

persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

After consideration of all relevant material presented, including the committee's recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This rule invites comments on changes to the handling regulation currently prescribed under the South Texas melon marketing order. Any comments received will be considered prior to finalization of this rule.

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 putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule relaxes requirements for bulk containers for honeydew melons and provides additional opportunities for the industry to ship melons; (2) the committee needs this rule to be in place for the 1999 season beginning May 1, 1999, so the industry may take advantage of these options; (3) the committee unanimously recommended these changes at a public meeting and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

#### List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

#### PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 continues to read as follows:

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

##### § 979.180 [Amended]

2. In § 979.180, the word "cantaloups" is revised to read "cantaloupes" everywhere it appears.

3. In § 979.304, paragraphs (b)(4), (c)(4), and (e)(3) are revised, paragraph (e)(4) is removed, and paragraph (e)(5) is redesignated as paragraph (e)(4) to read as follows:

##### § 979.304 Handling regulation.

(b) \* \* \*

(4) Honeydew melons may be packed in rectangular or octagonal bulk containers having dimensions of 48 inches long by 40 inches wide by 24 to 36 inches deep. A tolerance of 1½ inch for each dimension shall be permitted.

\* \* \* \* \*

(c) \* \* \*

(4) Designated inspection stations will be located at the Texas Cooperative Inspection Program Office, 1301 W. Expressway, Alamo (Phone (956) 787-4091 or 6881) and the Matt Dietz Packing Co., 4700 N. Santa Maria, Laredo (Phone (956) 723-9178 or 9170), to be available for handlers who do not have permanent packing facilities recognized by the committee.

\* \* \* \* \*

(e) \* \* \*

(3) *Experimental shipments.* (i) Upon approval by the committee, melons may be shipped for experimental purposes exempt from the container requirements specified in paragraph (b) of this section, but shall meet the grade and inspection requirements of paragraphs (a) and (c) of this section and the assessment requirements specified in § 979.219: *Provided*, That the melons are handled in accordance with safeguard provisions of paragraph (f) of this section.

(ii) Upon approval of the committee, melons may be shipped for testing in types and sizes of containers other than those specified in paragraphs (b) and (e)(4) of this section: *Provided*, That the melons are handled in accordance with the provisions of paragraph (f) of this section.

\* \* \* \* \*

4. In § 979.304, the words "cantaloup", "cantaloups", and "Cantaloups" are revised to read "cantaloupe", "cantaloupes" and "Cantaloupes", respectively everywhere they appear.

Dated: April 28, 1999.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

[FR Doc. 99-11077 Filed 5-3-99; 8:45 am]

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#### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### 7 CFR Part 993

[Docket No. FV99-993-2 FR]

#### Dried Prunes Produced in California; Undersized Regulation for the 1999-2000 Crop Year

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

**ACTION:** Final rule.

**SUMMARY:** This final rule changes the undersized regulation for dried prunes received by handlers from producers and dehydrators under Marketing Order No. 993 for the 1999-2000 crop year. The marketing order regulates the handling of dried prunes produced in California and is administered locally by the Prune Marketing Committee (Committee). This rule removes the smallest, least desirable of the marketable size dried prunes produced in California from human consumption outlets, and allows handlers to dispose of undersized prunes in such outlets as livestock feed. The Committee estimated that this rule will reduce the excess of dried prunes expected at the end of the 1998-99 crop year by approximately 6,700 tons, leaving sufficient prunes to fulfill foreign and domestic trade demand.

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

#### FOR FURTHER INFORMATION CONTACT:

Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487-5901, Fax: (559) 487-5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698. Small businesses may request information on compliance with this regulation, or obtain a guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698, or E-mail: Jay.Guerber@usda.gov. You may view the marketing agreement and order small business compliance guide at the following web site: <http://www.ams.usda.gov/fv/moab.html>.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 993, both as amended (7 CFR part 993), regulating the handling of dried prunes produced in California, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will 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 to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule changes the undersized regulation in § 993.49(c) of the prune marketing order for the 1999-2000 crop year for volume control purposes. The regulation removes prunes passing through specified screen openings. For French prunes, the screen opening will be increased from  $23/32$  to  $24/32$  of an inch in diameter, and for non-French prunes, the opening will be increased from  $28/32$  to  $30/32$  of an inch in diameter. This rule removes the smallest, least desirable of the marketable size dried prunes produced in California from human consumption outlets. The rule will be in effect from August 1, 1999, through July 31, 2000, and was unanimously recommended by the Committee at a December 1, 1998, meeting.

