

handlers have already received 2010 olives from growers, the fiscal year began on January 1, 2010, and the assessment rate applies to all olives received during the 2010 and subsequent seasons. Further, handlers are aware of this rule, which was recommended at a public meeting. Also, a 30-day comment period was provided for in the proposed rule.

#### List of Subjects in 7 CFR Part 932

Olive, Marketing agreements, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

#### PART 932—OLIVES GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 932 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Section 932.230 is revised to read as follows:

##### § 932.230 Assessment rate.

On and after January 1, 2010, an assessment rate of \$44.72 per ton is established for California olives.

Dated: April 22, 2010.

**David R. Shipman,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2010–9827 Filed 4–27–10; 8:45 am]

**BILLING CODE** 3410–02–P

#### DEPARTMENT OF AGRICULTURE

##### Agricultural Marketing Service

#### 7 CFR Part 996

[Docket No. AMS–FV–10–0030, FV10–996–610 Review]

#### Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States; Section 610 Review

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

**ACTION:** Notice of review and request for comments.

**SUMMARY:** This document announces that the Agricultural Marketing Service (AMS) plans to review 7 CFR part 996, Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States, under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA).

**DATES:** Written comments on this notice must be received by June 28, 2010.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this notice of review. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., Stop 0237, Washington, DC 20250–0237; Fax: (202) 720–8938, or Internet: <http://www.regulations.gov>. 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, or may be viewed at: <http://www.regulations.gov>. All comments submitted in response to this notice will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

#### FOR FURTHER INFORMATION CONTACT:

Martin Engeler, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey St., Fresno, California 93721; Telephone: (559) 487–5110; Fax: (559) 487–5906; or E-mail:

[Martin.Engeler@ams.usda.gov](mailto:Martin.Engeler@ams.usda.gov); or Kenneth G. Johnson, DC Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Unit 155, 4700 River Road, Riverdale, MD 20737; Telephone: (301) 734–5243; Fax: (301) 734–5275; or E-mail: [Kenneth.Johnson@usda.gov](mailto:Kenneth.Johnson@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States (Standards), as amended (7 CFR Part 996), were established pursuant to Public Law 107–171, the Farm Security and Rural Investment Act of 2002 (Farm Bill). The Standards regulate the quality and handling of domestic and imported peanuts marketed in the United States.

AMS published in the **Federal Register** on August 14, 2003 (68 FR 48574), its plan to review certain regulations, including the Standards, under criteria contained in section 610 of the RFA (5 U.S.C. 601–612). Because many AMS regulations impact small entities, AMS has decided, as a matter of policy, to review certain regulations which, although they may not meet the threshold requirement under section 610 of the RFA, warrant review.

The purpose of the review will be to determine whether the Standards should be continued without change, amended, or rescinded, consistent with

the stated objectives of applicable statutes, to minimize the impacts on small entities. In conducting this review, AMS will consider the following factors: (1) The continued need for the Standards; (2) the nature of complaints or comments received from the public concerning the Standards; (3) the complexity of the Standards; (4) the extent to which the Standards overlap, duplicate, or conflict with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the Standards have been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the areas affected by the Standards.

Written comments, views, opinions, and other information regarding the impact the Standards have on small businesses are invited.

Dated: April 22, 2010.

**David R. Shipman,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2010–9833 Filed 4–27–10; 8:45 am]

**BILLING CODE** P

#### DEPARTMENT OF ENERGY

##### 10 CFR Part 430

[Docket Number EERE–2007–BT–TP–0013]

RIN 1904–AB72

#### Energy Conservation Program: Test Procedures for General Service Fluorescent Lamps, Incandescent Reflector Lamps, and General Service Incandescent Lamps; Correction

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** This document contains a technical correction to the final rule regarding the test procedures for general service fluorescent lamps, incandescent reflector lamps, and general service incandescent lamps, which was published in the **Federal Register** on July 6, 2009. In that final rule, the U.S. Department of Energy (DOE) adopted amendments to its test procedure regulations for the above-specified lamps. However, due to a drafting error, part of the original wording was inadvertently removed from the DOE test procedure regulations in the Code of Federal Regulations (CFR). This final rule addresses this issue and restores the correct and complete language to the regulations.

**DATES:** Effective on April 28, 2010.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda Graves, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, 1000 Independence Avenue, SW., Washington, DC, 20585-0121. Telephone: (202) 586-1851. E-mail: [Linda.Graves@ee.doe.gov](mailto:Linda.Graves@ee.doe.gov).

