

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.

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 because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period begins on September 1, 1995, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable potatoes handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

#### List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

#### PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

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

2. A new § 948.214 is added to read as follows:

**Note:** This section will not appear in the Code of Federal Regulations.

#### § 948.214 Expenses and assessment rate.

Expenses of \$62,328 by the Colorado Potato Administrative Committee, San Luis Valley Office (Area II) are authorized, and an assessment rate of \$0.0030 per hundredweight of assessable potatoes is established for the fiscal period ending August 31, 1996. Unexpended funds may be carried over as a reserve.

Dated: June 15, 1995.

**Sharon Bomer Lauritsen,**

*Deputy Director, Fruit and Vegetable Division.*  
[FR Doc. 95-15108 Filed 6-20-95; 8:45 am]

BILLING CODE 3410-02-P

#### 7 CFR Part 981

[Docket No. FV95-981-1IFR]

#### Almonds Grown in California; Expenses and Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 981 for the 1995-96 crop year. Authorization of this budget enables the Almond Board of California (Board) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

**DATES:** Effective beginning July 1, 1995, through June 30, 1996. Comments received by July 21, 1995, will be considered prior to issuance of a final rule.

**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, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, FAX # (202) 720-5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

#### FOR FURTHER INFORMATION CONTACT:

Mary Kate Nelson, Marketing Assistant, 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 Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2522-S, Washington, DC 20090-6456, telephone (202) 720-1509 or FAX # (202) 720-5698.

**SUPPLEMENTARY INFORMATION:** This interim final rule is issued under Marketing Agreement and Order No. 981 (7 CFR part 981), both as amended, hereinafter referred to as the "order," regulating the handling of almonds grown in California. The 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 interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, California almonds are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable almonds handled during the 1995-96 crop year, which begins July 1, 1995, and ends June 30, 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), 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. 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 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 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 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 the 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 7,000 producers of California almonds under this marketing order, and approximately 115 handlers. 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

California almond producers and handlers may be classified as small entities.

The budget of expenses for the 1995–96 crop year was prepared by the Board, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Board are producers and handlers of California almonds. They are familiar with the Board's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected receipts of California almonds. Because that rate will be applied to handlers' actual receipts, a rate must be established that will provide sufficient income to pay the Board's budgeted expenses.

The Board met on May 12, 1995, and unanimously recommended a 1995–96 budget of \$4,952,591, as compared to the \$5,235,262 ultimately budgeted for the previous year. For the 1994–95 year, the Board initially recommended, and the Department approved, expenditures totalling \$9,435,262. Of that total amount, \$6.575 million was budgeted for promotional activities and \$300,000 was intended to be added to the Board's monetary reserve. The assessment rate for the 1994–95 crop year was initially set at 2.25 cents per kernel pound of almonds. However, because of uncertainty created by legal decisions regarding the Board's former advertising and promotion program, the Board ultimately postponed certain advertising activities and recommended reducing its assessment rate on handlers to .25 cents per pound. As approved by the Department, budgeted expenditures for promotional activities were reduced to \$2.675 million and the Board curtailed its plans to add \$300,000 to its reserve.

For the 1995–96 year, the Board has budgeted \$2.358 million for a line item entitled information and research, with the bulk of these funds targeted for public relations, food service and industrial promotional programs, and research. In addition, the Board has budgeted \$150,000 for China and Indonesia Consumer Education, thus maintaining a presence in foreign markets. Unlike the 1994–95 crop year, the Board will not be receiving any funds through the marketing promotion program conducted by the Department's

Foreign Agricultural Service for the 1995–96 crop year.

Items which have decreased compared to those budgeted for 1994–95 (in parentheses) are: Salaries, \$598,251 (\$795,318), employee benefits, \$37,391 (\$50,000), retirement benefits, \$44,869 (\$64,000), payroll taxes, \$45,766 (\$55,400), travel, \$75,000 (\$100,000), meetings, \$13,000 (\$35,000), office rent, \$70,000 (\$90,000), storage rent, \$4,000 (\$5,000), equipment rent, \$3,000 (\$5,000), security, \$1,000 (\$2,500), utilities, \$12,000 (\$13,500), alliances with other organizations to provide information on almonds to consumers, \$11,000 (\$20,000), econometric model and statistical analysis, \$10,000 (\$40,000), program accountability analyses to assess the effectiveness of the advertising and market development programs, \$100,000 (\$150,000), furniture and fixtures, \$0 (\$10,000), and computers and software, \$20,000 (\$25,000).

Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Research conference, \$30,000 (\$25,000), contract labor and consultants, \$55,000 (\$30,000), compliance audits and analysis, \$95,000 (\$75,000), data processing, \$10,000 (\$6,000), postage and delivery, \$40,000 (\$32,000), office supplies, \$17,500 (\$15,000), printing, \$17,500 (\$12,000), repairs and maintenance, \$15,500 (\$12,500), publications, \$15,500 (\$3,500), dues, subscriptions, and registration fees, \$12,000 (\$7,500), newsletters and releases, \$45,000 (\$25,000), production research, \$512,650 (\$489,134), crop estimate, \$90,736 (\$85,600), acreage survey, \$37,429 (\$35,310), nutrition and issues research, \$175,000 (\$50,000), vehicles, \$20,000 (\$15,000), office equipment, \$20,000 (\$15,000), and the addition of \$25,000 for aflatoxin monitoring.

