

handlers handle 80 percent of the total volume shipped outside the regulated area. Based on this information, the shipment information for the 1998–99 season, and the 1998–99 season average price, the majority of handlers would be classified as small entities as defined by the SBA. The majority of producers of Florida tomatoes also may be classified as small entities.

This rule continues to decrease the assessment rate established for the Committee and collected from handlers for the 1999–2000 and subsequent fiscal periods from \$0.03 per 25-pound container to \$0.025 per 25-pound container of tomatoes. The Committee unanimously recommended 1999–2000 expenditures of \$2,088,900 and an assessment rate of \$0.025 per 25-pound container. The assessment rate of \$0.025 is \$0.005 lower than the 1998–99 rate. The quantity of assessable tomatoes for the 1999–2000 season is estimated at 50,000,000 25-pound containers. Thus, the \$0.025 rate should provide \$1,250,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 1999–2000 year include \$436,000 for salaries, \$241,000 for research, \$1,000,000 for education and promotion, and \$150,000 for Market Assess Program export promotion. Budgeted expenses for these items in 1998–99 were \$364,000, \$212,000, \$900,000, and \$200,000, respectively.

For the 1998–99 fiscal period, the Committee decided to use reserve funds to cover some of its authorized expenses. The reserve fund was larger than the Committee believed it needed for program operations. However, there was a larger than expected supply of assessable tomatoes in 1998–99, and instead of the anticipated reduction, the amount in the reserve fund increased. In another effort to reduce the amount in the reserve fund, the Committee unanimously recommended reducing the assessment rate. The funds collected from assessments, along with money from the reserve fund will be adequate to cover the Committee's expenditures for the 1999–2000 fiscal year. Pursuant to § 966.44, the Committee is authorized to maintain an operating reserve not to exceed approximately one fiscal period's expenses.

The Committee reviewed and unanimously recommended 1999–2000 expenditures of \$2,088,900 which included increases in salaries, research, and education and promotion programs.

Prior to arriving at this budget, the Committee considered information from various sources, such as the Committee's Executive Subcommittee, Finance Subcommittee, Research Subcommittee, and Education and Promotion Subcommittee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various research projects to the Florida tomato industry. The assessment rate of \$0.025 per 25-pound container of assessable tomatoes was then determined by dividing the total recommended budget by the quantity of assessable commodity, estimated at 50,000,000 25-pound containers for the 1999–2000 fiscal period. This is approximately \$624,900 below the anticipated expenses, which the Committee determined to be acceptable as a means of reducing its operating reserves.

A review of historical information and preliminary information pertaining to the 1999–2000 fiscal period indicates that the grower price for 1999–2000 could range between \$6.09 and \$9.70 per 25-pound container of tomatoes. Therefore, the estimated assessment revenue for the 1999–2000 fiscal period as a percentage of total grower revenue could range between .26 and .41 percent.

This action continues to decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Florida tomato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the September 10, 1999, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This action imposes no additional reporting or recordkeeping requirements on either small or large Florida tomato handlers. 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.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

An interim final rule concerning this action was published in the **Federal Register** on October 25, 1999 (64 FR

57361). Copies of that rule were also mailed or sent via facsimile to all tomato handlers. Finally, the interim final rule was made available through the Internet by the Office of the Federal Register. A 60-day comment period was provided for interested persons to respond to the interim final rule. The comment period ended on December 27, 1999, and no comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following web site: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

#### **List of Subjects in 7 CFR Part 966**

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

#### **Tomatoes Grown in Florida**

Accordingly, the interim final rule amending 7 CFR part 966 which was published at 64 FR 57361 on October 25, 1999, is adopted as a final rule without change.

Dated: January 10, 2000.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

[FR Doc. 00–978 Filed 1–13–00; 8:45 am]

**BILLING CODE 3410–02–P**

## **DEPARTMENT OF AGRICULTURE**

### **Food Safety and Inspection Service**

#### **9 CFR Parts 304, 312, 327, 350, and 381**

**[Docket No. 96–037C]**

#### **Sanitation Requirements for Official Meat and Poultry Establishments; Technical Corrections**

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document contains five technical corrections to the final regulations governing sanitation in official meat and poultry establishments, published on October 20, 1999, in the **Federal Register** (64 FR 56400). The corrections prevent

typographical errors that otherwise would be created by the amendatory language instructions contained in the final rule.

**EFFECTIVE DATES:** January 25, 2000.

**FOR FURTHER INFORMATION CONTACT:** Daniel L. Engeljohn, Ph.D., Director, Regulation Development and Analysis Division, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture (202) 720-5627.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 20, 1999, FSIS published in the **Federal Register** (64 FR 56400; "Sanitation Requirements for Official Meat and Poultry Establishments") a final rule establishing sanitation performance standards applicable to all official meat and poultry establishments. Five of the instructions for amending the meat and poultry regulations would create typographical errors in the resulting regulatory language. The amendments in this document correct those errors. None of the amendments effect substantive change to the regulations made final in the October 20, 1999, rule.

