

**§ 17.22 Recordkeeping and access to records.**

Suppliers and agents of the participant or importer shall keep accurate books, records and accounts with respect to all contracts entered into hereunder, including those pertaining to ocean transportation-related services and records of all payments by suppliers to representatives of the importer or participant, if CCC finances any part of the ocean freight. Suppliers and agents shall permit authorized representatives of the U.S. Government to have access to their premises during regular hours to inspect, examine, audit and make copies of such books, records and accounts. Suppliers and agents shall retain such records until the expiration of three years after final payment under such contracts.

**§ 17.23 [Removed]**

15. Section 17.23 is removed.

Signed at Washington, DC on August 22, 1995.

Christopher E. Goldthait,  
General Sales Manager, Foreign Agricultural Service; and Vice President, Commodity Credit Corporation.

[FR Doc. 95-29527 Filed 12-6-95; 8:45 am]

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**Agricultural Marketing Service****7 CFR Part 52**

[FV-95-328]

**United States Standards for Grades of Frozen Okra**

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

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This document amends the existing U.S. standards for frozen okra to remove references to trimmed pods. This change will allow producers of frozen okra the option to pack whole and cut okra without trimming. Also, a conforming change is made to language in the standards removing the reference to "apparent untrimmed pods." This change enables the frozen okra industry to produce frozen okra more efficiently and better meet market needs.

**DATES:** Effective December 7, 1995. Comments received by January 8, 1996, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in duplicate to the Office of the Branch Chief, Processed Products Branch, Fruit and

Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 0709, South Building, P.O. Box 96456, Washington, D.C. 20090-4693. Comments should reference the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Branch Chief during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James R. Rodeheaver, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 0709, South Building, P.O. Box 96456, Washington, D.C. 20090-6456, Telephone (202) 720-4693.

**SUPPLEMENTARY INFORMATION:** This interim final rule is issued under the United States Standards for Grades of Frozen Okra (7 CFR Part 52) to improve grade standards. The standards are effective under the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1622, 1624), hereinafter referred to as the Act.

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

The Department is issuing this rule in conformance with Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The AMS Administrator has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, P.L. 96-354 (5 U.S.C. 601 *et seq.*), because it reflects current marketing practices. In addition, these standards are voluntary. A small entity may avoid incurring any additional economic impact by not employing the standards.

The American Frozen Food Institute (AFFI) has petitioned for emergency relief from a requirement in the United States frozen okra standards. AFFI is a trade association representing over 560 frozen food companies that account for over 90 percent of frozen food production in the United States. The frozen okra industry requested that USDA revise the grade standards for frozen okra so that producers of frozen okra will have the option to pack whole and cut okra without trimming and still meet the requirements of the United

States Standards for Grades of Okra. The U.S. grade standards are voluntary standards. However, there is widespread use of the standards for frozen okra in contract requirements.

When the United States grade standards were first issued, okra was cut by hand. With the advent of mechanical harvesting, the techniques of harvesting have changed. Also processing equipment, including electronic sorters, has improved the quality such that the frozen okra industry can control quality more effectively without extensive handling.

Moreover, AFFI stated in its petition to revise the standards that since the frozen okra standards were last revised in 1969, new varieties have been established which leave the stems edible and tender when harvested with pods of the desirable length for freezing. AFFI noted that all other forms of whole okra including fresh, pickled, etc., are marketed untrimmed. AFFI also stated that the cost associated with trimming frozen whole okra was approximately \$.0625 per pound of okra. Based on 1994 United States production of 65,114,000 pounds of frozen okra sold, trimming okra costs U.S. processors of frozen okra approximately \$4,069,625 each year. AFFI claimed that in the time it takes to revise the frozen okra standard through ordinary channels, frozen okra processors could incur costs of more than \$8 million.

Based on all the information received, USDA is changing the grade standards by amending the product description in §§ 52.1511 and 52.1512, Styles, in the United States Standards for Grades of Frozen Okra. Also, in § 52.1517(c)(5)(i), "apparent untrimmed pods" is removed from the standards as a defect since it no longer applies.

No additional costs are expected to result from this action for producers and benefits derived from this action may be passed on to consumers. This change is expected to facilitate marketing of frozen okra.

