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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 55 and 59

[Docket No. PY-93-001]

Voluntary and Mandatory Egg and Egg Products Inspection; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correction to final rule.

SUMMARY: This document corrects the final rule published on September 21, 1995 (60 FR 49166-49171) which amended the voluntary and mandatory egg and egg products inspection regulations.

EFFECTIVE DATE: November 27, 1995.

FOR FURTHER INFORMATION CONTACT: Larry W. Robinson, Chief, Grading Branch, Poultry Division, AMS, USDA, P.O. Box 96456, Washington, DC 20090-6456, 202-720-3271.

SUPPLEMENTARY INFORMATION:

Background

As published, the final rule contained changes to the voluntary and mandatory egg and egg products inspection programs authorized by the Agricultural Marketing Act of 1946, as amended, and the Egg Products Inspection Act in response to new technology and current production and processing practices within the egg products industry.

Need for Correction

The final rule that is the subject of this correction inadvertently capitalized the word "salmonella" everywhere it appeared in part 59.

Correction of Publication

As published, the final rule contained an error in amendatory language number 13, on page 49168, third column revising § 59.5 which may prove to be misleading and is in need of

clarification and new amendatory language number "13a." is added to read as follows.

§ 59.5 [Corrected]

13. Section 59.5 is amended by revising the definition for the term "Dirty egg" or "Dirties" and by adding alphabetically two new terms to read as follows:

* * * * *

§§ 59.575 and 59.580 [Corrected]

13a. In § 59.575 paragraphs (c) and (d)(6) and in § 59.580, paragraph (b), the word "salmonellae" is removed and the word "Salmonellae" is added in its place everywhere it appears.

Dated: November 20, 1995.

D. Michael Holbrook,
Director, Poultry Division.

[FR Doc. 95-28772 Filed 11-24-95; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 927

[FV95-927-2FIR]

Winter Pears Grown in Oregon, Washington, and California; Revision of Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of the interim final rule which reduced the reporting requirements for handlers who have shipped less than 2,500 standard western pear boxes during any two-week reporting period of the shipping season. This action decreases the reporting burden on such handlers while maintaining the information collection necessary for the efficient operation of the program. This rule was recommended by the Winter Pear Control Committee (Committee), the agency responsible for the local administration of the marketing order for winter pears.

EFFECTIVE DATE: December 27, 1995.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2522-S, PO Box 96456, Washington, DC 20090-6456;

telephone: (202) 720-5331; or Teresa L. Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204-2807; telephone: (503) 326-2724.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 927 (7 CFR part 927), regulating the handling of winter pears grown in Oregon, Washington, and 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 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 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 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 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