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC-71, 1000 Independence Avenue, SW., Washington, DC, 20585. Telephone: (202) 586-9507. E-mail: [mailto:Eric.Stas@hq.doe.gov](mailto:mailto:Eric.Stas@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On July 6, 2009, DOE's Office of Energy Efficiency and Renewable Energy published a test procedure final rule in the **Federal Register** titled, "Test Procedures for General Service Fluorescent Lamps, Incandescent Reflector Lamps, and General Service Incandescent Lamps" (hereafter referred to as the "July 2009 final rule"). 74 FR 31829. Since the publication of that rule, it has come to DOE's attention that, due to a technical oversight, a certain part of the July 2009 final rule incorrectly amended a section of the DOE regulations that specified which units should be tested to demonstrate compliance with energy conservation standards. Specifically, 10 CFR 430.24(r)(1) was amended to include general service incandescent lamps, but existing details specifying requirements for manufacturer sampling of units were inadvertently removed. These existing details were previously adopted in a published test procedure final rule titled, "Fluorescent and Incandescent Lamp Test Procedures" (hereafter the "May 1997 final rule"). 62 FR 29222, 29239-40 (May 29, 1997). Today's final rule revises the relevant section to include the correct information.

**II. Summary of This Action**

As published, the July 2009 final rule contains an incomplete unit sampling procedure for general service fluorescent lamps, incandescent reflector lamps, and general service incandescent lamps. The purpose of the sampling procedure is to specify which units manufacturers of these lamps must test to demonstrate compliance with the applicable energy conservation standards. To correct this error, DOE is amending 10 CFR 430.24(r)(1) to again include the relevant language from the May 1997 final rule.

**III. Final Action**

Section 553 of Title 5, U.S. Code, (5 U.S.C. 553) generally requires agencies to provide prior notice and an opportunity for public comment on substantive rules. The requirement does not apply, however, if the agency determines that notice and opportunity for public comment can be waived for good cause if such procedures are "impracticable, unnecessary, or contrary to the public interest." DOE finds that good cause exists for dispensing with notice and opportunity for public comment in issuing today's rule. It was clearly not DOE's intention to change or eliminate the sampling requirements for general service fluorescent lamps, general service incandescent lamps, or incandescent reflector lamps. At no place in the July 2009 final rule (or the notice of proposed rulemaking that preceded it) did DOE discuss such a modification. The change in the code language was inadvertent and is currently in need of correction in order to facilitate manufacturer compliance testing. For these reasons, DOE finds that prior notice or an opportunity for comment are unnecessary, and has characterized today's rule as a "technical correction" in the **ACTION** line at the beginning of this notice.

**IV. Procedural Requirements**

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the July 6, 2009 test procedure final rule remain unchanged for this final rule technical correction. These determinations are set forth in the July 6, 2009 final rule. 74 FR 31829, 31838-40.

**List of Subjects in 10 CFR Part 430**

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

■ For the reasons stated in the preamble, part 430 of chapter II of title 10, Code of Federal Regulations, is corrected by making the following correcting amendments:

**PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS**

■ 1. The authority citation for part 430 continues to read as follows:

**Authority:** 42 U.S.C. 6291-6309; 28 U.S.C. 2461 note.

■ 2. Section 430.24 is amended by revising paragraph (r)(1) to read as follows

**§ 430.24 Units to be tested.**

\* \* \* \* \*

(r)(1) For each basic model of general service fluorescent lamp, general service incandescent lamp, and incandescent reflector lamp, samples of production lamps shall be tested and the results for all samples shall be averaged for a 12-month period. A minimum sample of 21 lamps shall be tested. The manufacturer shall randomly select a minimum of three lamps from each month of production for a minimum of 7 out of the 12-month period. In the instance where production occurs during fewer than 7 of such 12 months, the manufacturer shall randomly select 3 or more lamps from each month of production, where the number of lamps selected for each month shall be distributed as evenly as practicable among the months of production to attain a minimum sample of 21 lamps. Any represented value of lamp efficacy of a basic model shall be based on the sample and shall be no greater than the lower of the mean of the sample or the lower 95-percent confidence limit of the true mean ( $X_L$ ) divided by 0.97, *i.e.*,

$$\frac{\bar{x} - t_{0.95} \left( \frac{s}{\sqrt{n}} \right)}{0.97}$$

where:  
 $\bar{x}$  = the mean luminous efficacy of the sample  
 s = the sample standard deviation  
 $t_{0.95}$  = the t statistic for a 95-percent confidence limit for n-1 degrees of freedom (from statistical tables)  
 n = sample size  
 \* \* \* \* \*

Issued in Washington, DC on April 22, 2010.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

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