

The assessment will be applied to all such peanuts received or acquired for a handler's account, including the handler's own production. The assessment will continue to be based on: (1) Tonnage reported on incoming inspection certificates of each handler's Segregation 1 farmers stock peanuts received or acquired for the handler's account, and (2) Segregation 2 and 3 tonnage received or acquired for non-edible uses, except Segregation 2 and 3 peanuts sent to crushing.

Segregation 1 peanuts are defined as farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus*. Segregation 2 peanuts are defined as farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus*. Segregation 3 peanuts are defined as farmers stock peanuts with visible *Aspergillus flavus*.

Handling is defined in § 997.14 as engaging in the receiving or acquiring, cleaning and shelling, cleaning inshell, or crushing of peanuts and in the shipment (except as a common or contract carrier of peanuts owned by another) or sale of cleaned inshell or shelled peanuts or other activity causing peanuts to enter the current of commerce. Handling does not include the sale or delivery of peanuts by a producer to a handler or to an intermediary person engaged in delivering peanuts to handlers and the sale or delivery of peanuts by such intermediary to a handler.

Section 997.15 defines a non-signatory handler as "any person who handles peanuts, in a capacity other than that of a custom cleaner or dryer, an assembler, a warehouseman or other intermediary between the producer and the person handling; *provided*, that this term does not include handlers signatory to the Peanut Marketing Agreement."

Thus, for the 1995-96 crop year, a handler who receives or acquires 100,000 pounds of Segregation 1 farmers stock peanuts will pay an assessment of \$35 (100,000 pounds is 50 tons, times 70 cents per ton, equals \$35).

The assessment will continue to be applied, pro rata, on each non-signatory handler who is the first handler to receive or acquire an assessable lot of farmers stock peanuts. Only one assessment is applied to each farmers stock peanut lot. Assessments will not be applied on peanuts received or

acquired from other handlers, speculators, buying points, brokers, or other entities who have paid assessments on the peanuts received or acquired.

Assessments will not be applied on peanuts received on behalf of an area association pursuant to a peanut receiving and warehouse contract.

Non-signatory producer/handlers who store peanuts of their own production ("farm-stored" peanuts) will, at some point prior to further handling, obtain incoming inspection on such peanuts. At the time of incoming inspection, such producer/handlers pay their pro rata administrative assessment on such farm stored peanuts.

Speculators, brokers, or other entities who take possession of farmers stock peanuts, submit such peanuts for incoming inspection, and subsequently enter such peanuts into edible and non-edible channels of commerce will pay assessments on such peanuts unless the peanuts are Segregation 2 or 3 peanuts crushed for oil.

A crop year's original assessment on non-signatory handlers may be increased by the Secretary if a similar increase is applied by the Secretary on signatory handlers. Such an increase will be applied on all assessable peanuts handled by non-signatory handlers during the crop year in which the increased assessment occurred.

Also pursuant to Pub. L. 103-66, this rule continues to require that non-signatory handlers pay their administrative assessment to the Secretary. The Secretary has begun billing non-signatory handlers on a monthly basis. Each non-signatory handler is responsible for remitting payment by the date specified. Payment in the form of a personal check, cashier's check, or money order shall be remitted to the Department. Audits of each handler's account may be conducted by the Department to reconcile farmers stock peanuts received or acquired and assessments paid.

Violation of this assessment regulation may result in a penalty in the form of an assessment by the Secretary equal to 140 percent of the support price of quota peanuts for the crop year during which the violation occurs. The support price for quota peanuts is determined under 7 U.S.C. 1445c-3.

The interim final rule was published in the Federal Register on August 21, 1995 (60 FR 43353). That rule invited interested persons to submit written comments through September 20, 1995. No comments were received and the Department is adopting as a final rule, without change, the provisions of the interim final rule.

This administrative assessment rate imposes some additional costs on non-signatory handlers. However, the costs are in the form of uniform assessments on all handlers who are not signatory to the Agreement as well as all signatory handlers.

In accordance with the Paperwork Reduction Act of 1988 (44 U.S.C. Chapter 35), the information collection requirements that are contained in this rule have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581-0163.

Based on available information, the Administrator of the AMS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities. This rule is required by law. This administrative assessment will be applied uniformly to all non-signatory handlers.

After consideration of all relevant matter presented, it is hereby found that this rule will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) because the Act requires collection of this assessment. Non-signatory handlers are aware of this requirement which was published in the August 21, 1995, issue of the Federal Register. The assessment applies to all assessable peanuts handled during the 1995-96 crop year, which began on July 1, 1995.

