

TABLE I—Continued

Variety	A Date	Min Wt.	Min Diam.	B Date	Min Wt.	Min Diam.	C Date	Min Wt.	Min Diam.	D Date
*	*	*	*	*	*	*	*	*	*	*
Arue .....	5-16	16	.....	5-30	14	3 <sup>3</sup> / <sub>16</sub>	6-20	12	.....	7-04
Donnie .....	5-23	16	3 <sup>5</sup> / <sub>16</sub>	6-06	14	3 <sup>4</sup> / <sub>16</sub>	6-20	12	.....	7-04
*	*	*	*	*	*	*	*	*	*	*
Leona .....	9-26	18	3 <sup>10</sup> / <sub>16</sub>	10-03	16	.....	.....	.....	.....	10-10
Melendez .....	9-26	26	3 <sup>14</sup> / <sub>16</sub>	10-10	22	3 <sup>11</sup> / <sub>16</sub>	10-24	18	3 <sup>7</sup> / <sub>16</sub>	11-07
*	*	*	*	*	*	*	*	*	*	*
Semil 34 .....	10-17	18	3 <sup>10</sup> / <sub>16</sub>	10-31	16	3 <sup>8</sup> / <sub>16</sub>	11-14	14	3 <sup>5</sup> / <sub>16</sub>	11-28
Semil 43 .....	10-24	18	3 <sup>10</sup> / <sub>16</sub>	11-7	16	3 <sup>8</sup> / <sub>16</sub>	11-21	14	3 <sup>5</sup> / <sub>16</sub>	12-05
*	*	*	*	*	*	*	*	*	*	*

\* \* \* \* \*

**§ 944.31 [Amended]**

3. In § 944.31, Table 1, the entry for "Tower" is removed and an entry for "Tower II" is added in its place, the entries for "Beta, Loretta, Arue, Donnie,

and Leona" are revised, and a new term "Melendez" is added immediately following the term "Leona" and new terms "Semil 34" and "Semil 43" are added immediately following the term "Booth 3" to read as follows:

**§ 944.31 Avocado import maturity regulation.**

- (a) \* \* \*
- (2) \* \* \*

TABLE I

Variety	A Date	Min. Wt.	Min. Diam.	B Date	Min. Wt.	Min. Diam.	C Date	Min. Wt.	Min. Diam.	D Date
*	*	*	*	*	*	*	*	*	*	*
Tower II .....	8-01	14	3 <sup>5</sup> / <sub>16</sub>	8-15	12	3 <sup>4</sup> / <sub>16</sub>	8-29	10	3 <sup>2</sup> / <sub>16</sub>	9-05
Beta .....	8-08	18	3 <sup>8</sup> / <sub>16</sub>	8-15	16	3 <sup>5</sup> / <sub>16</sub>	8-29	14	3 <sup>3</sup> / <sub>16</sub>	9-05
*	*	*	*	*	*	*	*	*	*	*
Loretta .....	8-22	30	4 <sup>3</sup> / <sub>16</sub>	9-05	26	3 <sup>15</sup> / <sub>16</sub>	9-19	22	3 <sup>12</sup> / <sub>16</sub>	9-26
*	*	*	*	*	*	*	*	*	*	*
Arue .....	5-16	16	.....	5-30	14	3 <sup>3</sup> / <sub>16</sub>	6-20	12	.....	7-04
Donnie .....	5-23	16	3 <sup>5</sup> / <sub>16</sub>	6-06	14	3 <sup>4</sup> / <sub>16</sub>	6-20	12	.....	7-04
*	*	*	*	*	*	*	*	*	*	*
Leona .....	9-26	18	3 <sup>10</sup> / <sub>16</sub>	10-03	16	.....	.....	.....	.....	10-10
Melendez .....	9-26	26	3 <sup>14</sup> / <sub>16</sub>	10-10	22	3 <sup>11</sup> / <sub>16</sub>	10-24	18	3 <sup>7</sup> / <sub>16</sub>	11-07
*	*	*	*	*	*	*	*	*	*	*
Semil 34 .....	10-17	18	3 <sup>10</sup> / <sub>16</sub>	10-31	16	3 <sup>8</sup> / <sub>16</sub>	11-14	14	3 <sup>5</sup> / <sub>16</sub>	11-28
Semil 43 .....	10-24	18	3 <sup>10</sup> / <sub>16</sub>	11-7	16	3 <sup>8</sup> / <sub>16</sub>	11-21	14	3 <sup>5</sup> / <sub>16</sub>	12-05
*	*	*	*	*	*	*	*	*	*	*