Section 993.19b of the prune marketing order defines undersized prunes as prunes which pass freely through a round opening of a specified

diameter. Section 993.49(c) of the prune marketing order establishes an undersized regulation of  $23/32$  of an inch for French prunes and  $28/32$  of an inch for non-French prunes. These diameter openings have been in effect for quality control purposes. Section 993.49(c) also provides that the Secretary, upon a recommendation of the Committee, may establish larger openings for undersized dried prunes whenever it is determined that supply conditions for a crop year warrant such regulation. Section 993.50(g) states in part: "No handler shall ship or otherwise dispose of, for human consumption, the quantity of prunes determined by the inspection service pursuant to § 993.49(c) to be undersized prunes \* \* \*". Pursuant to § 993.52, minimum standards, pack specifications, including the openings prescribed in § 993.49(c), may be modified by the Secretary, on the basis of a recommendation of the Committee or other information.

Pursuant to the authority in § 993.52 of the order, § 993.400 modifies the undersized openings prescribed in § 993.49(c) to permit undersized regulations using openings of  $23/32$  or  $24/32$  of an inch for French prunes, and  $28/32$  or  $30/32$  of an inch for non-French prunes.

During the 1974-75 and 1977-78 crop years, the undersized prune regulation was established by the Department at  $23/32$  of an inch in diameter for French prunes and  $28/32$  of an inch in diameter for non-French prunes. These diameter openings were established in §§ 993.401 and 993.404, respectively (39 FR 32733, September 11, 1974; and 42 FR 49802, September 28, 1977). In addition, the Committee recommended and the Department established volume regulation percentages during the 1974-75 crop year with an undersized regulation at the aforementioned  $23/32$  and  $28/32$  inch diameter screen sizes. During the 1975-76 and 1976-77 crop years, the undersized prune regulation was established at  $24/32$  of an inch for French prunes, and  $30/32$  of an inch for non-French prunes. These diameter openings were established in §§ 993.402 and 993.403 respectively (40 FR 42530, September 15, 1975 and 41 FR 37306, September 3, 1976). The prune industry had an excess supply of prunes, particularly small sized prunes. Rather than recommending volume regulation percentages for the 1975-76, 1976-77 and 1977-78 crop years, the Committee recommended the establishment of an undersized prune regulation applicable to all prunes received by handlers from producers and dehydrators during each of those crop years.

The objective of the undersized regulations during each of those crop years was to preclude the use of small prunes in manufactured prune products, such as juice and concentrate. Handlers could not market undersized prunes for human consumption, but could dispose of them in nonhuman outlets such as livestock feed.

With these experiences as a basis, the marketing order was amended on August 1, 1982, establishing the continuing quality-related regulation for undersized French and non-French prunes under § 993.49(c). That regulation has removed from the marketable supply those prunes which are not desirable for use in prune products.

As in the 1970's, the prune industry is currently experiencing an excess supply of prunes, particularly in the smaller sizes. During the 1998-99 crop year, the undersized prune regulation was established at  $24/32$  of an inch for French prunes, and  $30/32$  of an inch for non-French prunes. These diameter openings were established in § 993.405 (63 FR 20058, April 23, 1998). At its meeting on December 1, 1998, the Committee recognized that the 1998-99 prune crop is about 50% of the normal size; however, with the large inventories and anticipated large 1999-2000 prune crop, the Committee unanimously recommended continuing with volume controls for the 1999-2000 crop year by proposing an undersized prune regulation at  $24/32$  of an inch in diameter for French prunes and  $30/32$  of an inch in diameter for non-French prunes. This regulation will be in effect from August 1, 1999, through July 31, 2000.

