

Done in Washington, DC, this 3rd day of April 1995.

Lonnie J. King

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-8616 Filed 4-6-95; 8:45 am]

BILLING CODE 3410-34-P

Agricultural Marketing Service

7 CFR Part 918

[Docket No. FV95-918-1]

Suspension of Provisions of Marketing Order 918; Fresh Peaches Grown in Georgia

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension order.

SUMMARY: This rule is a continuation of a suspension order that suspends, for two additional fiscal years, effective March 1, 1995, through February 28, 1997, all provisions of Federal Marketing Order No. 918 for fresh peaches grown in Georgia (order), and the rules and regulations issued thereunder. This rule is the result of a recommendation for continued suspension made by trustees of the Georgia Peach Industry Committee (trustees). The trustees' recommendation was based upon the belief that a State program, which is currently active in market promotion and merchandising for the Georgia peach industry, could provide the quality, maturity, and size regulations that were in effect under the Federal order, and would result in more efficient use of industry funds. The trustees believe more time is needed to study changes in the industry, and any new developments which could affect the need for, or status of, the order.

EFFECTIVE DATE: March 1, 1995, through February 28, 1997.

FOR FURTHER INFORMATION CONTACT:

William Pimental, Southeast Marketing Field Office, 301 3rd St., NW., suite 201, Winter Haven, Florida 33883-2276, telephone 813-299-4770, or Mark Kreagg, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-720-2431.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 918 (7 CFR part 918) regulating the handling of peaches grown in Georgia. The marketing agreement and 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 suspension action is being taken under the provisions of section 8c(16)(A) of the Act.

The Department of Agriculture (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 a continuation of a suspension order than suspends, effective March 1, 1995, through February 28, 1997, all provisions of the marketing order and the rules and regulations issued thereunder. 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 as 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 the 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 Georgia peaches and approximately 150 peach producers. 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. 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.

Marketing Order 918 has been in effect since 1942. The order provides for the establishment of grade, size, quality, maturity, container and inspection requirements. In addition, the order authorizes production research and marketing research and development projects. It also provides for reporting and recordkeeping requirements on affected handlers. The production and marketing season runs from early March through late July.

The Georgia Peach Industry Committee members met on November 14, 1992, and unanimously recommended suspension of the marketing order at the end of the 1992-93 fiscal period. The recommendation was made to eliminate the expense of administering the marketing order. The members' recommendation was based on the belief that the quality, maturity, and size standards that were in effect under the order could be implemented under a State program that concurrently conducted market promotion activities for the Georgia peach industry. The members believed that by transferring all functions to a single program, industry funds would be used more efficiently. While the Federal order authorizes marketing research and development projects, these activities had been carried out under the authority of the State program for several years. The order also authorizes container requirements and production research, but these provisions had been inactive for many years.

The committee members recommended suspension, not termination, of the marketing order to allow the industry an opportunity to review the effectiveness of operating under only a State program. If problems developed, the committee members wanted the industry to have the alternative of reactivating the Federal marketing order.

During the suspension period, all nine committee members (not including alternates) served as trustees for the Georgia Peach Industry Committee.

The trustees met on November 17, 1994, and unanimously recommended extending the suspension of the marketing order for two additional years. The trustees' recommendation was based on the belief that extending the suspension for two more years will provide the industry with further opportunity to study changes and any new developments which could affect

the need for, or status of, the current order.

The trustees also voted for suspension rather than termination, because they wanted to avoid the complexity of putting together a completely new marketing order; as opposed to amending the existing marketing order should the industry find it in its interest to resume the program.

In addition, the suspension will lower the administrative and inspection costs under the marketing order.

The industry will have the opportunity to continue monitoring the effectiveness of the State program, without Federal marketing order regulations in effect, an additional two marketing seasons. A meeting will be held prior to January 1997 to again discuss reactivating or terminating the marketing order. The current trustees will continue to serve in their capacity during the suspension.