\* \* \* \* \*

Dated: September 27, 1999.  
**Eric M. Forman,**  
*Deputy Administrator, Fruit and Vegetable Programs.*  
 [FR Doc. 99-25516 Filed 9-30-99; 8:45 am]  
 BILLING CODE 3410-02-P

**DEPARTMENT OF AGRICULTURE  
 Food Safety and Inspection Service  
 9 CFR Parts 317 and 381**

[Docket No. 99-016F]

**Scale Requirements for Accurate Weights, Repairs, Adjustments, and Replacement After Inspection**

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

**ACTION:** Direct final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is amending

the Federal meat and poultry products inspection regulations to update references to the National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Measuring Devices." The 1999 edition of NIST Handbook 44 was published in November 1998 and is the most current edition of the handbook. FSIS is amending the provisions in its regulations that reference NIST Handbook 44 to reflect this most recent edition.

**DATES:** This rule will be effective on November 30, 1999, unless the Agency receives written adverse comments

within the scope of the rulemaking or written notice of intent to submit adverse comments within the scope of the rulemaking on or before November 1, 1999. If the agency receives relevant adverse comments, it will publish a timely withdrawal of the rule, and it will not take effect. The incorporation by reference of the publication listed in the rule is approved by the Director of the Federal Register as of November 30, 1999.

**ADDRESSES:** Adverse comments within the scope of the rulemaking or notice of intent to submit adverse comments within the scope of the rulemaking should be sent in triplicate to FSIS Docket Clerk, DOCKET 199-016F, Room 102 Cotton Annex Building, FSIS, U.S. Department of Agriculture, Washington, DC 20250-3700. All comments submitted in response to this direct final rule will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Daniel L. Engeljohn, Ph.D., Director, Regulations 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**

Under Title 1 of the Code of Federal Regulations (1 CFR Part 51), an agency seeking approval of a change to a publication that is approved for incorporation by reference in the Code of Federal Regulations (CFR) must publish a notice of the change in the **Federal Register** and amend the CFR. The agency must also ensure that a copy of the amendment or revision is on file at the Office of the Federal Register and notify the Director of the Federal Register in writing that the change is being made.

Accordingly, FSIS has reviewed the most recent publication of NIST Handbook 44 as it pertains to meat products and poultry products and has reviewed the FSIS regulations that reference the handbook. In this direct final rule, FSIS is amending its regulations to change references to NIST Handbook 44 from the 1994 edition, published in November 1993, to the 1999 edition, published in November 1998.

The changes to the General Scales Codes of NIST Handbook 44 from 1993 through 1998 primarily recognize new features and capabilities of scales. These changes were adopted to give scale

manufacturers more flexibility in scale design and to allow them to incorporate features that better meet the needs of the users. Although NIST Handbook 44 addresses a wide range of scales, the following summary describes the most significant changes adopted in the handbook from 1993 to 1998 that are applicable to scales used to weigh meat products and poultry products produced at meat and poultry establishments.

The new provisions allow scales used in retail stores to compute unit prices on the basis of price per 100 grams or price per kilogram and permit operator keys to be marked with standardized pictograms. Other changes permit scales to weigh to 105 percent of their capacity when tare is deducted. This change clarifies a requirement that limited device indications. Another general requirement exempts new weighing systems from specific technical requirements for load cells if the device is traceable to a Certificate of Conformance issued by the National Type Evaluation Program.

