crop marketing agreements and orders may be viewed at the following web site: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation 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 handlers are already shipping avocados from the 1999-2000 crop and both handlers and importers should be able to take advantage of the changes in the maturity schedule as soon as possible. Further, the industry is aware of this rule, which was recommended at a public meeting. Also, a 30-day comment period was provided for in the proposed rule, and no comments were received.

List of Subjects

7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 944

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

For the reasons set forth above, 7 CFR parts 915 and 944 are amended as follows:

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. The authority citation for 7 CFR parts 915 and 944 continues to read as follows:

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

§ 915.332 [Amended]

2. In § 915.332, Table I, the entry for "Tower" is removed and an entry for Tower II is added in its place, the entries for "Beta, Donnie, Loretta, Arue, and Leona" are revised, and a new term "Melendez" is added immediately following the term "Leona" and new terms "Semil 34" and "Semil 43" are added immediately following the term "Booth 3" to read as follows:

§ 915.332 Florida avocado maturity regulation.

- (a) * * *
- (2) * * *

TABLE I

Variety	A Date	Min Wt.	Min Diam.	B Date	Min Wt.	Min Diam.	C Date	Min Wt.	Min Diam.	D Date
Tower II	8-01	14	3 ⁹ / ₁₆	8-15	12	3 ⁴ / ₁₆	8-29	10	3 ² / ₁₆	9-05
Beta	8-08	18	3 ⁹ / ₁₆	8-15	16	3 ⁵ / ₁₆	8-29	14	3 ³ / ₁₆	9-05
Loretta	8-22	30	4 ³ / ₁₆	9-05	26	3 ¹⁵ / ₁₆	9-19	22	3 ¹² / ₁₆	9-26

TABLE I—Continued

Variety	A Date	Min Wt.	Min Diam.	B Date	Min Wt.	Min Diam.	C Date	Min Wt.	Min Diam.	D Date
*	*	*	*	*	*	*	*	*	*	*
Arue	5-16	16	.....	5-30	14	3 ³ / ₁₆	6-20	12	.....	7-04
Donnie	5-23	16	3 ⁵ / ₁₆	6-06	14	3 ⁴ / ₁₆	6-20	12	.....	7-04
*	*	*	*	*	*	*	*	*	*	*
Leona	9-26	18	3 ¹⁰ / ₁₆	10-03	16	.....	.....	.....	.....	10-10
Melendez	9-26	26	3 ¹⁴ / ₁₆	10-10	22	3 ¹¹ / ₁₆	10-24	18	3 ⁷ / ₁₆	11-07
*	*	*	*	*	*	*	*	*	*	*
Semil 34	10-17	18	3 ¹⁰ / ₁₆	10-31	16	3 ⁸ / ₁₆	11-14	14	3 ⁵ / ₁₆	11-28
Semil 43	10-24	18	3 ¹⁰ / ₁₆	11-7	16	3 ⁸ / ₁₆	11-21	14	3 ⁵ / ₁₆	12-05
*	*	*	*	*	*	*	*	*	*	*

* * * * *

§ 944.31 [Amended]

3. In § 944.31, Table 1, the entry for "Tower" is removed and an entry for "Tower II" is added in its place, the entries for "Beta, Loretta, Arue, Donnie,

and Leona" are revised, and a new term "Melendez" is added immediately following the term "Leona" and new terms "Semil 34" and "Semil 43" are added immediately following the term "Booth 3" to read as follows:

§ 944.31 Avocado import maturity regulation.

- (a) * * *
- (2) * * *

TABLE I

Variety	A Date	Min. Wt.	Min. Diam.	B Date	Min. Wt.	Min. Diam.	C Date	Min. Wt.	Min. Diam.	D Date
*	*	*	*	*	*	*	*	*	*	*
Tower II	8-01	14	3 ⁵ / ₁₆	8-15	12	3 ⁴ / ₁₆	8-29	10	3 ² / ₁₆	9-05
Beta	8-08	18	3 ⁸ / ₁₆	8-15	16	3 ⁵ / ₁₆	8-29	14	3 ³ / ₁₆	9-05
*	*	*	*	*	*	*	*	*	*	*
Loretta	8-22	30	4 ³ / ₁₆	9-05	26	3 ¹⁵ / ₁₆	9-19	22	3 ¹² / ₁₆	9-26
*	*	*	*	*	*	*	*	*	*	*
Arue	5-16	16	.....	5-30	14	3 ³ / ₁₆	6-20	12	.....	7-04
Donnie	5-23	16	3 ⁵ / ₁₆	6-06	14	3 ⁴ / ₁₆	6-20	12	.....	7-04
*	*	*	*	*	*	*	*	*	*	*
Leona	9-26	18	3 ¹⁰ / ₁₆	10-03	16	.....	.....	.....	.....	10-10
Melendez	9-26	26	3 ¹⁴ / ₁₆	10-10	22	3 ¹¹ / ₁₆	10-24	18	3 ⁷ / ₁₆	11-07
*	*	*	*	*	*	*	*	*	*	*
Semil 34	10-17	18	3 ¹⁰ / ₁₆	10-31	16	3 ⁸ / ₁₆	11-14	14	3 ⁵ / ₁₆	11-28
Semil 43	10-24	18	3 ¹⁰ / ₁₆	11-7	16	3 ⁸ / ₁₆	11-21	14	3 ⁵ / ₁₆	12-05
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Dated: September 27, 1999.

Eric M. Forman,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99-25516 Filed 9-30-99; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 99-016F]

Scale Requirements for Accurate Weights, Repairs, Adjustments, and Replacement After Inspection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending

the Federal meat and poultry products inspection regulations to update references to the National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Measuring Devices." The 1999 edition of NIST Handbook 44 was published in November 1998 and is the most current edition of the handbook. FSIS is amending the provisions in its regulations that reference NIST Handbook 44 to reflect this most recent edition.

DATES: This rule will be effective on November 30, 1999, unless the Agency receives written adverse comments