Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 944

[Docket No. FV98–944–1 PR]

Fruits; Import Regulations; Exemption of Grape Varieties From the Table Grape Import Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposed rule would change the table grape import regulation by adding several grape varieties to the list of varieties specifically exempted from the grade, size, quality, and maturity requirements of the grape import regulation. The grape import regulation is based on the requirements implemented under a Federal marketing order for grapes grown in southeastern California. Currently, any variety of vinifera species table grapes, except Emperor, Calmeria, Almeria, and Ribier varieties, are subject to the requirements of the marketing order and the import regulation. The Emperor, Calmeria, Almeria, and Ribier varieties of grapes are exempted from regulations established under the marketing order and therefore the import regulation because they are not produced in the California production area. The grape varieties proposed to be added to the list of exempted varieties are genetically related to and/or possess characteristics similar to the four named varieties, and are not produced in the production area covered under the Federal marketing order. Also, one variety previously not produced in the production area would no longer be exempt because it is currently produced in the area covered by the marketing order. A complete list of exempted varieties would clarify the grape import regulation and make it easier for exporters and importers to make marketing decisions.

DATES: Comments must be received by February 26, 1999.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, PO. Box 96456, Washington, DC 20090–6456; Fax: (202) 205–6632; or E-mail: moabdocket__clerk@usda.gov. All comments should reference the docket number and 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 Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: George J. Kelhart, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525–S, PO. Box 96456, Washington, DC 20090–6456; Telephone: (202) 720–2491; Fax: (202) 205–6632. Small businesses may request information on compliance with this proposed regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; Telephone: (202) 720–2491; Fax: (202) 205–6632.

SUPPLEMENTARY INFORMATION: This proposal to change the table grape import regulation (7 CFR 944.503; 63 FR 28475, May 26, 1998) is issued under section 8e of 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 proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposal is not intended to have retroactive effect. This proposed rule would 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 proposed rule.

Section 8e of the Act specifies that whenever certain specified commodities, including table grapes, are regulated under a Federal marketing order, imports of that commodity into the United States are prohibited unless they meet the same or comparable grade, size, quality, and maturity requirements as those in effect for the domestically produced commodity. Marketing Order No. 925 (7 CFR part 925) regulates the handling of grapes grown in a designated area of southeastern California. Grade, size, quality, and maturity requirements are implemented under that order for all varieties of vinifera species table grapes, except Emperor, Calmeria, Almeria, and Ribier, during the period April 20 through August 15 each year. Thus, the requirements applied to the regulated, nonexempt varieties of vinifera species grapes under the marketing order also must apply to these varieties when they are offered for importation during that time period. The four named varieties are exempt from marketing order requirements because they are not grown in the production area covered by the marketing order.

This proposed rule would clarify the grape import regulation by adding eleven grape varieties to the list of varieties of vinifera species table grapes specifically exempted in the import regulation. The eleven additional grape varieties are genetically related to and/or possess characteristics similar to Emperor, Calmeria, Almeria, or Ribier variety grapes, and are not produced in the production area covered under Marketing Order No. 925. Providing a complete list of exempted varieties would clarify the import regulation and would make it easier for exporters and importers to make marketing decisions.

The four named varieties were specifically exempted from the grape import regulation on a continuing basis in 1985 (86 FR 18849; May 3, 1985). This was necessary to keep the import regulation in conformity with the requirements implemented under Marketing Order No. 925.

Since that time, eleven varieties have been evaluated by the Department and determined to be exempt from import requirements because they are genetically related to and/or have similar characteristics to Emperors, Calmerias, Almerias, and Ribiers. In addition, these varieties were not and are not currently produced in the production area covered under Marketing Order No. 925.

Initially, the number of varieties was small. Over time, the number of exempt varieties has grown and a complete list of exempt varieties should be added to the import regulation to facilitate

reference. The varieties to be included with Emperors, Calmerias, Almerias, and Ribiers are: Italia Pirovano (a.k.a. Blanca Italia), Christmas Rose, Muscatel, Barlinka, Dauphine, Kyojo, Waltham Cross, Alphonse Lavallee, Bien Donne, Bonnoir (a.k.a. Bonheur), and Sonita. Another variety, Red Globe, previously exempted, is not included in this list because Red Globes are now produced and regulated under Marketing Order No. 925, and therefore must be regulated under the table grape import regulation.