The most significant change was the adoption of Section 2.24 Automatic Weighing Systems in the 1998 edition of Handbook 44, published in November 1997, which established specifications, tolerances, and other technical requirements for weigh-labelers and automatic checkweighers. This section was developed by the National Conference on Weights and Measures (NCWM) and NIST at the request of FSIS, so that these types of devices, which are primarily used in weighing, labeling, or checkweighing packages, could be tested to ensure conformance with a nationally accepted standard.

Copies of the 1999 edition of NIST Handbook 44 are on file at the Office of the Federal Register. Copies of the publication may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

**Effective Date**

FSIS is publishing this rule without prior proposal because it views this action as non-controversial and anticipates no adverse public comment. This rule will be effective, as published in this document, 60 days after the date of publication in the **Federal Register** unless FSIS receives written adverse comments within the scope of the rulemaking, or written notice of intent to submit adverse comments within the scope of the rulemaking, within 30 days of the date of publication of this rule in the **Federal Register**. If written adverse comments within the scope of the rulemaking are received, the final

rulemaking notice will be withdrawn, and a proposed rulemaking notice will establish a comment period.

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule (1) preempts all State and local law and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Executive Order 12866 and Regulatory Flexibility Act**

This rule has been determined not to be significant for purposes of Executive Order 12866 and therefore, has not been reviewed by the Office of Management and Budget.

The Administrator, FSIS, has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). This direct final rule merely updates the FSIS regulations to reflect the current standards used by weights and measures officials to evaluate the technical requirements for devices used to weigh meat and poultry products. The 1999 edition of NIST Handbook 44 is currently available and being used by scale manufacturers and weights and measures officials.

**List of Subjects**

*9 CFR Part 317*

Incorporation by reference, Meat inspection, Net weight.

*9 CFR Part 381*

Incorporation by reference, Net weight, Poultry and product products.

For the reasons set out in the preamble, 9 CFR parts 317 and 381 are amended as set forth below.

**PART 317—LABELING, MARKING DEVICES, AND CONTAINERS**

1. The authority citation for Part 317 continues to read as follows:

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

**§ 317.20 [Amended]**

2. Section 317.20 is amended by revising the second sentence of paragraph (a) to read as follows:

**§ 317.20 Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.**

(a) \* \* \* Such scales shall meet the applicable requirements contained in National Institute of Standards and

Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," 1999 Edition, November 1998, which is incorporated by reference. \* \* \*

\* \* \* \* \*

## PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

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

**Authority:** 7 U.S.C. 450; 21 U.S.C. 451-470; 7 CFR 2.17, 2.55.

### § 381.121c [Amended]

4. Section 381.121c is amended by revising the second sentence of paragraph (a) to read as follows:

#### § 381.121c Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.

(a) \* \* \* Such scales shall meet the applicable requirements contained in National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," 1999 Edition, November 1998, which is incorporated by reference. \* \* \*

\* \* \* \* \*

**Thomas J. Billy,**  
*Administrator.*

[FR Doc. 99-24571 Filed 9-30-99; 8:45 am]

BILLING CODE 3410-DM-P

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 262

[Docket No. R-1045]

#### Rules of Procedure

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Board is amending its Rules of Procedure to conform the comment period for branch notice applications with the period specified in its Regulation H, Membership of State Banking Institutions in the Federal Reserve System. The Rules of Procedure were not amended when the Regulation was amended, effective September 30, 1998. The Board is also amending the Rules of Procedure to delete the requirements for notices of memberships in cases where membership would confer federal deposit insurance, because there are no longer cases where membership confers federal deposit insurance. In addition,

the Board is amending the Rules of Procedure to clarify that the requirement to publish notice in the community where a proposed branch would be located does not apply to branch applications incidental to merger applications, which are subject to the separate notice requirements for merger applications.