The Board also unanimously recommended an assessment rate of .75 cents per kernel pound, .50 cents higher than last year. Revenues for the 1995–96 crop year are expected to be \$3,096,000 from administrative assessments (based on an estimate of 412.8 million pounds of marketable almonds), \$100,000 from interest, and \$16,000 from the almond industry conference, for a total of \$3,212,000. The Board plans on using money from its reserve to meet the estimated expenses of \$4,952,591 for the year. In addition, any unexpended funds from 1995–96 may be carried over to cover expenses during the first four months of the 1996–97 crop year.

This action will impose an obligation on handlers to pay assessments. The

assessments are uniform for all handlers. The assessment cost will be offset by the benefits derived by the operation of the marketing order.

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 the information and recommendations submitted by the Board 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 Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the crop year begins on July 1, 1995, and the marketing order requires that the rate of assessment for the crop year apply to all assessable California almonds handled during the crop year; (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

#### List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

#### PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

**Note:** This section will not appear in the Code of Federal Regulations.

2. A new § 981.342 is added to read as follows:

#### § 981.342 Expenses and assessment rate.

Expenses of \$4,952,591 by the Almond Board of California are authorized for the crop year ending June 30, 1996. An assessment rate for the crop year payable by each handler in

accordance with § 981.81 is fixed at .75 cents per kernel pound of almonds.

Dated: June 15, 1995.

**Sharon Bomer Lauritsen,**

*Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95-15107 Filed 6-20-95; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 73

[Docket No. 93C-0380]

#### **Listing of Color Additives for Coloring Contact Lenses; 1,4-Bis[4-(2-Methacryloxyethyl)Phenylamino] Anthraquinone Copolymers; Confirmation of Effective Date**

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

**SUMMARY:** The Food and Drug Administration (FDA) is confirming the effective date of March 30, 1995, of the final rule published in the **Federal Register** of February 27, 1995 (60 FR 10495), that amended the color additive regulations to provide for the safe use of the colored reaction product formed by copolymerizing 1,4-bis[4-(2-methacryloxyethyl)phenylamino] anthraquinone with 3-[tris(trimethylsiloxy)silyl]propyl vinyl carbamate (CAS Reg. No. 134072-99-4) and N-vinyl pyrrolidone to form contact lenses.

**DATES:** Effective date confirmed: March 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Helen R. Thorsheim, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3092.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of February 27, 1995 (60 FR 10495), FDA amended 21 CFR 73.3106 of the color additive regulations to provide for the safe use of 1,4-bis[4-(2-methacryloxyethyl)phenylamino] anthraquinone copolymerized with N-vinyl pyrrolidone and 3-[tris(trimethylsiloxy)silyl]propyl vinyl carbamate to form contact lenses.

FDA gave interested persons until March 29, 1995, to file objections or requests for a hearing. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA finds that the final rule published

in the **Federal Register** of February 27, 1995, should be confirmed.

#### **List of Subjects in 21 CFR Part 73**

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 401, 402, 403, 409, 501, 502, 505, 601, 602, 701, 721 (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the February 27, 1995, final rule. Accordingly, the amendments promulgated thereby became effective March 30, 1995.

Dated: June 13, 1995.

**William B. Schultz,**

*Deputy Commissioner for Policy.*

[FR Doc. 95-15083 Filed 6-20-95; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD 05-95-032]

#### **Special Local Regulations for Marine Events; Blackbeard Pirate Jamboree; Town Point, Elizabeth River, Norfolk and Portsmouth, VA**

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of 33 CFR 100.501.

**SUMMARY:** This notice implements 33 CFR 100.501 for the Blackbeard Pirate Jamboree to be held on the Elizabeth River at Town Point Park, Norfolk and Portsmouth, Virginia. The regulations in 33 CFR 100.501 are needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and the expected congestion at the time of the event. The regulations restrict general navigation in the area for the safety of life and property on the navigable waters during the event.

**EFFECTIVE DATES:** The regulations in 33 CFR 100.501 are effective from 11 a.m. to 2:30 p.m., July 29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen L. Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204, or Commander, Coast Guard Group Hampton Roads (804) 483-8567.

### Drafting Information

The drafters of this notice are QM2 Gregory C. Garrison, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and LCDR C.A. Abel, project attorney, Fifth Coast Guard District Legal Staff.

### Discussion of Regulation

Norfolk Festevents, Ltd. submitted an application to hold the Blackbeard Pirate Jamboree on the Elizabeth River at Town Point Park, Norfolk and Portsmouth, Virginia. The event will consist of a parade of sail followed by an orchestrated water drama with cannon fire between two vessels. Since many spectator vessels are expected to be in the area to watch the jamboree, the regulations in 33 CFR 100.501 are being implemented for the safety of life and property. The waterway will not be closed for an extended period, therefore commercial traffic should not be severely disrupted. In addition to regulating the area for the safety of life and property, this notice of implementation also authorizes the Patrol Commander to regulate the operation of the Berkley drawbridge in accordance with 33 CFR 117.1007, and authorizes spectators to anchor in the special anchorage areas described in 33 CFR 110.72aa. 33 CFR 110.72aa establishes the spectator anchorages in 33 CFR 100.501 as special anchorage areas under Inland Navigation Rule 30, 33 U.S.C. 2030(g). 33 CFR 117.1007(b) closes the draw of the Berkley Bridge to vessels during and for one hour before and after the effective period under 33 CFR 100.501, except that the Coast Guard Patrol Commander may order that the draw be opened for commercial vessels.

Dated: June 6, 1995.

**W.J. Ecker,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 95-15228 Filed 6-20-95; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 100

[CGD 09-95-012]

RIN 2115-AE46

#### **Special Local Regulation; Thomas Graves Memorial Fireworks Display, Lake Ontario, Port Bay, NY**

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

**SUMMARY:** A special local regulation is being adopted for the Thomas Graves Memorial Fireworks Display. This event