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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 294

Freedom of Information Act; Availability of Official Information; Service Charges for Information

Correction

In FR Doc. 86-12970, beginning on page 20833 in the issue of Monday, June 9, 1986, make the following correction: On page 20833, in the first column, in the fourth line under the caption "Supplementary Information", "$15" should read "$14".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 927

[Docket No. AO-99-A5]

Winter Pears Grown in Oregon, Washington, and California; Decision on Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This decision proposes further amendment of the marketing agreement and Marketing Order 927, covering winter pears grown in Oregon, Washington, and California. The amendment proposals would revise the size and composition of the Control Committee, limit the tenure of Control Committee members, change the varieties of winter pears covered under the order, authorize public advisors, add authority for research and development programs on a varietal basis, provide for periodic referenda on the order, and provide for certain other minor changes intended to improve program administration. Winter pear producers will be given the opportunity to vote in a referendum to determine if they favor the proposed changes in the marketing order.

DATE: The voting period for purposes of the referendum herein ordered is July 3 through July 12, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, telephone 202-447-5697.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued June 4, 1985, and published in the June 11, 1985, issue of the **Federal Register** (50 FR 24531). The Recommended Decision was issued March 12, 1986, and published in the **Federal Register** (51 FR 9663) on March 20, 1986.

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and therefore is excluded from the requirements of Executive Order 12291.

Preliminary Statement

This proposed amendment was formulated on the record of a public hearing held at Portland, Oregon, on June 20, 1985, to consider proposed further amendment of the marketing agreement, as amended, and Marketing Order No. 927, as amended, hereinafter referred to as the "order". The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the "act," and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900). Notice of this hearing was published June 11, 1985 in the **Federal Register** (50 FR 24531), containing several amendment proposals submitted by the Control Committee established under the order. The Department proposed that it be authorized to make any necessary conforming changes.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator, on March 12, 1986, filed with the Hearing Clerk, U.S. Department of Agriculture, the Recommended Decision containing the notice of the opportunity to file written exceptions thereto. That Recommended Decision was published in the March 20, 1986, issue of the **Federal Register** (51 FR 9663). The final date for receipt of written exceptions filed by interested persons was April 4, 1986. No exceptions were filed.

Small Businesses

The Administrator has determined that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). As stated in the notice of hearing, interested persons were invited to present evidence at a hearing on the probable regulatory and informational impact of the proposed rule on small businesses for the purposes of the RFA.

During the fiscal year ending June 30, 1983, 96 handlers regulated under M.O. 927 handled winter pears for the fresh market with an estimated crop value of $65,500,000. The average value per handler was approximately $680,000. Given an appropriate definition of a small business concern (i.e., for purposes of review pursuant to the Regulatory Flexibility Act, an agricultural services firm with average annual receipts not exceeding $3,500,000), almost all of the handlers of winter pears would fall within that definition. Thus, few handlers, if any, can be considered large or predominant in a relative or absolute sense.

The amendments to the order include provisions which would provide producers an opportunity to periodically evaluate and express support or disapproval of the order, would allow the committee to become more representative of the industry by increasing the number of committee representatives, and would permit broad-base participation in the administration of the order by limiting committee tenure, and would authorize supplemental assessments for research and promotion. Another amendment would authorize changes in the varieties and subvarieties covered under the order. The common practice in the industry is for a grower to produce several varieties of pears and for handlers to handle several varieties. While certain varieties of pears have been declining in commercial importance for many years and have minimal commercial value relative to other varieties, the production of other varieties of pears has been more

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