**EFFECTIVE DATE:** October 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Rick Heyke, Counsel, Legal Division, (202) 452-3688. For users of the Telecommunications Device for the Deaf (TDD), contact Diane Jenkins (202) 452-3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 208.6(a)(3) of the Board's Regulation H, Public Notice of Branch Applications, provides that a state member bank wishing to establish a domestic branch must publish notice in a newspaper of general circulation at the locations specified in § 262.3 of the Rules of Procedure (12 CFR 262.3) and that the newspaper notice shall provide an opportunity for interested persons to comment on the application for a period of at least 15 days. (12 CFR 208.6(a)(3)(i) and (ii)). Until September 30, 1998, the comment period for branch applications was 30 days and was specified in § 262.3(b) of the Rules of Procedure rather than in Regulation H. The Rules of Procedure were not amended when the regulation was amended, effective September 30, 1998 (63 FR 37637, July 13, 1998), and § 262.3(b)(1)(ii) continues to provide for a 30-day comment period for these applications. (12 CFR 262.3(b)(1)(ii)). It is no longer necessary to specify the comment period for branch applications in the Rules of Procedure since it is specified in Regulation H. Accordingly, the Board is amending the Rules of Procedure to delete the comment period requirement as it relates to branch applications.

Section 262.3(b)(1)(ii)(A) of the Rules of Procedure specifies the location for publication of notice of an application for membership in the Federal Reserve System that would confer federal deposit insurance. Pursuant to Title I, section 115(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Pub. L. 102-242), any bank not previously an insured bank admitted to membership may apply separately to the Federal Deposit Insurance Corporation for insurance. (12 U.S.C. 1814 and 1815(a).) Previously, membership conferred insured status (see 12 U.S.C.A. 1814(b) (West 1989)). It is

therefore no longer necessary to specify the location for publication of notice of an application for membership that would confer insurance. Accordingly, the Board is amending the Rules of Procedure to delete the publication location requirement for such applications.

Section 262.3(b)(1)(ii)(B) specifies that in the case of an application to establish a new branch, notices shall be published in the communities in which the head office of the bank and the proposed branch are located. Section 262.3(b)(1)(ii)(D) specifies that in the case of an application by a bank for merger, consolidation, acquisition of assets, or assumption of liabilities (merger), notices shall be published in the communities in which the head offices of the banks involved are located. Such merger applications are also deemed to include applications to establish branches at the branch and/or head office locations being acquired, thereby avoiding a separate filing to establish branches at the acquired locations, and the Board has not required publication under paragraph (b)(1)(ii)(B) in addition to publication under paragraph (b)(1)(ii)(D). Accordingly, the Board is amending the Rules of Procedure to clarify that publication under paragraph (b)(1)(ii)(D) is sufficient in the case of branches acquired through merger, consolidation, acquisition of assets, or assumption of liabilities.

The amendments adopted by the Board are rules of procedure. Accordingly, 5 U.S.C. 553(b), requiring public comment, does not apply. In addition, the amendments are technical amendments that remove an obsolete provision, reflect changes in the Board's Regulation H, and clarify a possible uncertainty. Accordingly, the Board finds good cause not to delay the effective date of the amendments pursuant to 5 U.S.C. 553(d).

#### List of Subjects in 12 CFR Part 262

Administrative practice and procedure, Banks, banking, Federal Reserve System.

For the reasons set forth in the preamble, 12 CFR part 262 is amended as set forth below:

## PART 262—RULES OF PROCEDURE

1. The authority citation for 12 CFR part 262 continues to read as follows:

**Authority:** 5 U.S.C. 552, 12 U.S.C. 321, 1828(c), and 1842.

### § 262.3 [Amended]

2. Amend § 262.3 by revising the first sentence in paragraph (b)(1)(ii),