These varieties of table grapes would be listed as exempt varieties together with the Emperors, Calmerias, Almerias and Ribiers in paragraph (a)(1) of § 944.503 of the table grape import regulation, thereby, facilitating reference to the eleven additional varieties.

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 rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

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 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. Import regulations issued under the Act are based on those established under Federal marketing orders for the domestically produced commodity. Consequently, this proposed rule should impact both small and large business entities involved in the export and importation of table grapes in a manner comparable to regulations issued and applied under the California table grape marketing order (7 CFR part 925).

There are approximately 127 importers of grapes. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000. The average importer receives $2.8 million in grape revenue, excluding receipts from other sources. Therefore, we believe that the majority of these importers are small entities.

Section 8e of the Act specifies that whenever certain specified commodities, including table grapes, are regulated under a Federal marketing order, imports of that commodity into the United States are prohibited unless they meet the same or comparable grade, size, quality, and maturity requirements as those in effect for the domestically produced commodity. Marketing Order No. 925 (7 CFR part 925) regulates the handling of grapes grown in a designated area of southeastern California. Grade, size, quality, and maturity requirements are implemented under that order for all varieties of vinifera species table grapes, except Emperor, Calmeria, Almeria, and Ribier, during the period April 20 through August 15 each year. Thus, the requirements applied to the regulated, nonexempt varieties of vinifera species grapes under the marketing order also must apply to these varieties when they are offered for importation during that time period. The four named grape varieties are exempted from requirements established under the marketing order and the import regulation because they are not produced in the California production area.

The four named varieties were specifically exempted from the grape import regulation on a continuing basis in 1985 (86 FR 18849; May 3, 1985). This was necessary to keep the import regulation in conformity with the requirements implemented under Marketing Order No. 925.

Since that time, eleven varieties have been evaluated and were determined by the Department to be exempt from the minimum grade, size, quality, and maturity requirements of the grape import regulation, because they are genetically related to and/or possess characteristics similar to Emperor, Calmeria, Almeria, or Ribier variety grapes, and are not produced in the production area covered by Marketing Order No. 925.

Initially, the number of such exempt varieties was small. However, over the years, the number has grown and a complete list of exempt varieties should be added to the import regulation to facilitate reference. The varieties to be included with Emperors, Calmerias, Almerias, and Ribiers are: Italia Pirovano (a.k.a. Blanca Italia), Christmas Rose, Muscatel, Barlinka, Dauphine, Kyojo, Waltham Cross, Alphonse Lavallee, Bien Donne, Bonnoir (a.k.a. Bonheur), and Sonita. Another variety, Red Globe, previously exempted, now is produced in the production area covered under the marketing order and would not be exempted. The additional varieties of table grapes would be listed as exempt varieties together with Emperors, Calmerias, Almerias and Ribiers in paragraph (a)(1) of § 944.503 of the table grape import regulation. A complete list of exempt varieties would help exporters and importers operate more effectively under the requirements, and help them make marketing decisions.

Chile is the dominant grape exporting country from December through May each year. The Republic of South Africa also exports some grapes to the United States during this time period. Mexico has been the largest exporter of grapes to the United States during the May through August period each year. Chile and Italy export small quantities of grapes to the United States during this period. During the September through November period exports arrive from Canada and Italy.

In 1997, imports of table grapes totaled 359,928 metric tons. Chile was the principal source, accounting for 76 percent of the total. Mexico exported 75,713 metric tons and The Republic of South Africa exported 7,450 metric tons to the United States during that year. Italy exported 1,142 metric tons and Canada exported 3,202 metric tons.

This clarification would not require any changes in the grape handling practices of exporters and importers because the varieties to be added as exempt varieties are already being treated as exempt varieties.

The benefit of facilitating reference to all of the exempted varieties is not expected to be disproportionately greater or smaller for small importers than for larger importers.

Because regulated entities would benefit from this proposed clarification by helping them make table grape export, import, and marketing plans, no other alternative to this action would be considered viable.

