

within the comment period prior to finalizing this rule.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, Vegetables.

For the reasons set forth in the preamble, 7 CFR Part 52 is amended as follows:

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS¹

Subpart—United States Standards for Grades of Frozen Okra

1. The authority citation for Part 52 continues to read as follows:

Authority: 7 U.S.C. 1622–1624.

2. § 52.1511 is revised to read as follows:

§ 52.1511 Product description.

Frozen okra is the product prepared from clean, sound, succulent, and edible fresh pods of the okra plant (*Hibiscus esculentus*) of the green variety. The product may or may not be trimmed, is properly prepared and properly processed, and is then frozen and stored at temperatures necessary for preservation.

§ 52.1512 [Amended]

3. In § 52.1512, paragraph (a) immediately following the words “consists of trimmed” the words “, or untrimmed” are added and in paragraph (b) the words “, or untrimmed” are added after the words “is trimmed”.

§ 52.1517 [Amended]

4. § 52.1517 is amended by removing paragraph (c)(5)(i) and redesignating paragraphs (c)(5)(ii) through (c)(5)(vi) as paragraphs (c)(5)(i) through (c)(5)(v), respectively.

Dated: December 1, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–29790 Filed 12–06–95; 8:45 am]

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7 CFR Part 52

[FV–95–329]

United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule amends the existing U.S. grade standards for Frozen Field Peas and Frozen Black-Eye Peas and removes the color attributes requirements for frozen black-eye peas and frozen cream peas to have “obvious green color”. This change allows producers of frozen field peas and frozen black-eye peas the option to pack black-eye peas and cream peas without the requirement that these peas have an “obvious green color”. The requirement for obvious green colored peas has forced changes in current harvesting practices and required that food processors supplement their pack with imported peas, of similar varieties, in order to meet the “Grade A” color requirement. Removing the requirement for green color resolves this issue for the industry since crops are harvested later in the season under current harvesting practices. This revision enables the frozen food industry to produce frozen black-eye peas and frozen field peas more efficiently.

DATES: Effective December 7, 1995. Comments received by January 8, 1996, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in duplicate to the Office of the Branch Chief, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, PO Box 96456, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Branch Chief during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Rodeheaver, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, PO Box 96456, Washington, DC 20090–6456, Telephone (202) 720–4693.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under the

United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas (7 CFR part 52) to improve grade standards. The standards are effective under the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1622, 1624), hereinafter referred to as the Act.

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

The Department of Agriculture is issuing this rule in conformance with Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present 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.

The AMS Administrator has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Public Law 96–354 (5 U.S.C. 601 *et seq.*), because it reflects current marketing practices. In addition, these standards are voluntary. A small entity may avoid incurring any additional economic impact by not employing the standards.

The American Frozen Food Institute (AFFI) has petitioned for emergency relief from a requirement in the United States grade standards for frozen field peas and frozen black-eye peas. AFFI is a trade association representing over 560 food industry companies that accounts for over 90 percent of frozen food production in the United States. The frozen food industry requested USDA revise the grade standards to bring it in line with current harvesting and marketing practices. This would give economic relief to the frozen field pea and black-eye pea industry.

The U.S. grade standards are voluntary standards. However, there is widespread use of the standards in contracts.

When these grade standards were promulgated in 1976, it included a “Grade A” color requirement for frozen black-eye peas and cream peas that approximately 14 percent of these type peas have an obvious green color. This requirement was applicable when hand harvesting techniques forced growers to harvest their crops earlier in the growing season which allowed for a high percentage of immature peas. Today, modern mechanical harvesting techniques allow growers to harvest these types of peas with more mature pods that are easily shelled.

¹ May include the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea, cocoa, coffee, spices, condiments.

The requirement for these types of peas to have an obvious green color has caused undue economic stress on the industry. Frozen field pea and black-eye pea processors must purchase imported, hand-harvested peas and blend them with domestic crops to meet the "Grade A" color requirement. AFFI estimates that 10 million pounds of imported peas must be purchased by U.S. processors per year at an approximate annual cost of more than \$2 million.

