at §§ 2635.403(a) and 2635.803 as well as appendixes A, B and C.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b) and (d), as Director of the Office of Government Ethics, I find good cause exists for waiving the general notice of proposed rulemaking and 30-day delay in effectiveness as to this further grace period extension. The notice and delayed effective date are being waived because this rulemaking concerns a matter of agency organization, practice and procedure. Furthermore, it is in the public interest that those agencies concerned have adequate time to promulgate successor provisions to another their existing standards of conduct regulations in these two areas without a lapse in necessary regulatory restrictions.

Executive Order 12866

In promulgating this grace period extension technical amendment, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This amendment has not been reviewed by the Office of Management and Budget under that Executive order, as it is not deemed ''significant'' thereunder.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rulemaking does not contain information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 5 CFR Part 2635

Conflict of interests, Government employees.

Approved: December 14, 1995.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, pursuant to its authority under title IV of the Ethics in Government Act and Executive Order 12674/12731, the Office of Government Ethics is amending 5 CFR part 2635 as follows:

PART 2635—[AMENDED]

1. The authority citation for part 2635 continues to read as follows:

Authority: 5 U.S.C. 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

2. The notes following both §§ 2635.403(a) and 2635.803 are amended by adding a new sentence at the end of each to read as follows:

Note: * * * Provided still further, that for those agencies listed in appendix C to this part, the grace period for any such existing provisions shall be further extended until August 7, 1996 or until issuance by each individual agency concerned of a supplemental regulation, whichever occurs first.

3. A new appendix C is added at the end of part 2635 to read as follows:

Appendix C to Part 2635—Agencies Entitled to Another Further (Third) Grace Period Extension Pursuant to Notes Following §§ 2635.403(a) and 2635.803

1. Department of the Treasury
2. Department of Energy
3. Federal Energy Regulatory Commission
4. Department of the Interior
5. Department of Commerce
6. Department of Justice
7. Federal Communications Commission
8. Securities and Exchange Commission
9. Office of Personnel Management
10. Thrift Depositor Protection Oversight Board
11. United States Information Agency
12. Occupational Safety and Health Review Commission
13. Department of State
14. Department of Labor
15. National Science Foundation
16. Small Business Administration
17. Department of Health and Human Services
18. Department of Transportation
19. Pension Benefit Guaranty Corporation
20. Environmental Protection Agency
21. National Transportation Safety Board
22. General Services Administration
23. Board of Governors of the Federal Reserve System
24. National Labor Relations Board
25. Equal Employment Opportunity Commission
26. Department of Housing and Urban Development
27. National Archives and Records Administration
28. Peace Corps
29. Tennessee Valley Authority
30. Consumer Product Safety Commission
31. Executive Office of the President
32. Department of Agriculture
33. Federal Mine Safety and Health Review Commission
34. Agency for International Development
35. Social Security Administration

[FR Doc. 95–31280 Filed 12–26–95; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 923

[Docket No. FV94–923–1FR]

Sweet Cherries Grown in Designated Counties in Washington: Establishment of Minimum Size and Maturity Requirements for Rainier Variety Cherries

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correction amendment.

SUMMARY: This docket contains a correction to the final regulation which was published Tuesday, June 21, 1994, (59 FR 31917). The final rule established a minimum size requirement of 11 row size (61/64 inch diameter) and a minimum maturity requirement of 17 percent soluble solids for Rainier variety cherries that can be shipped to fresh market outlets. The rule inadvertently omitted some regulatory text, and this action corrects those errors.

EFFECTIVE DATE: The correcting amendments are effective December 27, 1995.

FOR FURTHER INFORMATION CONTACT: Britthany E. Beadle, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523–S., P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–5127 or FAX (202) 720–5698; or Teresa Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 S.W. Third Avenue, room 369, Portland, OR 97204–2807; telephone: (509) 326–2724 or FAX (509) 326–7440.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction inadvertently omitted several paragraphs of regulatory language which should be added. These paragraphs were omitted from the June 21, 1994, final rule (59 FR 31917) regulating minimum size and maturity requirements for Rainier variety cherries effective and resulted in an incomplete text of the regulatory requirements for the handling of cherries.

Need for Correction

As published, the final regulation contains errors which may prove to be misleading and are in need of proper clarification.

List of Subjects in 7 CFR parts 923

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 923 is corrected by making the following correcting amendments:

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

1. The authority citation for 7 CFR part 923 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 923.322, paragraphs (f) (1), (2), and (3) are added to read as follows:

§ 923.322 Washington Cherry Regulation 22.

* * * * *

(f) * * *

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words ''not for resale'' in letters at least one-half inch in height.

* * * * *

Dated: December 18, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–31278 Filed 12–26–95; 8:45 am]

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7 CFR Part 966

[Docket No. FV95–966–1FIR]

Tomatoes Grown in Florida; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule that authorized expenses and established an assessment rate that generated funds to pay those expenses. Authorization of this budget enables the Florida Tomato Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: August 1, 1995, through July 31, 1996.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, or Aleck J. Jonas, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883–2276, telephone 941–299–4770.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR part 966), regulating the handling of tomatoes grown in Florida, 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.''

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, Florida tomatoes are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable tomatoes handled during the 1995–96 fiscal period, which began August 1, 1995, and ends July 31, 1996. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the 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.

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 the 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.

Since the interim final rule was issued, new information on the actual number of producers and handlers was received. There are approximately 90 producers of Florida tomatoes under this marketing order, and approximately 75 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of Florida tomato producers and handlers may be classified as small entities.

The budget of expenses for the 1995–96 fiscal period was prepared by the Florida Tomato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers of Florida tomatoes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Florida tomatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met September 7, 1995, and unanimously recommended a 1995–96 budget of $2,025,000, $190,000 less than the previous year. Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Office salaries, $319,100 ($297,300), depreciation, $19,000 ($18,200), employee's retirement program, $50,500 ($46,600), insurance and bonds, $8,000 ($7,000), payroll tax, $22,150 ($20,000), supplies and printing, $8,500 ($7,500), and miscellaneous, $2,000 ($1,600), audit, $3,750 ($2,500), and research expense, $245,000 ($192,100). Items which have decreased compared to those budgeted for 1994–95 (in parentheses) are: Office