

removed. In § 959.322(d)(1), the reference to (f)(3)(ii) needs to be removed because no such section exists, and should be replaced with the correct reference to shipments for experimental purposes. The incorrect section was inadvertently placed in the regulation. Also, in paragraph (d)(1) the name of the inspection office should be corrected to reflect the correct name of the local inspection office and should include the Inspection Service's name referred to in the order. In addition, paragraphs (f)(2), (f)(3), and (f)(5) will be removed because they will no longer be applicable when container requirements are eliminated.

The opportunities and benefits of this rule are expected to be equally available to all onion handlers and regardless of their size of operation. The recommended changes will benefit the entire South Texas onion industry.

The alternatives would be to suspend the container requirements for a certain period of time or leave the regulations as they are. However, the Committee believed that the best action would be to eliminate all requirements completely to provide expanded flexibility.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large onion 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, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the South Texas onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the October 8, 2002, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Also, the Committee has a number of appointed subcommittees to review certain issues and make recommendations to the Committee. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any question about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on revisions to the rules and regulations currently prescribed under the South Texas onion marketing order. Any comments received will be considered prior to finalization of this rule.

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.

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 by providing additional marketing flexibility for the industry to ship onions; (2) this rule should be in place as soon as possible because the 2003 season begins March 1, 2003; (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 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 959 is amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 959.104 is revised to read as follows:

§ 959.104 Fiscal period.

The fiscal period shall begin August 1 of each year and end July 31 of the following year, both dates inclusive.

§ 959.237 [Amended]

3. In § 959.237, remove the words “container or”.

4. Section 959.322 is amended by:

A. Revising the introductory paragraph;

B. Removing paragraph (c);

C. Redesignating paragraph (d) as paragraph (c), and revising newly redesignated paragraph (c)(1);

D. Redesignating paragraph (e) as paragraph (d);

E. Redesignating paragraph (f) as paragraph (e), and revising redesignated paragraph (e);

F. Redesignating paragraph (g) as paragraph (f), and revising the introductory texts of newly redesignated paragraphs (f) and (f)(4); and

G. Redesignating paragraph (h) as paragraph (g) to read as follows:

§ 959.322 Handling regulation.

During the period beginning March 1 and ending June 4, no handler shall handle any onions, including onions for peeling, chopping, and slicing, unless they comply with paragraphs (a) through (c) or (d) or (e) of this section.

* * * * *

(c) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraphs (d), (e)(1), or (e)(2)(i) of this section unless an inspection certificate has been issued by the Federal or Federal-State Inspection Service, Texas Cooperative Inspection Program, covering them and the certificate is valid at the time of shipment. City destinations shall be listed on inspection certificates and release forms.

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(e) *Special purpose shipments.* (1) The minimum grade, size, quality, and inspection requirements set forth in paragraphs (a) through (c) of this section shall not be applicable to shipments of onions for charity, relief and processing if handled in accordance with paragraph (f) of this section.

(2) *Experimental shipments.* Upon approval by the committee, onions may be shipped for experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60, provided they are handled in accordance with the safeguard provisions of paragraph (f) of this section.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade and size requirement of this section, and not exempt under paragraphs (d) or (e) of this section, may be handled only pursuant to § 959.126. Such onions not handled in accordance with paragraph (f) of this section shall be mechanically mutilated at the packing shed rendering them unsuitable for fresh market.

(f) *Safeguards.* Each handler making shipments of onions for relief, charity, processing, or experimental purposes shall:

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