The Committee estimated that there will be an excess of about 18,700 natural condition tons of dried prunes as of July 31, 1999. This rule will continue to remove primarily small sized prunes from human consumption channels, consistent with the undersized regulation that was implemented for the 1998-99 crop year. It is estimated that approximately 6,700 natural condition tons of small prunes will be removed from human consumption channels during the 1999-2000 crop year. This will leave sufficient prunes to fill domestic and foreign trade demand during the 1999-2000 crop year, and provide an adequate carryout on July 31, 2000, for early season shipments until the new crop is available for shipment. According to the Committee, the desired inventory level to keep trade distribution channels full while awaiting the new crop is about 38,000 natural condition tons.

In its deliberations, the Committee reviewed statistics reflecting: (1) A

worldwide prune demand which has been relatively stable at about 260,000 tons; (2) a worldwide oversupply that is expected to continue growing into the next century (estimated at 350,845 natural condition tons by the year 2003); (3) a continuing oversupply situation in California caused by increased production from increased plantings and higher yields per acre (between the 1990–91 and 1997–98 crop years, the yield ranged from 1.5 to 2.8 versus a 10 year average of 2.2 tons per acre); and (4) California's continued excess supply situation. The production of these small sizes ranged from 2,575 to 8,778 natural condition tons during the 1990–91 through the 1997–98 crop years. The Committee concluded that it had to continue utilizing supply management techniques to accelerate the return to a balanced supply/demand situation in the interest of the California dried prune industry. The changes to the undersized regulation for the 1999–2000 crop year are the result of these deliberations, and the Committee's desire to bring supplies more in line with market needs.

The current oversupply situation facing the California prune industry has been caused by four consecutive large crops (1994–95 through 1997–98) of over 180,000 natural condition tons. Further burdening this oversupply situation will be large California prune crops over the next few years caused by the new prune plantings in recent years and higher yields per acre. During the 1990–91 crop year, the non-bearing acreage totaled 5,900 acres, but by 1995–96, the non-bearing acreage had quadrupled to more than 23,000 acres. Yields have ranged from 2.3 to 2.8 tons per acre over a three-year period from the 1995–96 through the 1997–98 crop years, compared to a 10-year average of 2.2 tons to the acre. The 1998–99 crop prune is exceptionally light, about 50% of normal size (103,000 tons), due to the unusually cool and wet weather conditions caused by the weather phenomenon known as El Nino. Even though this year's small prune crop and the 1998–99 undersized prune regulation will help reduce the existing oversupply, the prune supply has been outstripping demand over the past nine years. Another large crop of about 200,000 natural condition tons is expected for the 1999–2000 crop year, partly because of an anticipated increase in bearing acreage, and this will add to the continuing oversupply.

Because of the oversupply situation during the 1997–98 crop year, producer prices for the  $2\frac{4}{32}$  of an inch in diameter French prunes declined to \$40–50 per ton. Consequently, producers lost about \$260–270 per ton on every ton they

delivered to handlers during 1997–98. The lower pricing of the smaller prunes continued in 1998–99, and is expected to continue as an incentive in future crop years to convince producers to produce the larger sizes needed to help the industry better meet the increasing market demand for larger size prunes used for pitted prunes.

The 1998–99 undersized prune rule of  $2\frac{4}{32}$  of an inch for French prunes and  $3\frac{0}{32}$  of an inch for non-French prunes has expedited the reduction of small prune inventories, but more needs to be done to bring supplies into balance with market demand. The excess inventory on July 31, 1998, was 88,840 natural condition tons, and only about 2,400 natural condition tons of dried prunes are expected to be removed from the 1998–99 marketable supply by the current undersized regulation. The Committee believes that the same undersized regulation also should be implemented during the 1999–2000 crop year to continue reducing the inventories of small prunes, to help reduce the expected large 1999–2000 prune crop, and more quickly bring supplies in line with demand. Attainment of this goal will benefit all of the producers and handlers of California prunes.