List of Subjects in 7 CFR Part 997

Food grades and standards, Peanuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 997 is amended as follows:

PART 997—PROVISIONS REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS HANDLED BY PERSONS NOT SUBJECT TO THE PEANUT MARKETING AGREEMENT

Accordingly, the interim final rule amending 7 CFR part 997 which was published at 60 FR 43353 on August 21, 1995, is adopted as a final rule without change.

Dated: November 20, 1995.

Martha B. Ransom,
Acting Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 95-28694 Filed 11-22-95; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Part 999

[FV95-999-1IFR]

**Specialty Crops; Import Regulations—
Exemption of Brine Dried Prunes From
Import Requirements****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Interim final rule with request for comments.

SUMMARY: This rule exempts brine dried prunes from import requirements by specifying that brine dried prunes do not fall within the definition of prunes in the import regulation. This rule is implemented in accordance with section 8e of the Agricultural Marketing Agreement Act of 1937. Section 8e requires imports of prunes to meet the same or comparable requirements as those implemented under the Federal Marketing Order No. 993, regulating the handling of dried prunes produced in California. The Department has determined that brine dried prunes are different than those normally handled by California prune handlers and that such prunes shall not be subject to section 8e import requirements.

DATES: Effective November 24, 1995. Comments which are received by December 26, 1995 will be considered prior to the issuance of a final rule.

FOR FURTHER INFORMATION CONTACT: Valerie L. Emmer, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: 202-205-2829.

SUPPLEMENTARY INFORMATION: This interim final rule, exempting brine dried prunes from import requirements in § 999.200, is issued under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) (Act). Section 8e provides that whenever certain specified commodities, including prunes, are regulated under a Federal marketing order, imports of those commodities must meet the same or comparable grade, size, quality, and maturity requirements as those in effect for the domestically produced commodities.

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

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule would 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 import regulations issued under section 8e of the Act.

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 proposed 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 rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

Import regulations issued under section 8e of the Act are based on regulations established under Federal marketing orders for fresh fruits, vegetables, and specialty crops, like prunes. Thus, import regulations also have small entity orientation and impact both small and large business entities in a manner comparable to rules issued under such marketing orders.

There are approximately 10 importers who may be affected by this interim final rule. Small agricultural service firms, which include importers of dried prunes, have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than \$5,000,000. The majority of these importers may be classified as small entities.

Currently, sulfur-bleached prunes, commonly known as silver prunes, and high moisture plums are exempt from import requirements. The Department is issuing this rule to add brine dried prunes as an additional exemption under the import regulation. Brine dried prunes are different in form and character than those prunes handled by California handlers, and were never intended to be subject to section 8e import requirements. Therefore, it is appropriate that they be exempted from the dried prune import regulation specified in § 999.200. Brine dried prunes are imported under International Harmonized Tariff Schedule No. 0813.20.1000. All other prunes handled by California handlers are imported under Harmonized Tariff Schedule No. 0813.20.2000.

To exempt brine dried prunes from import regulation requirements, the definition of "prunes" in paragraph (a)(1) of § 999.200, is amended to add

brine dried prunes as an exclusion from that definition. Brine dried prunes are defined as prunes that have been impregnated with brine or salt during the dehydration process to the extent that they have lost their form and character as prunes and cannot be reconstituted to permit economic use of the individual fruits as prunes, and are imported under International Harmonized Tariff Schedule No. 0813.20.1000.

In accordance with section 8e of the Act, the United States Trade Representative (USTR) has concurred with the issuance of this interim final rule.

Based on available information, the Administrator of the AMS has determined that the issuance of this interim final rule will not have a significant economic impact on a substantial number of small entities.

The information collection requirements contained in the referenced section have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB number 0581-0099.

After consideration of all relevant information presented, it is found that the issuance of this rule will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to implementing this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) This action relaxes requirements on importers of brine dried prunes; (2) the only known importer of brine dried prunes is aware of this action; and (3) this rule provides a 30-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 999

Dates, Filberts, Food grades and standards, Imports, Nuts, Prunes, Raisins, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 999 is amended to read as follows:

**PART 999—SPECIALTY CROPS;
IMPORT REGULATIONS**

1. The authority citation for 7 CFR part 999 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. In § 999.200, paragraph (a)(1) is amended by removing the word "and"

after the words, "silver prunes"; removing the period after the words, "other artificial means of preservation" and adding in its place the word "; and", and adding a new paragraph (a)(1)(iii) to read as follows:

§ 999.200 Regulation governing the importation of prunes.

* * * * *

(i) * * *

(ii) * * *

(iii) brine dried prunes that have been impregnated with brine or salt during the dehydration process to the extent that they have lost their form and character as prunes, and cannot be reconstituted to permit economic use of the individual fruits as prunes, and are imported under International Harmonized Tariff Schedule No. 0813.20.1000.