This action would not impose any additional reporting or recordkeeping requirements on either small or large grape importers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

In accordance with section 8e of the Act, the U.S. Trade Representative has concurred with the issuance of this proposed rule.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR part 944 is proposed to be amended as follows:

PART 944—FRUITS; IMPORT REGULATIONS

1. The authority citation for 7 CFR part 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 944.503 [Amended]

2. In § 944.503, paragraph (a)(1) introductory text, the words ‘‘, except Emperor, Calmeria, Almeria, and Ribier,’’ are replaced with the words ‘‘except Emperor, Calmeria, Almeria, Ribier, Italia Pirovano (a.k.a. Blanca Italia), Christmas Rose, Muscatel, Barlinka, Dauphine, Kyojo, Waltham Cross, Alphonse Lavallee, Bien Donne, Bonnoir, (a.k.a. Bonheur), and Sonita,’’.

Dated: December 21, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–34208 Filed 12–24–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 91 and 570

[Docket No. FR–4133–P–02]

RIN No. 2529–AA81

Fair Housing Performance Standards for Acceptance of Consolidated Plan Certifications and Compliance with Community Development Block Grant Performance Review Criteria; Extension of Public Comment Period

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Proposed rule; extension of public comment period.

SUMMARY: On October 28, 1998, HUD published a proposed rule that would amend the regulations on Consolidated Submissions for Community Planning and Development Programs to establish a standard for determining if the jurisdiction's certification regarding affirmatively furthering fair housing is inaccurate. The October 28, 1998 proposed rule also would amend the regulations on Community Development Block Grants to provide performance review standards for affirmatively furthering fair housing requirements. The public comment period on this rule was scheduled to close on December 28, 1998. This document extends the public comment period on this proposed rule to February 26, 1999.

DATES: *Comment Due Date:* February 26, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this interim rule to the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: For questions on part 570, Deirdre Maguire-Zinni, Director, Entitlement Communities Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Room 7282, 451 Seventh Street, SW, Washington, DC 20410. Telephone (202) 708–1577, ext. 4529. For questions on part 91, Sal Sclafani, Acting Director, Policy Coordination Division, Office of Executive Services, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Telephone (202) 708–1283, ext. 4364. For questions on affirmatively furthering fair housing or the analysis of impediments to fair housing choice, William Dudley Gregorie, Deputy Director, Office of Programs, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 452 Seventh Street, SW, Washington, DC 20410. Telephone (202) 708–2288, ext. 266. (These telephone numbers are not toll-free.) Hearing-impaired or speech-impaired individuals may access the voice telephone number listed above by calling the Federal information relay service during working hours at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On October 28, 1998, HUD published a proposed rule that would amend part 91—Consolidated Submissions for Community Planning and Development Programs—to establish a standard for determining if the jurisdiction's certification regarding affirmatively furthering fair housing is inaccurate (see 63 FR 57882). The October 28, 1998 rule also proposed to amend part 570—Community Development Block Grants—to provide performance review standards for affirmatively furthering fair housing requirements.

Both revisions would make clear that compliance with the requirement to affirmatively further fair housing would require grantees to have a complete and accurate analysis of impediments to fair housing choice and to not violate the Fair Housing Act or civil rights laws prohibiting discrimination in housing programs receiving Federal financial assistance. These revisions would serve to provide communities with a clear idea of the standards that HUD would use in both reviewing certifications included as part of a grantee's Consolidated Plan submission, as well as determining CDBG grantees' compliance with the statutory requirements of the CDBG program to affirmatively further fair housing.

The public comment period on this proposed rule was scheduled to end December 28, 1998. A number of commenters have requested additional time to submit their comments. Accordingly, the Department has decided to extend the public comment period on this proposed rule for an additional 60 days. The new public comment period deadline is February 26, 1999.

Dated: December 21, 1998.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

[FR Doc. 98–34313 Filed 12–24–98; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Parts 578 and 579

RIN 1215–AB20

Adjustment of Civil Money Penalties for Inflation

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes adjustments in the civil money penalties that may be assessed under the Fair Labor Standards Act (FLSA) for repeated or willful violations of the minimum wage or overtime provisions of the FLSA, and for violations of the child labor provisions of the FLSA. These adjustments are being made to meet requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996,