

prunes during the crop year through the last day of the immediately preceding month. PMC Form 12.1 was required to contain at least the following information:

(1) The date, the name, and address of the handler, and the period covered by the report;

(2) The pounds of prunes shipped or otherwise disposed of, other than shipments to or for the account of other handlers as follows: (i) Domestic outlets segregated by uses (including Federal Government agencies); (ii) export markets segregated by countries; (iii) both domestic and export totals segregated by type of pack (carton, visipak, and other); and (iv) pitted prunes (pitted weight) segregated as to total to domestic outlets and total to export markets;

(3) The total pounds shipped to or for the account of other handlers, including interhandler transfers; and

(4) The total pounds of prunes not covered by, or excluded from, the definition of the term "prunes" (§ 993.5) shipped.

PMC Form 12.1A included a listing of the quantities of whole and pitted prunes exported together with the countries to which the exports were made.

#### Recommended Action

Based upon competition concerns, the Committee unanimously recommended changing the frequency and amount of information that is required to be reported by handlers. This rule continues to allow the Committee to obtain the information it needs for program purposes, and continues to permit California prune handlers to file their Shipment Reports on a quarterly, rather than monthly basis.

Handlers are no longer reporting their export shipment destination countries to the Committee. Instead handlers are reporting the regions into which they ship. The amount of information disseminated by the Committee continues to be reduced. The Committee is no longer reporting the countries to which the industry exports, but only the total export shipments (except that total export shipments into regions is reported annually for marketing policy purposes). The reporting of type of pack is changed from "carton, visipak, and other" to "bulk and consumer pack" to reveal less marketing information.

By distributing the Shipment Report quarterly, instead of monthly, and revising the report's format to provide less detailed information, the Committee reduces the amount of marketing information it is releasing. However, this information still satisfies

the Committee's need for information to prepare the marketing policy, verify compliance, monitor the accuracy of handler reports, justify government purchases or supply control recommendations, and to help the industry develop their marketing programs and evaluate USDA Market Access Program applications. At least once a year, export shipments by region are reported for the entire crop year. During the remainder of the year, the Committee may only report total export shipments.

These recommendations by the Committee reduce the reporting burden on California prune handlers as well as help address some of the marketing concerns of the industry and Committee. These changes also reduce some of the Committee's administrative costs in disseminating this information quarterly, rather than monthly. Accordingly, appropriate changes are continued in paragraph (d) of § 993.172.

#### Final Regulatory Flexibility Analysis and the Paperwork Reduction Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action 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 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.

#### Industry Profile

There are approximately 1,205 producers of dried prunes in the production area and approximately 21 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than \$750,000 and small agricultural service firms are defined as those having annual receipts of less than \$5,000,000.

Currently 8 of the 21 handlers (38 percent) shipped over \$5,000,000 worth of dried prunes and could be considered large handlers by the Small Business Administration. Thirteen of the 21 handlers (62 percent) shipped less than \$5,000,000 worth of dried prunes and could be considered small handlers. An

estimated 32 producers, or less than 3 percent of the 1,205 total producers, will be considered large growers with annual incomes over \$750,000. The majority of handlers and producers of California dried prunes may be classified as small entities.

#### Summary of Rule Change

This rule continues to change the reporting requirements specified in § 993.172(d) of the administrative rules and regulations regarding the reporting of dried prune shipments by handlers. This rule continues to allow the California prune handlers to file their Shipment Reports quarterly, rather than monthly. Also handlers are no longer reporting their export market shipments to the Committee by country, but by region. The amount of information disseminated by the Committee continues to be reduced. The Committee is no longer reporting export shipments by country, but only in total (except that total export shipments into regions are reported annually to enable the Committee to prepare its marketing policy). The reporting of type of pack is changed from "carton, visipak, and other" to "bulk and consumer pack".

#### Impact of Regulation

Regarding the impact of this rule on affected entities, this action continues the reduced reporting and recordkeeping burden on California prune handlers and continues the reduction in the Committee's administrative costs. The Committee estimates that 21 California prune handlers are required to file the Supply and Disposition reports each month. It is estimated that it takes each handler about 20 minutes to complete each revised PMC Form 12.1, and about 20 minutes to complete each revised PMC Form 12.1A. In comparison it is estimated that previously each handler needed about 30 minutes to complete each PMC Form 12.1, and about 35 minutes to complete each PMC Form 12.1A. Thus, completion of the revised reports takes 10 minutes less, and 15 minutes less, respectively, than was required for each of the reports previously. The total annual industry reporting burden for the current PMC Form 12.1 was 120 hours, and for the PMC Form 12.1A was 139 hours, for a combined total of 259 hours. The total burden hours for the revised PMC Forms 12.1 and 12.1A is 28 hours each, for a combined total of 55 hours. These changes thereby reduce the annual industry information collection burden by 204 hours. Committee costs are also reduced because the report is compiled