

within the comment period prior to finalizing this rule.

#### List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, Vegetables.

For the reasons set forth in the preamble, 7 CFR Part 52 is amended as follows:

### **PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS<sup>1</sup>**

#### **Subpart—United States Standards for Grades of Frozen Okra**

1. The authority citation for Part 52 continues to read as follows:

Authority: 7 U.S.C. 1622–1624.

2. § 52.1511 is revised to read as follows:

#### **§ 52.1511 Product description.**

Frozen okra is the product prepared from clean, sound, succulent, and edible fresh pods of the okra plant (*Hibiscus esculentus*) of the green variety. The product may or may not be trimmed, is properly prepared and properly processed, and is then frozen and stored at temperatures necessary for preservation.

#### **§ 52.1512 [Amended]**

3. In § 52.1512, paragraph (a) immediately following the words “consists of trimmed” the words “, or untrimmed” are added and in paragraph (b) the words “, or untrimmed” are added after the words “is trimmed”.

#### **§ 52.1517 [Amended]**

4. § 52.1517 is amended by removing paragraph (c)(5)(i) and redesignating paragraphs (c)(5)(ii) through (c)(5)(vi) as paragraphs (c)(5)(i) through (c)(5)(v), respectively.

Dated: December 1, 1995.

Lon Hatamiya,  
Administrator.

[FR Doc. 95–29790 Filed 12–06–95; 8:45 am]

BILLING CODE 3410–02–P

#### **7 CFR Part 52**

[FV–95–329]

### **United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas**

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

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule amends the existing U.S. grade standards for Frozen Field Peas and Frozen Black-Eye Peas and removes the color attributes requirements for frozen black-eye peas and frozen cream peas to have “obvious green color”. This change allows producers of frozen field peas and frozen black-eye peas the option to pack black-eye peas and cream peas without the requirement that these peas have an “obvious green color”. The requirement for obvious green colored peas has forced changes in current harvesting practices and required that food processors supplement their pack with imported peas, of similar varieties, in order to meet the “Grade A” color requirement. Removing the requirement for green color resolves this issue for the industry since crops are harvested later in the season under current harvesting practices. This revision enables the frozen food industry to produce frozen black-eye peas and frozen field peas more efficiently.

**DATES:** Effective December 7, 1995. Comments received by January 8, 1996, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in duplicate to the Office of the Branch Chief, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, PO Box 96456, Washington, DC 20090–6456. Comments should reference 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 Branch Chief during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James R. Rodeheaver, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, PO Box 96456, Washington, DC 20090–6456, Telephone (202) 720–4693.

**SUPPLEMENTARY INFORMATION:** This interim final rule is issued under the

United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas (7 CFR part 52) to improve grade standards. The standards are effective under the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1622, 1624), hereinafter referred to as the Act.

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

The Department of Agriculture is issuing this rule in conformance with Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The AMS Administrator has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Public Law 96–354 (5 U.S.C. 601 *et seq.*), because it reflects current marketing practices. In addition, these standards are voluntary. A small entity may avoid incurring any additional economic impact by not employing the standards.

The American Frozen Food Institute (AFFI) has petitioned for emergency relief from a requirement in the United States grade standards for frozen field peas and frozen black-eye peas. AFFI is a trade association representing over 560 food industry companies that accounts for over 90 percent of frozen food production in the United States. The frozen food industry requested USDA revise the grade standards to bring it in line with current harvesting and marketing practices. This would give economic relief to the frozen field pea and black-eye pea industry.

The U.S. grade standards are voluntary standards. However, there is widespread use of the standards in contracts.

When these grade standards were promulgated in 1976, it included a “Grade A” color requirement for frozen black-eye peas and cream peas that approximately 14 percent of these type peas have an obvious green color. This requirement was applicable when hand harvesting techniques forced growers to harvest their crops earlier in the growing season which allowed for a high percentage of immature peas. Today, modern mechanical harvesting techniques allow growers to harvest these types of peas with more mature pods that are easily shelled.

<sup>1</sup> May include the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea, cocoa, coffee, spices, condiments.