

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket Number FV-04-303]

#### United States Standards for Grades of Field Grown Leaf Lettuce

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is establishing voluntary United States Standards for Grades of Field Grown Leaf Lettuce. The standards will provide industry with a common language and uniform basis for trading, thus promoting the orderly and efficient marketing of field grown leaf lettuce.

**DATES:** *Effective Date:* March 23, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Cheri L. Emery, Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 1661, South Building, Stop 0240, Washington, DC 20250-0240, (202) 720-2185, fax (202) 720-8871, or e-mail [Cheri.Emery@usda.gov](mailto:Cheri.Emery@usda.gov).

The United States Standards for Grades of Field Grown Leaf Lettuce is available either from the above address or by accessing the AMS, Fresh Products Branch Web site at: <http://www.ams.usda.gov/standards/stanfrfv.htm>.

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), as amended, directs and authorizes the Secretary of Agriculture "To develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." AMS is

committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements, no longer appear in the Code of Federal Regulations, but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS established voluntary United States Standards for Grades of Field Grown Leaf Lettuce using the procedures that appear in part 36, Title 7 of the Code of Federal Regulations (7 CFR part 36).

#### Background

AMS previously published a notice in the **Federal Register** (68 FR 68858), on December 10, 2003, soliciting comments on the possible development of United States Standards for Grades of Field Grown Leaf Lettuce. Based on the comments received and information gathered, AMS developed proposed grade standards for field grown leaf lettuce. The proposed standards contained the following grades, as well as tolerances for each grade: U.S. Fancy, U.S. No. 1 and U.S. No. 2. In addition, there were "Tolerances," "Application of Tolerances," and "Size" sections. AMS is defining "Injury," "Damage," and "Serious Damage," along with specific basic requirements and definitions for defects. A notice was then published in the **Federal Register** (70 FR 15065), on March 24, 2005, requesting comments on the proposed United States Standards for Grades of Field Grown Leaf Lettuce. In response to the notice, a comment was received from a national trade association representing produce receivers, asking for an extension of the comment period. Following a review of the request, AMS published a notice in the **Federal Register** (70 FR 14386), on July 21, 2005, extending the period for comment. The comments are available by accessing the AMS, Fresh Products Branch Web site at: <http://www.ams.usda.gov/fv/fpbdoctlist.htm>.

After the extension of the comment period, two comments were received. One comment from a grower's association was in favor of the standards as proposed. One comment from a

produce receiver's association also was in favor of the establishment of standards. However, they commented that tolerances should be less for the grades, not the proposed 12 percent for total defects, 6 percent serious damage, 3 percent decay, but should be the same as the existing United States Standards for Grades of Greenhouse Leaf Lettuce, which is 10 percent for total defects, 5 percent serious damage, and 1 percent decay. AMS does not agree with this assessment, since greenhouse leaf lettuce is grown in a more protected environment and typically has fewer defects. The association's second suggestion was that the defect Russet Spotting be included in the standards. AMS agrees with this comment, since Russet Spotting does occur on field grown leaf lettuce. Consequently, AMS has added Russet Spotting as a defect, as well as scoring definitions to the standards.

The adoption of the U.S. grade standards will provide the field grown leaf lettuce industry with U.S. grade standards similar to those extensively in use by the fresh produce industry to assist in orderly marketing of other commodities.

The official grade of a lot of field grown leaf lettuce covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables and Other Products (Sec. 51.1 to 51.61).

The United States Standards for Grades of Field Grown Leaf Lettuce will be effective 30 days after publication of this notice in the **Federal Register**.

**Authority:** 7 U.S.C. 1621-1627.

Dated: February 13, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E6-2386 Filed 2-17-06; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket Number FV-04-306]

#### United States Standards for Grades of Watermelons

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is revising the United States Standards for Grades of Watermelons. Specifically, AMS is revising the standard to include a definition for seedless watermelons and a variance to the size requirements. This action is being taken based on a request by the National Watermelon Association (NWA). This change will bring the standards for watermelons in line with current marketing practices, thereby, improving the usefulness of the standards in serving the industry.

