

**DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****7 CFR Part 915**

[Docket No. FV06-915-1 C]

**Marketing Order Regulating the Handling of Avocados Grown in South Florida; Florida Avocado Maturity Requirements; Correction****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Correcting amendment.

**SUMMARY:** The Agricultural Marketing Service (AMS) is making a correction to the section of the Code of Federal Regulations which specifies maturity requirements for avocados grown in South Florida. The D date for the Meya variety of avocados is listed incorrectly.

**DATES:** *Effective Date:* March 8, 2006.**FOR FURTHER INFORMATION CONTACT:**

William G. Pimental, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (863) 324-3375; Fax: (863) 325-8793; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491, Fax: (202) 720-8938.

**SUPPLEMENTARY INFORMATION:****Background**

AMS discovered an error in a maturity date in § 915.332 of the codified regulations. A final rule published in the **Federal Register** on June 16, 1994 (59 FR 30869), inserted specific calendar dates into Table 1 of § 915.332(a)(2), regulating the maturity for avocados grown in South Florida. The D date of the Meya variety was inadvertently published as "1-89" when it should have been "1-09".

**Need for Correction**

A maturity date for Meya variety avocados in Marketing Order 915, Avocados Grown in South Florida, is incorrect and needs to be changed. In Table 1 of § 915.332(a)(2), the date should be "1-09", but the date appears as "1-89". This correction document corrects that mistake.

**List of Subjects in 7 CFR Part 915**

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

■ Accordingly, 7 CFR part 915 is corrected by making the following amendment:

**PART 915—AVOCADOS GROWN IN SOUTH FLORIDA**

■ 1. The authority citation for 7 CFR part 915 continues to read as follows:

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

**§ 915.332 [Corrected]**

■ 2. In § 915.332, Table 1, the entry for Meya (P) is corrected by revising the date appearing in the "D date" column to read "1-09".

Dated: February 28, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 06-2118 Filed 3-6-06; 8:45 am]

**BILLING CODE 3410-02-P**

**DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****7 CFR Part 1207**

[Doc. No. FV-05-702 IFR]

**Amendments to the Potato Research and Promotion Plan****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Interim final rule with request for comments.

**SUMMARY:** The purpose of this rule is to increase the assessment rate on handlers and importers of potatoes from 2 cents to 2.5 cents per hundredweight. The increase is authorized under the Potato Research and Promotion (Plan). The Plan is authorized by the Potato Research and Promotion Act (Act). In order to sustain the three major programs currently conducted by the National Potato Promotion Board (Board), International Marketing, Domestic Marketing (which includes retail marketing), and a nutrition campaign at their present levels beyond June 2006, additional revenue is required.

**DATES:** This rule is effective March 8, 2006. Comments received by May 8, 2006 will be considered prior to finalization of this rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., Stop 0244, Washington, DC 20250-0244; fax: (202) 205-2800, e-mail:

*Jeanette.Palmer@usda.gov.*; or Internet: *http://www.regulations.gov.* All comments should reference the docket number, the date and the 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, or can be viewed at: *http://www.ams.usda.gov/fv/rpb.html.*

**FOR FURTHER INFORMATION CONTACT:**

Jeanette Palmer, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., Stop 0244, Washington, DC 20250-0244; telephone (202) 720-5976 or fax (202) 205-2800.

**SUPPLEMENTARY INFORMATION:** This rule is issued under the Potato Research and Promotion (Plan) [7 CFR part 1207], which became effective March 9, 1972. The Plan is authorized by the Potato Research and Promotion Act (Act) [7 U.S.C. 2611-2627].

**Executive Order 12988**

This rule has been reviewed under the 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 the Act, a person subject to the plan may file a petition with the Secretary of Agriculture (Secretary) stating that such plan, any provision of such plan, or any obligation imposed in connection with such plan is not in accordance with law; and requesting a modification of the plan or an exemption from the plan. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary will rule on the petition. The Act provides that the district court of the United States in any district in which such person is an inhabitant, or has principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided that a complaint is filed within 20 days after the date of entry of the ruling.

**Executive Order 12866**

The Office of Management and Budget (OMB) has waived the review process required by Executive Order 12866 for this action.

**Regulatory Flexibility Act and Paperwork Reduction Act**

In accordance with the Regulatory Flexibility Act (RFA) [5 U.S.C. 601 *et seq.*], the Agricultural Marketing Service