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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 and to make grants and enter into contracts and other agreements to provide such outreach and technical assistance.

EFFECTIVE DATE: January 8, 1997.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, General Law Division, Office of the General Counsel, Department of Agriculture, Room 2321-S, 1400 Independence Avenue, S.W., Washington, DC 20250, telephone 202-720-6035.

SUPPLEMENTARY INFORMATION: Pursuant to section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990, 7 U.S.C. 2279(a), the Secretary of Agriculture is authorized to provide outreach and technical assistance to encourage and assist socially disadvantaged farmers and ranchers to own and operate farms and ranches and to participate in agricultural programs. Under the authority of 7 U.S.C. 2279(a)(2), the Secretary may make grants and enter into contracts and other agreements with certain community based organizations and educational institutions 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:

Authority: Sec. 212(a), Pub. L. 103-354, 108 Stat. 3210, 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR, 1949-1953 Comp., p. 1024.

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.

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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

5. In § 2.61, paragraph (a)(25) is added as follows:

§ 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.

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For Subpart C.

Dated: October 1, 1996.

Dan Glickman,
Secretary of Agriculture.
For Subpart F.

Eugene Moos,
Under Secretary for Farm and Foreign
Agriculture Services.

For Subpart J.

Dated: October 2, 1996.

James R. Lyons,
Under Secretary for Natural Resources and
Environment.

[FR Doc. 97-360 Filed 1-7-97; 8:45 am]

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Agricultural Marketing Service

7 CFR Part 33

[Docket No. FV96-33-1 FIR]

Regulations Issued Under the Export Apple and Pear Act; Relaxation of Grade Requirements for Apples and Pears Shipped to Pacific Ports of Russia

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

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.

EFFECTIVE DATE: This final rule becomes effective January 9, 1997.

FOR FURTHER INFORMATION CONTACT: Dennis L. West, 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, Fax # (503) 326-7440; or William R. Addington, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, D.C. 20090-6456; telephone: (202) 720-2412, Fax # (202) 720-5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber,

Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, D.C. 20090-6456; telephone: (202) 720-2491, Fax # (202) 720-5698.

SUPPLEMENTARY INFORMATION: This rule is issued under authority of the Export Apple and Pear Act, as amended, [7 U.S.C. 581-590], hereinafter referred to as the "Act." This rule amends "Regulations Issued Under Authority of the Export Apple and Pear Act" [7 CFR part 33].

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. This rule provides all exporters additional flexibility in marketing apples and pears of different grades and quality in Russian port cities and areas along the Pacific Ocean. 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. 1 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, hand picked, clean, sound and free from hard-end; and free from serious damage caused by broken skin, insects, disease, hail marks, limbrubs, heavy russet, or other means; and not so excessively elongated or flattened as to preclude 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 also are listed in the regulatory text of this final rule. The requirements provide that the pears be of one variety which are mature, hand