**List of Subjects**

*9 CFR Part 304*

Meat inspection, Reporting and record keeping requirements.

*9 CFR Parts 312, 327, and 350*

Meat inspection.

*9 CFR Part 381*

Poultry and poultry products inspection, Reporting and record keeping requirements.

**PART 304—APPLICATION FOR INSPECTION; GRANT OR REFUSAL OF INSPECTION**

1. The authority citation for Part 304 continues to read as follows:

**Authority:** 21 U.S.C. 601-695; 7 CFR 2.18, 2.53.

**§ 304.2 [Amended]**

2. Amend the first sentence of § 304.2(b) by removing the phrase "of this subchapter" that was inadvertently not removed after the phrase "parts 305, 307, and 416, §§ 416.1 through 416.6, of this chapter" that was added on October 20, 1999.

**PART 312—OFFICIAL MARKS, DEVICES AND CERTIFICATES**

3. The authority citation for Part 312 continues to read as follows:

**Authority:** 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

4. Revise paragraph (a)(3) of § 312.6 to read as follows:

**§ 312.6 Official marks and devices in connection with post-mortem inspection and identification of adulterated products and insanitary equipment and facilities.**

(a) \* \* \*

(3) The "U.S. Rejected" mark which is used to identify insanitary buildings, rooms, or equipment as prescribed in Part 416, section 6, of this chapter and is applied by means of a paper tag (Form MP-35) bearing the legend "U.S. Rejected."

\* \* \* \* \*

**PART 327—IMPORTED PRODUCTS**

5. The authority citation for Part 327 continues to read as follows:

**Authority:** 21 U.S.C. 601-695; 7 CFR 2.18, 2.53.

**§ 327.6 [Amended]**

6. In § 327.6, paragraph (e) is amended by removing the phrase "of this subchapter" that was inadvertently not removed after the phrase "416.1 through 416.6 of this chapter" that was added on October 20, 1999.

**PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS**

7. The authority citation for Part 350 continues to read as follows:

**Authority:** 21 U.S.C. 1622, 1624; 7 CFR 2.17, 2.55.

**§ 350.3 [Amended]**

8. Section 350.3, paragraph (a)(2) is amended by removing the phrase "of this chapter" that follows the phrase "part 416, §§ 416.1 through 416.6 of this chapter" that was added on October 20, 1999.

**PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS**

9. The authority citation for part 381 continues to read as follows:

**Authority:** 7 U.S.C. 138f; 7 U.S.C. 450, 21 U.S.C. 451-470; 7 U.S.C. 2.18, 2.53.

**§ 381.1 [Amended]**

10. In § 381.1, the definition for "Potable water" is removed.

Done in Washington, DC, on January 11, 2000.

Thomas J. Billy,  
*Administrator.*

[FR Doc. 00-929 Filed 1-13-00; 8:45 am]

**BILLING CODE 3410-DM-P**

**DEPARTMENT OF AGRICULTURE**

**Food Safety and Inspection Service**

**9 CFR Parts 381 and 424**

[Docket No. 97-076C]

**Irradiation of Meat Food Products; Technical Correction**

**AGENCY:** Food Safety and Inspection Service.

**ACTION:** Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is issuing a technical correction to its final rule permitting the use of ionizing radiation for treating refrigerated or frozen, uncooked meat food and poultry products.

**EFFECTIVE DATE:** February 22, 2000.

**FOR FURTHER INFORMATION CONTACT:** Daniel L. Engeljohn, Ph.D., Director, Regulation Development and Analysis Division, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture (202) 720-5627.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 23, 1999, FSIS published in the **Federal Register** a final rule permitting the use of ionizing radiation for treating refrigerated or frozen, uncooked meat, meat byproducts, and certain other meat food products to reduce levels of foodborne pathogens and to extend shelf-life (64 FR 72150). Also in that rule, FSIS revised the regulations governing the irradiation of poultry products so that they will be as consistent as possible with the regulations for the irradiation of meat food products. In this document, FSIS is making a correction to the amendatory instructions that appeared in the final rule.

The final rule included amendatory instructions for consolidating the revised regulations governing the irradiation of poultry products and the new regulations governing the irradiation of meat food products into a new, single § 424.22(c). FSIS also intended to issue amendatory instructions to remove all of the existing regulations governing the irradiation of poultry products, which are contained in § 381.19, 381.135, and 381.149. FSIS inadvertently omitted the instruction to remove § 381.149 from the regulations. FSIS is issuing that instruction in this technical correction document.