

to an earlier date. This would provide producers and handlers vital production information earlier in the season and allow them to plan accordingly. The order's reporting and recordkeeping requirements have not been amended since 1988. Handlers' techniques in gathering and recording acquisition data have progressed considerably over the last seven years. Handlers have indicated that they could provide the committee with a acquisition report prior to January 1 of the crop year.

Therefore, the committee recommended that § 929.105(b) be revised by changing the first reporting due date from February 5 to January 1. As stated previously, the Department has modified this date from January 1 to January 5. The first acquisition report currently shows the total quantity of cranberries acquired and the total quantity of cranberries handled from the beginning of the reporting period through January 31. The committee also recommended that the January 31 date be changed to December 31 to make the report consistent with the new due date. In addition, the Department proposes modifying § 929.105(b) by listing each one of the due dates. This would make the section easier to understand as to when each report is due.

Based on available information, the Administrator of the AMS has determined that this action would 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 the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and have been assigned OMB number 0581-0103.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

#### List of Subjects in 7 CFR Part 929

Marketing agreements, Cranberries, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 929 is proposed to be amended as follows:

1. The authority citation for 7 CFR part 929 continues to read as follows:

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

#### **PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK**

2. Section 929.105 is amended by revising paragraph (b) to read as follows:

##### **§ 929.105 Reporting.**

\* \* \* \* \*

(b) Certified reports shall be filed with the committee, on a form provided by the committee, by each handler not later than January 5, May 5, and August 5 of each fiscal period and by September 5 of the succeeding fiscal period showing:

(1) The total quantity of cranberries the handler acquired and the total quantity of cranberries the handler handled from the beginning of the reporting period indicated through December 31, April 30, July 31, and August 31, respectively, and

(2) The respective quantities of cranberries and cranberry products held by the handler on February 1, May 1, August 1, and August 31 of each fiscal period.

Dated: April 9, 1996.  
James R. Rodeheaver,  
*Acting Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 96-9830 Filed 4-19-96; 8:45 am]

BILLING CODE 3410-02-P

#### **7 CFR Part 946**

[FV96-946-1PR]

#### **Irish Potatoes Grown in Washington; Modification of the Minimum Size Requirements**

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

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** This proposed rule would reduce the minimum diameter requirement from 2 1/8 inches to 2 inches for Russet type varieties of Washington potatoes shipped during the July 15 through August 31 period each season. Potato varieties currently being grown for shipment during this period are similar in shape to those grown for marketing during the balance of the season. Reducing the minimum diameter would recognize this similarity and enable handlers to market a larger portion of their crop in fresh outlets. This change would improve the marketing of Washington potatoes and increase returns to producers as well as

provide consumers with increased supplies of potatoes.

**DATES:** Comments which are received by May 22, 1996 will be considered prior to the issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2523, South Building, PO Box 96456, Washington, DC 20090-6456; FAX: (202) 720-5698.

All comments should reference the docket number and 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 Docket Clerk during regular business hours.

#### **FOR FURTHER INFORMATION CONTACT:**

Dennis L. West, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204-2807; telephone: (503) 326-2724 or FAX (503) 326-7440; or Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523-S, Washington, DC 20090-6456; telephone: (202) 690-0464 or FAX (202) 720-5698.

**SUPPLEMENTARY INFORMATION:** This proposed rule is issued under Marketing Agreement No. 113 and Marketing Order No. 946 (7 CFR part 946), both as amended, regulating the handling of Irish potatoes grown in Washington, hereinafter referred to as the "order." The order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601-674), hereinafter referred to as the "Act." The State of Washington Potato Committee (Committee) is the agency responsible for local administration of the marketing order program in the designated production area.

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

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposed rule would 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. A 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 requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action 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 would 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. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 handlers of Washington potatoes that are subject to regulation under the order and approximately 450 producers in the regulated production area. Small agricultural service firms, which include handlers of Washington potatoes, have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than \$5,000,000, and small agricultural producers are defined as those whose annual receipts are less than \$500,000. The majority of potato handlers and producers regulated under the marketing agreement and order may be classified as small entities.

Section 946.52 (7 CFR 946.52) authorizes the issuance of regulations for grade, size, quality, maturity, and pack for any variety or varieties of potatoes grown in different portions of the production area during any period.

Size regulations are currently in effect under section 946.336 in terms of minimum diameter and minimum weight. All Russet types must be 2½ inches minimum diameter or 4 ounces minimum weight during the period July 15 through August 31 each season, and 2 inches or 4 ounces during the remainder of the season. This rule amends section 946.336 by reducing the minimum diameter requirement for

Russet type varieties from 2½ inches to 2 inches during the July 15 through August 31 period each season. Thus, the 2 inch minimum diameter or 4 ounce minimum weight would apply to Russet type potatoes throughout the entire season.

At its meeting on February 15, 1996, the Committee unanimously recommended reducing the minimum diameter requirement for Russet type varieties to 2 inches during the period July 15 through August 31, when early crop shipments are made.

When the current minimum diameter requirement for Russet type varieties was established, the Norgold Russet was the primary variety being grown for the early market, i.e., the months of July and August. This variety is more round in shape than those varieties grown for shipment later in the season. The newer varieties grown for the early market, such as the Norkotah Russet, are shaped the same as the varieties traditionally marketed later in the season. Thus, there is no need for a larger diameter requirement for earlier varieties. Therefore, the Committee recommended that all Russet type varieties be subject to the same minimum diameter requirement throughout the entire marketing season.

Reducing the minimum diameter would enable handlers to market a larger portion of the crop in fresh market outlets. This change is expected to improve the marketing of Washington potatoes and increase returns to producers.

Based on available information, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

#### List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 946 be amended as follows:

#### **PART 946—IRISH POTATOES GROWN IN WASHINGTON**

1. The authority citation for 7 CFR part 946 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 946.336 is amended by revising paragraph (a)(2)(ii) to read as follows:

#### **§ 946.336 Handling regulation.**

\* \* \* \* \*

(a) \* \* \*

(2) \* \* \*

(ii) All Russet types, 2 inches (54.0 mm) minimum diameter, or 4 ounces minimum weight.

\* \* \* \* \*

Dated: April 16, 1996.

Eric M. Forman,

*Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 96–9832 Filed 4–19–96; 8:45 am]

BILLING CODE 3410–02–P

#### **7 CFR Part 1106**

[DA–96–05]

#### **Milk in the Southwest Plains Marketing Area; Proposed Suspension of Certain Provisions of the Order**

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

**ACTION:** Proposed suspension of rule.

**SUMMARY:** This document invites written comments on a proposal to suspend certain provisions of the Southwest Plains Federal milk marketing order (Order 106) for the period of September 1996 through August 1998. The proposal would suspend a portion of the supply plant shipping requirement and the touch-base requirement under Order 106 for a 2-year period. The action was requested by Kraft Foods, Inc. (Kraft), which contends the suspension is necessary to prevent the uneconomical and inefficient movement of milk and to ensure that producers historically associated with the market will continue to have their milk pooled under Order 106.

**DATES:** Comments are due no later than May 22, 1996.

**ADDRESSES:** Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1932.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed rule would not have a significant economic impact on a substantial number of small