This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE
Office of the Secretary
7 CFR Part 2
Revision of Delegations of Authority

AGENCY: Office of the Secretary, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department to delegate the authority vested in the Secretary pursuant to section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 to provide outreach and technical assistance to socially disadvantaged farmers and ranchers.

The delegations of authority of the Department of Agriculture are amended to delegate to the Under Secretary for Natural Resources and Environment the authority vested in the Secretary by 7 U.S.C. 2279(a) to provide outreach and technical assistance to socially disadvantaged farmers and ranchers and to make grants and enter into contracts and other agreements to provide such outreach and technical assistance. Further, that authority is redelegated by the Under Secretary for Natural Resources and Environment to the Chief, Natural Resources Conservation Service.

Prior delegations of authority by the Secretary to the Under Secretary for Farm and Foreign Agricultural Services, and by the Under Secretary for Farm and Foreign Agricultural Services to the Administrator, Farm Service Agency, to make grants and enter into contracts and other agreements to provide outreach and technical assistance to socially disadvantaged farmers and ranchers under 7 U.S.C. 2279 are removed.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12866 and 12988. In addition, this action is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., and, thus, is exempt from the provisions of that Act. Accordingly, as authorized by section 808 of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, this rule may be made effective upon publication in the Federal Register.

Accordingly, 7 CFR part 2 is amended as set forth below.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

1. The authority citation for part 2 continues to read as follows:


Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries and Assistant Secretaries

§ 2.16 [Removed and reserved]

2. In § 2.16, paragraph (a)(2)(iv) is removed and reserved.

3. In § 2.20, paragraph (a)(9) is added as follows:

§ 2.20 Under Secretary for Natural Resources and Environment.

(a) * * *

(9) Related to outreach and technical assistance to socially disadvantaged farmers and ranchers. Provide outreach and technical assistance to socially disadvantaged farmers and ranchers and make grants and enter into contracts and other agreements to provide such outreach and technical assistance under 7 U.S.C. 2279.

* * * * *

Subpart F—Delegations of Authority by the Under Secretary for Farm and Foreign Agricultural Services

§ 2.42 [Amended]

4. In § 2.42, paragraph (a)(31) is removed and reserved.

Subpart J—Delegations of Authority by the Under Secretary for Natural Resources and Environment

§ 2.61 Chief, Natural Resources Conservation Service.

(a) * * *

(25) Provide outreach and technical assistance to socially disadvantaged farmers and ranchers and make grants and enter into contracts and other agreements to provide such outreach and technical assistance under 7 U.S.C. 2279.

* * * * *

For Subpart C.
EFFECTIVE DATE:
The Department is issuing this rule in conformance with Executive Order 12866. This 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. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.
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. 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.

The Act and regulations effective thereunder apply to exporters and export carriers of apples and pears. In the United States, there are approximately 450 firms which pack and export apples and 300 firms which pack and export pears that are potentially subject to regulations under the authority of the Act. Small agricultural service firms, which include firms that pack and export apples and pears, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000. The majority of apple and pear exporters regulated under the Act may be classified as small entities. This rule relaxes the minimum grade requirements issued under the Act for U.S.-grown apples and pears shipped only to Pacific ports of Russia. Container marking provisions also are relaxed for such shipments. These changes are designed to develop Eastern Russia as an export market for apples and pears.

SUMMARY:
The Department of Agriculture (Department) is adopting as a final rule, with appropriate modifications, the provisions of an interim final rule relaxing the minimum grade requirements issued under the Export Apple and Pear Act for U.S.-grown apples and pears shipped to Pacific ports of Russia. Container marking provisions also are relaxed for such shipments. These changes are designed to develop Eastern Russia as an export market for apples and pears. This rule was recommended by the Northwest Horticultural Council (Council), an organization representing the Northwest fruit industry.

The Act and regulations effective thereunder apply to exporters and export carriers of apples and pears. In the United States, there are approximately 450 firms which pack and export apples and 300 firms which pack and export pears that are potentially subject to regulations under the authority of the Act. Small agricultural service firms, which include firms that pack and export apples and pears, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000. The majority of apple and pear exporters regulated under the Act may be classified as small entities. This rule relaxes the minimum grade requirements issued under the Act for U.S.-grown apples and pears shipped only to Pacific ports of Russia. Container marking provisions also are relaxed for such shipments. These changes are designed to develop export markets for apples and pears in these areas. This rule does not preclude shipments of apples and pears of higher than the minimum quality from being shipped to Russian Pacific ports. This benefits both large and small exporters of apples and pears. Therefore, the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Section 33.10 of the "Regulations Issued Under Authority of the Export Apple and Pear Act" establishes minimum grade and container marking requirements for export shipments of apples and pears. Prior to the issuance of the interim final rule, export shipments of apples were required to meet a minimum grade of U.S. No. 1 or U.S. No. 2. Early as specified in the United States Standards for Grades of Apples (7 CFR part 51, sections 51.300±51.323). Exports of summer and fall pears were required to meet a minimum grade of U.S. No. 2 as specified in the United States Standards for Grades of Summer and Fall Pears (7 CFR part 51, sections 51.1260±51.1280). Exports of winter pears were required to meet a minimum grade of U.S. No. 2 as specified in the United States Standards for Grades of Winter Pears (7 CFR part 51, sections 51.1300±51.1323). Additional restrictions for apple maggot and San Jose scale apply to both apples and pears.

This final rule continues in effect the reduction of the minimum grade requirements, as follows:

The minimum grade for fresh apples exported to Russian Pacific ports is reduced to U.S. Utility grade (7 CFR part 51, section 51.303) or U.S. No. 1 Hail (7 CFR part 51, section 51.302(b)) for apples damaged by hail.

The minimum requirements for summer and fall pears exported to Russian Pacific ports are listed in the regulatory text of this final rule. The requirements provide that the pears be of one variety that are mature, handpicked, clean, sound and free from hard-end; and free from serious damage caused by broken skin, insects, disease, hail marks, limbbrubs, heavy russet, or other means; and not so excessively elongated or flattened or used to exclude the cutting of one good half. The requirements also include necessary definitions and explanations of some provisions and a list of tolerances which are applied to each lot at the time of packing.

Finally, the minimum requirements for winter pears exported to Russian Pacific ports are also listed in the regulatory text of this final rule. The requirements provide that the pears be of one variety which are mature, hand