

Rules and Regulations

Federal Register

Vol. 68, No. 151

Wednesday, August 6, 2003

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket Number FV-00-304]

Grapefruit and Oranges (Texas and States Other Than Florida, California and Arizona); Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is adopting as a final rule, without change, an interim final rule regarding the United States Standards for Grades of Grapefruit (Texas and States other than Florida, California and Arizona) and the United States Standards for Grades of Oranges (Texas and States other than Florida, California and Arizona). These standards are issued under the Agricultural Marketing Act of 1946.

EFFECTIVE DATE: September 5, 2003.

FOR FURTHER INFORMATION CONTACT: David Priestler, Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Room 2065 South Building, STOP 0240, Washington, DC 20250-0240; Fax (202) 720-8871.

SUPPLEMENTARY INFORMATION:

Background

AMS received a request to revise the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California and Arizona), and the United States Standards for Grades of Oranges (Texas and States other than Florida, California and Arizona) from members of the Texas fruit and vegetable industry. Members of the Texas industry requested that these standards be

revised to reflect current cultural and marketing practices and give industry greater flexibility in marketing and packaging using developing technologies. The major changes requested revised the standard pack sections of the grapefruit and orange standards, and the standard sizing section of the orange standard by redefining the requirements in each section.

AMS issued an interim final rule with request for comments on September 24, 2001 (66 FR 48785). A comment period of 60 days was provided for interested persons to respond. The comment period ended on November 23, 2001, and no comments were received.

Executive Order 12988 and 12866

The Office of Management and Budget has waived the review process required by Executive Order 12866 for this action. This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This final 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 the rule.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), 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. Accordingly, AMS has prepared this initial regulatory flexibility analysis. Interested parties are invited to submit information on the regulatory and informational impacts of this action on small entities.

There are approximately 315 producers of grapefruit and oranges in the production area and 16 handlers who would be affected by this amendment. Starting August 6, 2001, small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts less than \$750,000 and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000.

Under this definition, the majority of grapefruit and orange producers and handlers using the grade standards in this regulation may be classified as small entities.

Using an average f.o.b. price of \$8.00 per carton, 11 handlers (69 percent) could be considered small businesses. Of the approximately 315 producers within the production area, few have sufficient acreage to generate sales in excess of \$750,000; therefore, a majority of producers of oranges and grapefruit who will be affected by this rule may be classified as small entities.

The main purpose of the changes was to bring the standards into conformity with current packaging and marketing practices and technologies. This rule specifically revises the standard pack sections of the grapefruit and orange standards and the standard size section of the orange standard by redefining the requirements. This rule will not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of these entities relative to large businesses. In addition, under the Agricultural Marketing Act of 1946, the use of these standards is voluntary.

The alternative option to this rule would be to leave the standards unchanged. This is not a viable alternative because amendments reflect current industry practices and are consistent with the regulations under the Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas Marketing Order (7 CFR Part 906).

This rule contains no new information or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Trees, Vegetables.

PART 51—[AMENDED]

■ According to the interim final rule amending CFR part 51 which was published at 66 FR 48785 on September 24, 2001, is adopted as a final rule without change.

Dated: July 31, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03-19970 Filed 8-5-03; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 250

Donation of Foods for Use in the United States, its Territories and Possessions and Areas Under its Jurisdiction

CFR Correction

In Title 7 of the Code of Federal Regulations, parts 210 to 299, revised as of January 1, 2003, on page 466, § 250.30 is corrected by reinstating paragraph (f)(1) introductory text. The reinstated text reads as follows:

§ 250.30 State processing of donated foods.

* * * * *

(f) * * *

(1) The processing contract may provide for substitution of donated foods as defined in § 250.3 except that donated beef and donated pork shall not be substitutable. Any substitution of commercial product for commodities other than beef, pork, or poultry is subject to a 100-percent yield requirement. Under the 100-percent yield requirement, the processor is responsible for any manufacturing losses.

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[FR Doc. 03-55519 Filed 8-5-03; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 340

[Docket No. 03-038-1]

Introductions of Plants Genetically Engineered to Produce Industrial Compounds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending our regulations regarding genetically engineered organisms to require that introductions of plants genetically

engineered to encode compounds for industrial use be conducted only under permit. Prior to this interim rule, such introductions could be accomplished under notification, an expedited permitting procedure. This action is necessary to strengthen our regulations for introductions of this small subgroup of genetically engineered plants.

DATES: This interim rule is effective August 6, 2003. We will consider all comments that we receive on or before October 6, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 03-038-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 03-038-1. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 03-038-1" on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the Federal Register, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Policy Division, BRS, APHIS, 4700 River Road Unit 146, Riverdale, MD 20737-1238; (301) 734-8365.

SUPPLEMENTARY INFORMATION:

The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe are Plant Pests" (referred to below as the regulations), govern the introduction (importation, interstate movement, or release into the environment) of any organism or product altered or produced through genetic engineering that is a plant pest

or that there is reason to believe is a plant pest, or any product which contains such an organism that is unclassified and/or whose classification is unknown. The regulations refer to such organisms as "regulated articles."

With certain limited exceptions, the introduction of any regulated article is prohibited unless that introduction is authorized by a permit or, for specific classes of regulated articles, the Administrator of the Animal and Plant Health Inspection Service (APHIS) has been notified of the introduction in accordance with § 340.3 of the regulations, which provides for the use, under certain circumstances, of an expedited permitting procedure called notification.

The notification option was added to the regulations in 1993 (58 FR 17044-53043, Docket No. 92-156-02) in order to expedite introductions for certain types of low risk plants with which APHIS had considerable regulatory experience. Under the notification procedure, the regulated article to be introduced must be a plant, and the types of genetic modifications to the plant must meet the eligibility criteria described in § 340.3(b). Development of those criteria was based upon the types of genetic modifications that APHIS had reviewed and evaluated many times over the preceding years of issuing permits.

At the time the regulations were amended to provide for the use of notification, the types of genetically engineered plants that had industrial uses were typically those in which nutritional components, such as oil content, were being engineered. Since APHIS had significant regulatory experience with the types of traits then being introduced into these plants, industrial plants were eligible for the notification option. In contrast, the notification regulations in § 340.3(b)(4)(iii) prohibited the use of notification for introductions of plants genetically engineered to encode compounds for pharmaceutical use, thus continuing to require a permit for such introductions, because of our lack of regulatory experience and scientific familiarity with these types of introduced traits.

Recently, a number of introductions of plants engineered to produce compounds intended for industrial use have been for traits different than what we were seeing in 1993. The more recent introductions have been for non-food, non-feed traits with which APHIS has little regulatory experience or scientific familiarity. For purposes of this rule, plants engineered to produce industrial compounds include those