Thus, it is determined that Federal Marketing Order N. 918, and the rules and regulations issued thereunder, do not tend to effectuate the declared policy of the Act. This rule suspends, from March 1, 1995, through February 28, 1997, provisions of Federal Marketing Order No. 918, and the rules and regulations issued thereunder, including, but not limited to, the:

(1) Provisions of the order dealing with the establishment and responsibilities of the committee and the administration of the order;

(2) The quality, size, maturity, and inspection requirements;

(3) The administrative rules and regulations related to exempt shipments; and

(4) Information collection and reporting requirements [In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), such requirements have been approved by the Office of Management and Budget and assigned OMB Control No. 0581-0135].

The Secretary has determined that, during the suspension period, those persons serving as committee members prior to the suspension (not including alternates) will continue to serve as trustees to oversee the administrative affairs of the order. The trustees are responsible for safeguarding program assets and holding committee records. All such actions by the trustees during the period of suspension are subject to the approval of the Secretary. Those designated as trustees are Mr. Robert Dickey III, Mr. Jeff Wainwright, Mr. W.H. Davidson III, Mr. Al Pearson, Mr. Bobby Lane, Mr. Emory Alexander, Mr. William W. Drew, Mr. Howard Lawson, and Mr. Stephen C. Meyers. The trustees

shall continue in their capacity until discharged by the Secretary.

When a final determination is made regarding the order, any remaining funds will be used or disbursed in accord with the appropriate order provisions.

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.

It is found and determined, upon good cause, that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This action suspends restrictions on handlers by continuing the suspension of the requirements regulating the handling of peaches pursuant to Marketing Order No. 918; (2) handlers are aware of this action, which was discussed and recommended at a public meeting held by the trustees; and (3) no useful purpose would be served by delaying the continued suspension of the marketing order.

List of Subjects in 7 CFR Part 918

Marketing Agreements, Peaches, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, under the authority of 7 U.S.C. 601-674 (7 CFR Part 918), and all provisions therein, is suspended effective March 1, 1995, through February 28, 1997.

Dated: March 31, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95-8615 Filed 4-6-95; 8:45 am]

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Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 95-014-2]

Horses From the United Arab Emirates; Change in Disease Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning the importation of horses to remove the United Arab Emirates from the list of countries in

which African horse sickness exists. We have determined that the United Arab Emirates is free of African horse sickness, and that restrictions on the importation of horses from the United Arab Emirates to prevent the spread of African horse sickness into the United States are no longer necessary. This action relieves unnecessary restrictions on the importation of horses from the United Arab Emirates.

EFFECTIVE DATE: April 7, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. John Cougill, Staff Veterinarian, Import/Export Products, National Center for Import and Export, VS, APHIS, Suite 3B05, 4700 River Road Unit 40, Riverdale, MD 20737-1228.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 92 (referred to below as the regulations) state the provisions for the importation into the United States of specified animals to prevent the introduction of various animal diseases, including African horse sickness (AHS). AHS, a fatal equine viral disease, is not known to exist in the United States. Section 92.308(a)(2) of the regulations lists countries that the Animal and Plant Health Inspection Service (APHIS) considers affected with AHS, and sets forth specific requirements for horses which are imported from those countries. APHIS requires horses intended for importation from any of the countries listed, including horses that have stopped in or transited those countries, to enter the United States only at the port of New York and be quarantined at the New York Animal Import Center in Newburgh, NY, for at least 60 days.

On March 15, 1995, we published in the **Federal Register** (60 FR 13929-13930, Docket No. 94-014-1) a proposal to amend the regulations by removing the United Arab Emirates (UAE) from the list of countries in § 92.308(a)(2), which APHIS considers affected with AHS.

We solicited comments concerning our proposal for 15 days ending March 30, 1995. We received three supportive comments by that date. They were from a horse transport company, a horse industry association, and a thoroughbred farm.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the