**DATES:** *Effective Date:* March 23, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Cheri L. Emery, 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 [Cheri.Emery@usda.gov](mailto:Cheri.Emery@usda.gov). The revised United States Standards for Grades of Watermelons will be available either through the address cited above or by accessing the AMS, Fresh Products Branch Web site at: <http://www.ams.usda.gov/standards/stanfrfv.htm>.

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), as amended, directs and authorizes the Secretary of Agriculture "To develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements no longer appear in the Code of Federal Regulations, but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is revising the voluntary United States Standards for Grades of Watermelons using procedures that appear in part 36, Title 7 of the Code of Federal Regulations (7 CFR part 36). These standards were last revised in 1978.

**Background**

AMS received a petition from the NWA requesting the United States Standards for Grades of Watermelons be revised to include a definition for seedless watermelons and a variance to the size requirements. Prior to undertaking detailed work to develop the proposed revision to the standards, AMS published a notice on April 22, 2004, in the **Federal Register** (69 FR 21812) requesting comments on the petition to revise the United States Standards for Grades of Watermelons which included watermelons with 16 or less mature seeds in the definition for seedless watermelons and proposed adding an allowance for watermelons to vary 3 pounds above the average weight. In response to our request for comments, AMS received one comment from an industry group supporting the proposed revision. On October 29, 2004, AMS published a notice in the **Federal Register** (69 FR 209) proposing to revise the standards. In response to this notice, AMS received two comments, one from an industry group representing receivers and one comment from a consumer. Both commenters supported a modified version of the proposed revision of the standards. Both commenters supported the inclusion of a definition for seedless watermelons with a lower number of allowable seed count. The commenter representing receivers supported the inclusion of a 3 pound variance in the size requirements, while the other commenter supported a 1 pound variance. After further consideration, NWA submitted a second petition amending the seedless watermelon definition in their original petition. On September 7, 2005, AMS published a notice in the **Federal Register** (70 FR 172) proposing to revise the standards based on the amended petition which provided for 10 instead of a 16 mature seeds or less. The comments are available by accessing the AMS, Fresh Products Branch Web site at: <http://www.ams.usda.gov/fv/fpbdoctlist.htm>.

With regard to the numbers of mature seeds AMS believes that 10 mature seeds or less best reflects current marketing practices. Further, a 3 pound variance above the stated average weight rather than a 1 pound is consistent within the size requirements as the standard currently allows watermelons to vary 3 pounds below the stated weight. According, AMS believes the revision to the standards for watermelons is warranted as the revision will bring the standards in line with current marketing practices,

thereby, improving the usefulness of the standards in serving the industry.

The official grade of a lot of watermelons covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables and Other Products (Sec. 51.1 to 51.61).

The United States Standards for Grades of Watermelons will become effective 30 days after the publication of this notice in the **Federal Register**.

**Authority:** 7 U.S.C. 1621-1627.

Dated: February 13, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E6-2385 Filed 2-17-06; 8:45 am]

**BILLING CODE 3410-02-P**

**DEPARTMENT OF AGRICULTURE****Foreign Agricultural Service****Trade Adjustment Assistance for Farmers**

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice.

The Administrator, Foreign Agricultural Service (FAS), approved a petition for trade adjustment assistance (TAA) that was filed on December 28, 2005, by a group of snapdragon producers in Indiana. The certification date is February 10, 2006. Beginning on February 21, 2006, Indiana snapdragon producers will be eligible to apply for fiscal year 2006 benefits during an application period ending May 22, 2006.

**SUPPLEMENTARY INFORMATION:** Upon investigation, the Administrator determined that increased imports of snapdragons contributed importantly to a decline in producer prices of snapdragons in Indiana by 37 percent during January through December 2004, when compared with the previous 5-year average.

Eligible producers must apply to the Farm Service Agency for benefits. After submitting completed applications, producers shall receive technical assistance provided by the Extension Service at no cost and may receive an adjustment assistance payment, if certain program criteria are satisfied. Applicants must obtain the technical assistance from the Extension Service by September 29, 2006, in order to be eligible for financial payments.

Producers of raw agricultural commodities wishing to learn more about TAA and how they may apply should contact the Department of