Pursuant to 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule upon publication in the Federal Register because the harvesting season for okra has already begun, the standards are voluntary, and this revision of the standards that permits the industry to more efficiently meet market needs, may reduce costs to the consumers. This rule also provides a 30-day comment period. The Department will consider all comments received

within the comment period prior to finalizing this rule.

#### List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, Vegetables.

For the reasons set forth in the preamble, 7 CFR Part 52 is amended as follows:

### **PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS<sup>1</sup>**

#### **Subpart—United States Standards for Grades of Frozen Okra**

1. The authority citation for Part 52 continues to read as follows:

Authority: 7 U.S.C. 1622–1624.

2. § 52.1511 is revised to read as follows:

#### **§ 52.1511 Product description.**

Frozen okra is the product prepared from clean, sound, succulent, and edible fresh pods of the okra plant (*Hibiscus esculentus*) of the green variety. The product may or may not be trimmed, is properly prepared and properly processed, and is then frozen and stored at temperatures necessary for preservation.

#### **§ 52.1512 [Amended]**

3. In § 52.1512, paragraph (a) immediately following the words “consists of trimmed” the words “, or untrimmed” are added and in paragraph (b) the words “, or untrimmed” are added after the words “is trimmed”.

#### **§ 52.1517 [Amended]**

4. § 52.1517 is amended by removing paragraph (c)(5)(i) and redesignating paragraphs (c)(5)(ii) through (c)(5)(vi) as paragraphs (c)(5)(i) through (c)(5)(v), respectively.

Dated: December 1, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–29790 Filed 12–06–95; 8:45 am]

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### **7 CFR Part 52**

[FV–95–329]

#### **United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas**

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

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule amends the existing U.S. grade standards for Frozen Field Peas and Frozen Black-Eye Peas and removes the color attributes requirements for frozen black-eye peas and frozen cream peas to have “obvious green color”. This change allows producers of frozen field peas and frozen black-eye peas the option to pack black-eye peas and cream peas without the requirement that these peas have an “obvious green color”. The requirement for obvious green colored peas has forced changes in current harvesting practices and required that food processors supplement their pack with imported peas, of similar varieties, in order to meet the “Grade A” color requirement. Removing the requirement for green color resolves this issue for the industry since crops are harvested later in the season under current harvesting practices. This revision enables the frozen food industry to produce frozen black-eye peas and frozen field peas more efficiently.

**DATES:** Effective December 7, 1995. Comments received by January 8, 1996, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in duplicate to the Office of the Branch Chief, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, PO Box 96456, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Branch Chief during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James R. Rodeheaver, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, PO Box 96456, Washington, DC 20090–6456, Telephone (202) 720–4693.

**SUPPLEMENTARY INFORMATION:** This interim final rule is issued under the

United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas (7 CFR part 52) to improve grade standards. The standards are effective under the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1622, 1624), hereinafter referred to as the Act.

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

The Department of Agriculture is issuing this rule in conformance with Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The AMS Administrator has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Public Law 96–354 (5 U.S.C. 601 *et seq.*), because it reflects current marketing practices. In addition, these standards are voluntary. A small entity may avoid incurring any additional economic impact by not employing the standards.

The American Frozen Food Institute (AFFI) has petitioned for emergency relief from a requirement in the United States grade standards for frozen field peas and frozen black-eye peas. AFFI is a trade association representing over 560 food industry companies that accounts for over 90 percent of frozen food production in the United States. The frozen food industry requested USDA revise the grade standards to bring it in line with current harvesting and marketing practices. This would give economic relief to the frozen field pea and black-eye pea industry.

The U.S. grade standards are voluntary standards. However, there is widespread use of the standards in contracts.

When these grade standards were promulgated in 1976, it included a “Grade A” color requirement for frozen black-eye peas and cream peas that approximately 14 percent of these type peas have an obvious green color. This requirement was applicable when hand harvesting techniques forced growers to harvest their crops earlier in the growing season which allowed for a high percentage of immature peas. Today, modern mechanical harvesting techniques allow growers to harvest these types of peas with more mature pods that are easily shelled.

<sup>1</sup> May include the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea, cocoa, coffee, spices, condiments.