The recommended decision of June 1, 1981 (46 FR 29271) regarding undersized prunes states that the undersized prune regulation at the  $2\frac{3}{32}$  and  $2\frac{8}{32}$  inch diameter size openings will be continuous for the purposes of quality control even in above parity situations. It further states that any change (i.e., increase) in the size of those openings will not be for the purpose of establishing a new quality-related minimum. Larger openings will only be applicable when supply conditions warrant the regulation of a larger quantity of prunes as undersized prunes. Thus, any regulation prescribing openings larger than those in § 993.49(c) should not be implemented when the grower average price is expected to be above parity. The season average price received by prune growers averaged about 54 percent of parity during the 1992 through 1997 seasons, and is in a downward trend. As discussed later, the average grower price for prunes during the 1999–2000 crop year is not expected to be above parity, and implementation of this more restrictive undersized regulation will be appropriate in reference to parity.

Section 8e of the Act requires that when certain domestically produced commodities, including prunes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade,

size, quality, or maturity requirements for the domestically produced commodity. This action does not impact the dried prune import regulation because the action to be implemented is for volume control, not quality control. The smaller diameter openings of  $2\frac{3}{32}$  of an inch in diameter for French prunes and  $2\frac{8}{32}$  of an inch in diameter for non-French prunes were implemented to improve product quality. The recommended increases to  $2\frac{4}{32}$  of an inch in diameter for French prunes and  $3\frac{0}{32}$  of an inch in diameter for non-French prunes are for purposes of volume control. Therefore, the increased diameters will not be applied to imported prunes.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

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 the 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 1,250 producers of dried prunes in the production area and approximately 20 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000.

An updated industry profile shows that 8 out of 20 handlers (40%) shipped over \$5,000,000 worth of dried prunes and could be considered large handlers by the Small Business Administration. Twelve of the 20 handlers (60%) shipped under \$5,000,000 worth of prunes and could be considered small handlers. An estimated 90 producers, or about 7% of the 1,250 total producers, could be considered large growers with annual income over \$500,000. The majority of handlers and producers of California dried prunes may be classified as small entities.

This rule will establish an undersized prune regulation of  $2\frac{4}{32}$  of an inch in diameter for French prunes and  $3\frac{0}{32}$  of an inch in diameter for non-French prunes for the 1999–2000 crop year for

volume control purposes. This change in regulation will result in more of the smaller sized prunes being classified as undersized prunes, and is expected to benefit producers, handlers, and consumers. Since prune handlers already use  $2\frac{4}{32}$  and  $30\frac{3}{32}$  grader screens, small and large producers and handlers will not incur extra costs to purchase new screen sizes. Moreover, because the quality related undersized regulation has been in place continuously since the early 1980's, the only additional cost resulting from the increased openings will be the disposal of additional undersized prune tonnage (about 6,700 natural condition tons) to nonhuman consumption outlets as required by the order. With the less restrictive openings, only 5,635 natural condition tons or 3.3 percent of the marketable production has been removed on average over the past eight crop years since 1990–91. The more restrictive openings currently in place for 1998–99 are expected to remove only 2,400 tons of dried prunes from the excess marketable supply. The Committee estimated that there will be an excess of about 18,700 natural condition tons of dried prunes on July 31, 1999. Implementation of the more restrictive openings in 1999–2000 is expected to reduce the surplus by about 6,700 tons.

Because the benefits and costs of the action will be directly proportional to the quantity of  $2\frac{4}{32}$  screen French prunes and  $30\frac{3}{32}$  screen non-French prunes produced or handled, small businesses should not be disproportionately affected by the action. While variation in sugar content, prune density and dry-away ratio vary from county to county, they also vary from orchard to orchard and season to season. In the major producing areas of the Sacramento and San Joaquin Valleys, which account for over 99 percent of the State's production, the prunes produced are homogeneous enough that this action will not be viewed as inequitable by large and small producers in any area of the State.

The quantity of small prunes in a lot is not dependent on whether a producer or handler is small or large, but is primarily dependant on cultural practices, soil composition, and water costs. The cost to minimize the quantity of small prunes is similar for small and large entities. The anticipated benefits of this rule are not expected to be disproportionately greater or lesser for small handlers or producers than for larger entities. The only additional costs on producers and handlers expected from the increased openings will be the disposal of additional tonnage (now estimated to be about 6,700 tons) to

nonhuman consumption outlets. These costs are expected to be minimal, and will be offset by the benefits derived by the elimination of some of the excess supply of small sized prunes.

