

The volume control limitations placed on the quantity of Florida celery handled for fresh shipment have not restricted the quantity of Florida celery actually produced or shipped to fresh markets in recent years, because production and shipments have been less than the marketable quantities established. Thus, regulating volume has been inconsequential.

The committee recommended suspension, not termination, of the marketing order to allow the industry an opportunity to recover. Florida's share of the domestic celery market has declined, but committee members remain optimistic that, in time, the Florida celery industry may regain its former position. If the industry should recover, the committee would like to maintain the option of reactivating the Federal marketing order.

Under the suspension, the industry will be able to monitor the status of celery production in Florida for the next three marketing seasons. A meeting will be held prior to December 1997, to discuss the condition of the industry. At that time, a determination will be made to recommend reactivation, continuation of the suspension, or termination of the order. The recommendation would require the approval of the Secretary. If conditions improve enough to convince the industry that the order would be effective before the conclusion of the suspension period, a recommendation could be made to the Secretary to remove the suspension at that time.

Therefore, based on the foregoing considerations, it is found that Federal Marketing Order No. 967, and the rules and regulations issued thereunder, do not tend to effectuate the declared policy of the Act. This action suspends, through December 31, 1997, the provisions of Federal Marketing Order No. 967 and the rules and regulations issued thereunder, including but not limited to, the:

- (1) Provisions of the order dealing with the establishment and responsibilities of the committee and the administration of the order;
- (2) Any rule or regulation, including a budget and assessment rule [59 FR 52411, October 18, 1994] and volume control regulations [59 FR 49571, September 29, 1994] issued for the 1994-95 marketing season, and research and development projects;
- (3) Provisions of the order dealing with expenses and the collection of assessments; and
- (4) Information collection and reporting requirements (In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), such

requirements have been approved by the Office of Management and Budget and assigned OMB Control No. 0581-0145).

During the suspension period, all committee members and their alternates will serve as trustees. The trustees will be responsible for overseeing the administrative affairs of the order. This includes completing the committee's unfinished business, ensuring termination of all outstanding agreements, contracts, and the payment of all obligations. The trustees will also be responsible for safeguarding program assets, and arranging for a financial audit to be conducted. All such actions by the trustees during the period of suspension are subject to the approval of the Secretary. Those designated as trustees are: Mr. Pat Ferlise, Chairperson, Mr. Thomas L. Brown, Vice-Chairperson, Mr. L. E. Duff, Secretary/Treasurer, Mr. Tony Woodham, Mr. David L. Young, Mr. F. S. Duda, Mr. Charles E. Allison, Mr. Glenn R. Rogers, Mr. W. Rex Clonts, Sr., Mr. W. Rex Clonts, Jr., Mr. Felix Ferlise, Mr. Henry M. Daniels, Mr. Milton Ferlise, Mr. Dan Duda, Mr. Francis J. McCarthy, Mr. Walter Duda, Mr. Bill Grindstaff. The trustees shall continue in their capacity as long as they are eligible to serve as provided in § 967.26 of the order, and until the order is reactivated or terminated, unless they are discharged by the Secretary.

The remainder of the reserves, after immediate expenses are paid, will be held by the trustees to be used to cover unforeseen, outstanding expenses obligated by the committee. Such funds could also be used by the trustees to pay for necessary start-up costs should the order, at the determination of the Secretary, be reactivated. When a final determination is made regarding the order, any remaining funds will be used or disbursed in accordance with the appropriate order provisions.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is also found and determined, upon good cause, that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure with respect to this action because: (1) This action relieves restrictions on handlers by suspending the requirements regulating the handling of celery pursuant to Marketing Order No. 967; (2) handlers are aware of this action, which was discussed and recommended at a meeting held by the committee; and (3) no useful purpose would be served

by delaying the suspension of the marketing order.

List of Subjects in 7 CFR Part 967

Marketing Agreements, Celery, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, under the authority of 7 U.S.C. 601-674, 7 CFR Part 967, is suspended effective January 12, 1995 through December 31, 1997.

Dated: January 6, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

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Rural Utilities Service

7 CFR Part 1773

Correction of Typographical Error

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule correction of typographical error.

SUMMARY: This document corrects a typographical error in a final rule published by the Rural Utilities Service (RUS) on December 27, 1994, at 59 FR 66438. This regulation revised nomenclature in agency regulations to reflect the reorganization of the Department of Agriculture mandated by recent legislation.

EFFECTIVE DATE: December 27, 1994.

FOR FURTHER INFORMATION CONTACT: Sue Arnold, Financial Analyst, Program support Staff, Rural Utilities Service, room 2234, South Building, U.S. Department of Agriculture, Washington, DC 20250-1500, telephone number 202-720-0736; FAX 202-720-4120.

SUPPLEMENTARY INFORMATION: This correction affects revisions to definitions in 7 CFR Part 1773. The published document, in the second column of page 66440 cites the incorrect section of part 1773. The definitions revised are actually in section 1773.2. To avoid confusion, RUS is correcting this error.

Therefore, 7 CFR Part 1773 is corrected as follows:

1. The authority citation for part 1773 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*; Pub.L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

2. In the second column of page 66440, in amendatory instruction number 25 "1773.3" is corrected to read "1773.2".