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Dated: November 20, 1995.

Sharon Bomer Lauritsen,

Director, Fruit and Vegetable Division.

[FR Doc. 95-28696 Filed 11-22-95; 8:45 am]

BILLING CODE 3410-02-P

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 95-037N]

Termination of Designation of the State of West Virginia With Respect to the Inspection of Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule; affirmation of effective date.

SUMMARY: This document affirms the effective date of the Food Safety and Inspection Service (FSIS) direct final rule, "Termination of Designation of the State of West Virginia With Respect to the Inspection of Poultry Products" published on September 26, 1995. This direct final rule notifies the public that West Virginia will be administering a State poultry inspection program with requirements at least "equal to" those of the Federal Government under the Poultry Products Inspection Act (PPIA). FSIS is amending the poultry products inspection regulations by removing the State of West Virginia from the list of States designated to receive Federal inspection of poultry products with respect to intrastate operations and transactions. No adverse comments were received in response to the direct final rule.

EFFECTIVE DATE: This rule is effective on November 27, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Connie L. Bacon, Assistant Director, Federal-State Relations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-6313.

SUPPLEMENTARY INFORMATION: This notice affirms the effective date of the direct final rule, "Termination of Designation of the State of West Virginia With Respect to the Inspection of Poultry Products," that was published on September 26, 1995, at 60 FR 49494.

This direct final rule notifies the public that West Virginia has developed and will enforce State poultry inspection program requirements at least "equal to" those imposed by the Federal Government under sections 1 through 4, 6 through 10 and 12 through 22 of the PPIA (21 U.S.C. 451 *et seq.*) with respect to intrastate operations and transactions within the State. Therefore, the designation of the State of West Virginia to receive Federal inspection for poultry products intended for intrastate commerce under 9 CFR 381.221 is terminated. We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to this rule. This rule is effective on November 27, 1995.

Done at Washington, DC, on: November 16, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95-28556 Filed 11-22-95; 8:45 am]

BILLING CODE 3410-DM-P

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Regulation D; Docket No. R-0901]

Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending Regulation D, Reserve Requirements of Depository Institutions, to decrease the amount of transaction accounts subject to a reserve requirement ratio of three percent, as required by section 19(b)(2)(C) of the Federal Reserve Act, from \$54.0 million to \$52.0 million of net transaction accounts. This adjustment is known as the low reserve tranche adjustment. The Board has increased from \$4.2 million to \$4.3 million the amount of reservable liabilities of each depository institution that is subject to a reserve requirement

of zero percent. This action is required by section 19(b)(11)(B) of the Federal Reserve Act, and the adjustment is known as the reservable liabilities exemption adjustment. The Board is also increasing the deposit cutoff levels that are used in conjunction with the reservable liabilities exemption to determine the frequency of deposit reporting from \$55.4 million to \$57.0 million for nonexempt depository institutions and from \$45.1 million to \$46.4 million for exempt institutions. (Nonexempt institutions are those with total reservable liabilities exceeding the amount exempted from reserve requirements while exempt institutions are those with total reservable liabilities not exceeding the amount exempted from reserve requirements.) Thus nonexempt institutions with total deposits of \$57.0 million or more will be required to report weekly while nonexempt institutions with total deposits less than \$57.0 million may report quarterly, in both cases on form FR 2900. Similarly, exempt institutions with total deposits of \$46.4 million or more will be required to report quarterly on form FR 2910q while exempt institutions with total deposits less than \$46.4 million may report annually on form FR 2910a.

DATES: Effective date: December 19, 1995.

Compliance dates. For depository institutions that report weekly, the low reserve tranche adjustment and the reservable liabilities exemption adjustment will apply to the reserve computation period that begins Tuesday, December 19, 1995, and on the corresponding reserve maintenance period that begins Thursday, December 21, 1995. For institutions that report quarterly, the low reserve tranche adjustment and the reservable liabilities exemption adjustment will apply to the reserve computation period that begins Tuesday, December 19, 1995, and on the corresponding reserve maintenance period that begins Thursday, January 18, 1996. For all depository institutions, the deposit cutoff levels will be used to screen institutions in the second quarter of 1996 to determine the reporting frequency for the twelve month period that begins in September 1996.

FOR FURTHER INFORMATION CONTACT: J. Ericson Heyke III, Attorney (202/452-3688), Legal Division, or June O'Brien, Economist (202/452-3790), Division of Monetary Affairs; for users of the Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202/452-3544); Board of Governors of the Federal Reserve System, Washington, DC 20551.