At the December 1, 1998, meeting, the Committee discussed the financial impact of this change on handlers and producers. Handlers and producers receive higher returns for the larger size prunes. Prunes eliminated through the implementation of this rule have very little value. As mentioned earlier, the current situation for these small sizes is quite bleak with producers losing about \$260–270 on every ton they deliver to handlers. The 1998–99 grower field price for  $2\frac{4}{32}$  screen French prunes is ranging between \$40 and \$50 per ton, just like last crop year. The cost of drying a ton of such prunes is \$260 per ton at a 4 to 1 dry-away ratio, transportation is at least \$20 per ton, and the producer assessment paid to the California Prune Board (a body which administers the State marketing order for promotion and research) is \$30 per ton. The total cost is about \$310 per ton which equates to a loss of about \$260–270 per ton for every ton of  $2\frac{4}{32}$  screen French prunes produced and delivered to handlers.

Utilizing data provided by the Committee, the Department has evaluated the impact of the undersized regulation change upon producers and handlers in the industry. The analysis shows that a reduction in the marketable production and handler inventories will result in higher season-average prices which will benefit all producers. The removal of the smallest, least desirable of the marketable dried prunes produced in California from human consumption outlets will eliminate an estimated 6,700 tons of small-sized dried prunes during the 1999–2000 crop year from the marketplace. This will help lessen the negative marketing and pricing effects resulting from the excess supply situation facing the industry. California prune handlers reported that they held 126,485 tons of natural condition prunes on July 31, 1998, the end of the 1997–98 crop year. This was the largest year-end inventory reported since the Committee began collecting such statistics in 1949. The desired industry inventory level is based on an average 12-week supply to keep trade distribution channels full while awaiting new crop. Currently, it is about 38,000 natural condition tons. This leaves an inventory surplus of over 88,000 tons which will likely take the industry several years to market. The small 1998–99 prune crop and undersized regulation will help reduce

the surplus, but the anticipated large 1999–2000 prune crop is expected to bring supplies further out-of-balance with demand.

Further burdening this oversupply situation will be large California prune crops over the next few years caused by the new prune plantings of recent years and higher yields per acre. During the 1990–91 crop year, the non-bearing acreage totaled 5,900 acres, but by 1995–96, the non-bearing acreage had quadrupled to more than 23,000 acres. Yields have ranged from 2.3 to 2.8 tons per acre over a three-year period from the 1995–96 through the 1997–98 crop year, compared to a 10-year average of 2.2 tons to the acre. The 1998–99 prune crop is expected to be about 50% of normal size (103,000 natural condition tons). Even though this year's small prune crop and the 1998–99 undersized prune regulation will help reduce the existing oversupply, the prune supply has been outstripping demand over the past nine years. In addition, the 1999–2000 prune crop is expected to be about 200,000 tons, further increasing the industry's oversupply problems.

As the marketable dried prune production and surplus prune inventories are reduced through this action, the trade should begin taking a position early in the season for its dried prune needs, which will help firm up market prices and eventually reflect a higher overall price to the producers. In addition, as producers implement improved cultural and thinning practices, the overall size of the prunes will get larger. As a result, producer returns will increase because producers will be producing less tonnage of small sized fruit at a \$260–270 per ton loss. Instead producers will be receiving the higher prices paid for the larger sizes.

For the 1993–94 through the 1997–98 crop years, the season average price received by the producers ranged from a high of \$1,120 per ton to a low of \$827 per ton during the 1997–98 crop year. The season average price received by producers averaged about 54 percent of parity. Based on available data and estimates of prices, production, and other economic factors, the season average producer price for the 1998–99 season is expected to be about \$790 per ton, or about 41 percent of parity.

