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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Doc. No. FV-00-303 C]

Peaches, Plums, and Nectarines; Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects final regulations published by the Agricultural Marketing Service (AMS) on February 27, 2004 [69 FR 9189] revising the United States Standards for Grades of Peaches. The rule incorrectly established a tolerance of 2 percent for soft, or overripe peaches en route or destination. This document corrects that error.

DATES: *Effective Date:* May 21, 2004.

FOR FURTHER INFORMATION CONTACT: David Priester, Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1661 South Building, STOP 0240, Washington, DC 20250-0240, Fax (202) 720-8871 or call (202) 720-2185; *e-mail* David.Priester@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction revised § 51.1214, Tolerances.

Need for Correction

As published, the regulatory text in paragraphs (a)(2)(ii) and (b)(2)(ii) of § 51.1214 inadvertently included soft and overripe peaches with the tolerance for decayed peaches. This document removes soft and overripe from the decay tolerance.

List of Subjects in 7 CFR Part 51

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

PART 51—UNITED STATES STANDARDS FOR PEACHES

■ Accordingly, 7 CFR part 51 is amended by making the following corrections:

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 7 U.S.C. 1622, 1624.

■ 2. In § 51.1214, paragraphs (a)(2)(ii) and (b)(2)(ii) are revised to read as follows:

§ 51.1214 Tolerances.

* * * * *

(a) * * *

(2) * * *

(ii) 7 percent for defects causing serious damage, included therein not more than 5 percent for serious damage by permanent defects and not more than 2 percent for decayed peaches.

* * * * *

(b) * * *

(2) * * *

(ii) 2 percent for peaches which are affected by decay.

Dated: May 17, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04-11515 Filed 5-20-04; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Docket No. FV04-932-1 FIR]

Olives Grown in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule that decreased the assessment rate established for the California Olive Committee (committee) for the 2004 and subsequent fiscal years from \$13.89 to \$12.18 per ton of olives handled. The

committee locally administers the marketing order regulating the handling of olives grown in California. Authorization to assess olive handlers enables the committee to incur expenses that are reasonable and necessary to administer the program. The fiscal year began January 1 and ends December 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: *Effective Date:* June 21, 2004.

FOR FURTHER INFORMATION CONTACT:

Terry Vawter, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone: (559) 487-5901, Fax: (559) 487-5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; telephone: (202) 720-2491, Fax: (202) 720-8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; telephone (202) 720-2491, Fax: (202) 720-8938, or e-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 148 and Order No. 932, both as amended (7 CFR part 932), regulating the handling of olives grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act." USDA is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California olive handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate established herein will be applicable to all assessable olives beginning on January 1, 2004, and continue until amended, suspended, or