Based on all the information received, USDA is amending Section 52.1669 in the United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas by removing the color attributes requirements for frozen black-eye peas and frozen cream peas from the text and Table III of this section.

No additional costs are expected to result from this action for producers and benefits derived from this action may be passed on to consumers.

This change is expected to facilitate marketing of frozen field peas and frozen black-eye peas.

Pursuant to 5 U.S.C. 553, it is 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 rule upon publication in the Federal Register because, the harvesting season for field peas and black-eye peas has already begun, the standards are voluntary, and this revision of the standards that permits the industry to more efficiently meet market needs, also reduces costs to the consumers. This rule also provides a 30-day comment period. The Department will consider all comments received within the comment period prior to finalizing this rule.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and record keeping requirements, Vegetables.

For the reasons set forth in the preamble, the U.S. Department of Agriculture proposes to amend 7 CFR part 52 to read as follows:

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS¹

Subpart—United States Standards for Grades of Frozen Black-eye Peas and Frozen Field Peas

1. The authority citation for Part 52 is revised to read as follows:
Authority: 7 U.S.C. 1622–1624.

2. In § 52.1669, paragraphs (a), (b), and Table III in paragraph (c) are revised to read as follows:

§ 52.1669 Classification of color and grade compliance.

(a) *General.* The requirement for "color attributes" is applicable for Grade A classification only. "Color attributes" do not apply to units of black-eye peas, cream peas, or units of "snaps" in the style of "frozen peas with snaps."

(b) *Color attributes.* "Color attributes" are defined as follows:

(1) "Crowder peas." Each unit with a color that is characteristic of very young peas.

(2) "Field peas" and "mixed types." Each unit with a color that is characteristic of very young peas.

(c) * * *

TABLE III.—COLOR ATTRIBUTES

Absolute limit (AL)	Minimum number permitted	
	73	119
	Field peas, and mixed types	Crowder peas
1	84	133
2	175	276
3	268	421
4	362	566
5	456	712
6	551	859
7	646	1006
8	741	1153
9	837	1148
10	932	1596
11	1028	1596
12	1124	1744
13	1220	1892
14	1315	2040
15	1411	2188
16	1508	2336
17	1604	2485
18	1700	2633
19	1796	2782
20	1892	2930

¹ May include the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea, cocoa, coffee, spices, condiments.

TABLE III.—COLOR ATTRIBUTES—Continued

Absolute limit (AL)	Minimum number permitted	
	73	119
	Field peas, and mixed types	Crowder peas
21	1989	3079
Acceptable quality Level (AQL) ¹	14.0	21.50

¹ Based on an average count of 1400 units for "White Acre" peas and 700 units for all other types per 10 ounce package.

Dated: December 1, 1995.
Lon Hatamiya,
Administrator.
[FR Doc. 95–29791 Filed 12–6–95; 8:45 am]
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**Federal Crop Insurance Corporation
7 CFR Parts 401, 443, and 457
RIN 0563–AB43**

General Crop Insurance Regulations, Various Endorsements; Hybrid Seed Crop Insurance Regulations; and Common Crop Insurance Regulations, Various Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation.
ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation ("FCIC") hereby amends the General Crop Insurance Regulations, Hybrid Sorghum Seed and Rice Endorsements; the Hybrid Seed Crop Insurance Regulations; and the Common Crop Insurance Regulations, Small Grains, Cotton, Extra Long Staple Cotton, Sunflower Seed and Coarse Grains Crop Insurance Provisions, applicable beginning with the 1996 crop year for spring planted crops with contract change dates on or after the effective date of this rule, by revising prevented planting coverage. The intended effect of this regulation is to expand prevented planting benefits available under the various policies being amended.

DATES: The effective date of this rule is November 30, 1995. The comment period for information collections under the Paperwork Reduction Act of 1995 continues through January 8, 1996.

ADDRESSES: For information collection comments submission, see **SUPPLEMENTARY INFORMATION.**
FOR FURTHER INFORMATION CONTACT: For further information and a copy of the