The Committee discussed alternatives to this change, including making no changes to the undersized prune regulation and allowing market dynamics to foster prune inventory adjustments through lower prices on the smaller prunes. While reduced grower prices for small prunes are expected to contribute toward a slow reduction in dried prune inventories, the Committee

believed that the undersized rule change was needed to expedite that reduction. With the excess tonnage of dried prunes, the Committee also considered establishing a reserve pool and diversion program to reduce the oversupply situation. These initiatives were not supported because they would not specifically eliminate the smallest, least valuable prunes which are in oversupply. Instead, the reserve pool and diversion program would eliminate larger size prunes from human consumption outlets. Reserve pools for prunes have historically been implemented on dried prunes regardless of the size of the prunes. While the marketing order also allows handlers to remove the larger prunes from the pool by replacing them with small prunes and the value difference in cash, this exchange would be cumbersome and expensive to administer compared to this rule.

Section 8e of the Act requires that when certain domestically produced commodities, including prunes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements for the domestically produced commodity. This action does not impact the dried prune import regulation because the action to be implemented is for volume control, not quality control, purposes. The smaller diameter openings of  $2\frac{3}{32}$  of an inch for French prunes and  $2\frac{8}{32}$  of an inch for non-French prunes were implemented for the purpose of improving product quality. The increases to  $2\frac{4}{32}$  of an inch in diameter for French prunes and  $3\frac{0}{32}$  of an inch in diameter for non-French prunes are for purposes of volume control.

Therefore, the increased diameters will not be applied to imported prunes.

This action will not impose any additional reporting or recordkeeping requirements on either small or large California dried prune handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, as noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

In addition, the Committee's meeting was widely publicized throughout the prune industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the December 1,

1998, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. The Committee itself is composed of twenty-two members, of which seven are handlers, fourteen are producers, and one is a public member. Moreover, the Committee and its Supply Management Subcommittee have been reviewing this supply management problem for the second year, and this rule reflects their deliberations completely.

A proposed rule concerning this action was published in the **Federal Register** on January 25, 1999 (64 FR 3660). Copies of this rule were mailed or sent via facsimile to all Committee members, alternates and dried prune handlers. Finally, the rule was made available through the Internet by the U.S. Government Printing Office. The rule provided a comment period which ended April 15, 1999. No comments were received.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

#### PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1. The authority citation for 7 CFR part 993 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. A new § 993.406 is added to read as follows:

**Note:** This section will not appear in the Code of Federal Regulations.

#### § 993.406 Undersized prune regulation for the 1999–2000 crop year.

Pursuant to §§ 993.49(c) and 993.52, an undersized prune regulation for the 1999–2000 crop year is hereby established. Undersized prunes are prunes which pass through openings as follows: For French prunes,  $2\frac{4}{32}$  of an inch in diameter; for non-French prunes,  $3\frac{0}{32}$  of an inch in diameter.

Dated: April 27, 1999.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

[FR Doc. 99–11078 Filed 5–3–99; 8:45 am]

BILLING CODE 3410–02–P

#### NUCLEAR REGULATORY COMMISSION

##### 10 CFR Part 50

RIN 3150–AF96

#### Codes and Standards: IEEE National Consensus Standard; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule: Correction.

**SUMMARY:** This document corrects a final rule appearing in the **Federal Register** on April 13, 1999 (64 FR 17944), that incorporates by reference IEEE Std. 603–1991, a national consensus standard for power, instrumentation, and control portions of safety systems in nuclear power plants. This action is necessary to correct an erroneous reference.

**EFFECTIVE DATE:** The final rule is effective on May 13, 1999.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Lesar, **Federal Register** Liaison Officer, telephone (301) 415–7163.

**SUPPLEMENTARY INFORMATION:** On page 17946, in the third column, in the codified text at § 50.55a(h)(1), on the fourteenth and twenty-first lines from the top, and at § 50.55a(h)(2) on the twenty-eighth line from the top “Std. 279–1971” should be corrected to read “Std. 279.”

Dated at Rockville, Maryland, this 28th day of April, 1999.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 99–11111 Filed 5–3–99; 8:45 am]

BILLING CODE 7590–01–P

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 98–NM–202–AD; Amendment 39–11151; AD 99–09–18]

RIN 2120–AA64

#### Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain Fokker Model F.28 Mark 0070 and Mark 0100 series