

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[FV-96-326]

Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products Regulations Governing Inspection and Certification

AGENCY : Agricultural Marketing Service, USDA.
ACTION : Proposed rule.

SUMMARY: This document would revise the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Certain Other Products ¹ by increasing the lot inspection and less than year round fees charged for the inspection of processed fruits and vegetables and certain other products. These revisions are necessary in order to recover, as nearly as practicable, the costs of performing inspection services under the Agricultural Marketing Act of 1946.
DATES: Comments must be received on or before April 10, 1996.
ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. 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, P.O. Box 96456, Room 0709 South Building, Washington, D.C. 20090-6456. Comments should note 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.

¹ 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.

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

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

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action 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 this rule.

The Administrator, Agricultural Marketing Service (AMS), 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).

The proposed rule reflects certain fee increases needed to recover the costs of services rendered in accordance with the Agricultural Marketing Act (AMA) of 1946. The inspection, grading and certification program for processed fruits and vegetables and related products is voluntary.

The AMA authorizes voluntary official inspection, grading, and certification on a user-fee basis, of processed food products including processed fruits, vegetables, and processed products made from them. The AMA provides that reasonable fees be collected from the user of the program services to cover as nearly as practicable the costs of services rendered. This proposal would amend the schedule for fees and charges for lot inspection and less than year round inspection services rendered to the processed fruit and vegetable industry to reflect the costs currently associated with the program.

AMS regularly reviews these programs to determine if fees are adequate. Employee salary and benefits are major program costs that account for approximately 85 percent of the total

operating budget. A general and locality salary increase for Federal employees, ranging from 3.09 to 6.25 percent depending on locality, effective January 1995, has materially affected program costs. Another general and locality salary increase, ranging from 2.39 to 2.87 percent depending upon locality (amounting to approximately \$625,000), was effective January 1996; further standardization program costs, previously funded by appropriated funds, must be paid for by user fees.

While a concerted effort to cut costs resulted in overhead savings of \$623,926 in FY95 over FY94, the last fee increase in August 1994 did not result in collection of enough revenue to cover all these increases and still maintain an adequate reserve balance (four months of costs) called for by Agency policy and prudent financial management. Currently the Processed Products Branch (PPB) trust fund reserve balance for all programs is approximately \$1.480 mil. under the desirable level of \$11.031. Further action is necessary to meet rising costs and maintain adequate reserve balances. This action will assist in moving the PPB trust fund toward a more adequate level and will result in an estimated \$368,000 in additional revenues. Projected FY96 revenues for the lot inspection and less than year round inspection programs are \$8.291 mil. with costs projected at \$8.194 and a reserve of \$2.682.

Based on the Agency's analysis of increased costs since 1994, AMS proposes to increase the fees relating to such services as shown in the following table. The table compares current fees and charges with proposed fees and charges for processed fruit and vegetable inspection as found in 7 CFR 52.42-52.51. For inspection services charged under section 52.42, overtime and holiday work would continue to be charged as provided in that section. For inspection services charged on a contract basis under section 52.51 overtime work would also continue to be charged as provided in that section. Unless otherwise provided for by regulation or written agreement between the applicant and the Administrator, the charges in the schedule of fees as found in section 52.42 are:

Current	Proposed
\$39.50/hr.	\$41.00/hr.

Charges for travel and other expenses as found in section 52.50:

Current	Proposed
\$39.50/hr.	\$41.00/hr.

Charges for year-round in-plant inspection services on a contract basis as found in section 52.51 (c):

(2) For personnel assigned on less than a year-round basis:

Current	Proposed
Each inspector: \$39.50/hr.	\$42.00/hr.
In-plant sampler: \$22.00/hr.	\$22.00/hr.

Charges for less than year-round in-plant inspection services (four or more consecutive 40 hour weeks) on a contract basis as found in section 52.51 (d):

Current	Proposed
(1) Each inspector: \$39.50/hr.	\$42.00/hr.
(2) In-plant sampler: \$22.00/hr.	\$22.00/hr.

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 proposed to be amended as follows:

PART 52—REGULATIONS GOVERNING INSPECTION AND CERTIFICATION OF PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS¹

1. The authority citation for 7 CFR Part 52 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

§ 52.42 [Amended]

2. In § 52.42, the figure “\$39.50” is removed and the figure “\$41.00” is added in its place.

§ 52.50 [Amended]

3. In § 52.50, the figure “\$39.50” is removed and the figure “\$41.00” is added in its place.

¹ 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.

§ 52.51 [Amended]

4. In § 52.51, paragraph (c)(2) is amended by removing the figure “\$39.50” and adding in its place “\$42.00” and paragraph (d)(1) is amended by removing the figure “\$39.50” and adding the figure “\$42.00” in its place.

Dated: February 29, 1996.

David N. Lewis,

Acting Administrator.

[FR Doc. 96–5715 Filed 3–8–96; 8:45 am]

BILLING CODE 3410–02–P

Food Safety and Inspection Service

9 CFR Parts 301, 304, 305, 306, 307, 318, 325, and 381

[Docket No. 95–008E]

FSIS Agenda for Change: Regulatory Review; Reopening of Comment Period

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Reopening of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is reopening the comment period for the advance notice of proposed rulemaking, “FSIS Agenda for Change: Regulatory Review” (60 FR 67469), published in the Federal Register on December 29, 1995, in response to a request for additional time to submit comments. The comment period will reopen for 60 days.

DATES: Comments must be received on or before May 10, 1996.

ADDRESSES: Send an original and two copies of written comments to: FSIS Docket Clerk, DOCKET #95–008A, Room 4352, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Dr. Paula Cohen, Director, Regulations Development, at (202) 720–7164.

Done at Washington, DC on March 5, 1996.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 96–5707 Filed 3–8–96; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–AWP–13]

Proposed Establishment of Class E Airspace; Hollister, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This supplemental notice amends a previous proposal to establish a Class E airspace area at Hollister, CA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 31 has made this proposal necessary. The intended effect of this supplemental notice is to provide additional controlled airspace for Instrument Flight Rules (IFR) operations at Hollister Municipal Airport, Hollister, CA.

DATES: Comments must be received on or before April 18, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP–530, Docket No. 95–AWP–13, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6556.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory