

## Reports

### § 927.125 Reports.

(a) Each shipper handling pears covered by an exemption certificate shall keep an accurate record, in the manner provided on such certificate, of all shipments of such pears. Such shipper, after having shipped as many pears as authorized by the particular exemption certificate, shall promptly mail to the Secretary of the Control Committee, such handler's copy of the exemption certificate containing an accurate record of such shipments.

(b) Each handler shall furnish to the Control Committee, as of every other Friday, a report containing the following information on Form 1 "Handlers' Statement of Pear Shipments":

(1) The number of standard western pear boxes (two half boxes shall be counted as one box) of each variety of pears shipped by that handler during the preceding two weeks;

(2) The date of each shipment;

(3) The ultimate destination, by city and state or city and country; and

(4) The name and address of such handler. In addition, the handler shall indicate, for each lot of pears shipped in accordance with the provisions of § 927.122, the storage lot number, and the name and address of the storage warehouse.

(c) Each handler shall furnish to the Control Committee, as of every other Friday, a "Handler's Packout Report" containing the following information:

(1) The total of the packout of each variety;

(2) The quantity of each variety loose in storage;

(3) The volume of each variety sold; and

(4) The name and address of such handler.

(d) Each handler who has shipped less than 2,500 standard western pear boxes during any two-week reporting period of the shipping season may, in lieu of reporting biweekly, report as follows:

(1) At completion of harvest, on the next biweekly reporting date, furnish to the Control Committee a "Handler's Packout Report";

(2) After unreported shipments total 2,500 standard western pear boxes, furnish to the Control Committee a "Handler's Statement of Pear Shipments" and a "Handler's Packout Report" on the next biweekly reporting date;

(3) After completion of all shipments from regular storage (*i.e.* non-Controlled Atmosphere storage) at the end of the shipping season, furnish to the Control Committee a "Handler's Statement of

Pear Shipments" and a "Handler's Packout Report" on the next biweekly reporting date;

(4) At mid-season for Controlled Atmosphere storage, at a date established by the Control Committee, furnish to the Control Committee a "Handler's Statement of Pear Shipments" and a "Handler's Packout Report"; and

(5) At the completion of all seasonal pear shipments, furnish to the Control Committee a "Handler's Statement of Pear Shipments" and a "Handler's Packout Report" on the next biweekly reporting date. Each of these reports shall be marked "final report" and include an explanation of the actual shipments versus the original estimate, if different.

(e) Each handler who has pears inspected and certificated in lots larger than carload lots and who wishes to rely on such lot inspections in lieu of inspection certificates for individual carlot shipments shall deliver to the manager within 10 days after shipment of any such pears a written report showing the quantity, variety, grade, and size of the pears so shipped and the date of shipment thereof, and said report shall identify such pears with the lot-inspection certificate covering the same, and shall further show what portion of that lot remains unshipped, and where located; such report shall be in addition to, and not in lieu of, the handler's reports of shipments required under paragraphs (b) and (c) of this section.

(f) Each handler shall specify on each bill of lading covering each shipment the variety, and number of boxes thereof, of all pears included in that shipment.

### § 927.142 Reserve fund.

(a) It is necessary and appropriate to establish and maintain an operating reserve fund in an amount not to exceed approximately one fiscal period's expenses to be used in accordance with the provisions of § 927.42 of the amended marketing agreement and this part, and

(b) Assessments collected for the period ended June 30, 1962, were in excess of the expenses for such period and the committee is hereby authorized to place \$2,500 of such excess in said reserve.

### Assessment Rate

#### § 927.236 Assessment rate.

On and after July 1, 2004, an assessment rate of \$0.49 per 44-pound standard box or container equivalent of conventionally and organically produced pears and, in addition, a

supplemental assessment rate of \$0.01 per 44-pound standard box or container equivalent of Beurre d'Anjou variety pears, excluding organically produced Beurre d'Anjou pears, is established for the Winter Pear Control Committee.

### § 927.316 Handling regulation.

During the period August 15 through November 1, no person shall handle any Beurre D'Anjou variety of pears for shipments to North America (Continental United States, Mexico, or Canada), unless such pears meet the following requirements:

(a) Beurre D'Anjou variety of pears shall have a certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core/pulp temperature of such pears has been lowered to 35 degrees Fahrenheit or less and any such pears have an average pressure test of 14 pounds or less. The handler shall submit, or cause to be submitted, a copy of the certificate issued on the shipment to the Control Committee.

(b) Each handler may ship on any one conveyance 8,800 pounds or less of Beurre D'Anjou variety of pears without regard to the quality and inspection requirements in paragraph (a) of this section.

Dated: October 7, 2005.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Federal Housing Enterprise Oversight

#### 12 CFR Part 1700

RIN 2550-AA33

#### Organization and Functions

**AGENCY:** Office of Federal Housing Enterprise Oversight, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Office of Federal Housing Enterprise Oversight (OFHEO) is revising the regulation that describes its organization and functions. The revisions reflect changes in OFHEO's organizational structure and the functional responsibilities of some of its offices.

**DATES:** The final regulation is effective October 13, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mary Alice Donner, Senior Counsel,

telephone (202) 343-1319 (not a toll-free number); Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The telephone number for the Telecommunications Device for the Deaf is (800) 877-8339.

#### SUPPLEMENTARY INFORMATION:

#### Discussion of Final Regulation

This final regulation informs the public about structural and functional changes within OFHEO that were recently implemented by the Acting Director. Changes in OFHEO's structure consist of the establishment of a new Office of Executive Director, and the establishment of the Offices of Human Resources Management and of Budget and Financial Management. The Office of Human Resources Management and the Office of Budget and Financial Management will assume the functions of the former Office of Finance and Administration, among other responsibilities. The Office of Executive Director is headed by the Executive Director and Chief of Staff, and consists of the Office of Budget and Financial Management, Office of Human Resources Management, the Office of Technology and Information Management, and the Office of Strategic Planning and Management. The Office of Information Technology is renamed Office of Technology and Information Management to reflect more accurately the nature and scope of that Office's responsibilities.

In promulgating this regulation, OFHEO finds that notice and public comment are not necessary. Section 553(b)(3)(A) of title 5, United States Code, provides that when regulations involve matters of agency organization, procedure or practice, the agency may publish regulations in final form. In addition, OFHEO finds, in accordance with 5 U.S.C. 553(d), that a delayed effective date is unnecessary. Accordingly, this regulation is effective upon publication.

#### Regulatory Impact

##### *Executive Order 12866, Regulatory Planning and Review*

The final regulation is not classified as an economically significant rule under Executive Order 12866 because it would not result in an annual effect on the economy of \$100 million or more or a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the

ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. Accordingly, no regulatory impact assessment is required and this final regulation has not been submitted to the Office of Management and Budget for review.

##### *Executive Order 13132, Federalism*

Executive Order 13132 requires that Executive departments and agencies identify regulatory actions that have significant federalism implications. A regulation has federalism implications if it has substantial direct effects on the states, on the relationship or distribution of power between the Federal Government and the states, or on the distribution of power and responsibilities among various levels of government. The final regulation has no federalism implications that warrant the preparation of a federalism assessment in accordance with Executive Order 13132.

##### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities, 5 U.S.C. 605(b). OFHEO has considered the impact of the final regulation under the Regulatory Flexibility Act. The Acting General Counsel of OFHEO certifies that the final regulation will not have a significant economic impact on a substantial number of small business entities.

##### *Paperwork Reduction Act*

This final regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 12 CFR Part 1700

Organization and functions (Government Agencies).

■ Accordingly, for the reasons stated in the Preamble, OFHEO amends 12 CFR part 1700 to read as follows:

#### PART 1700—ORGANIZATION AND FUNCTIONS

■ 1. The authority citation for part 1700 continues to read as follows:

**Authority:** 5 U.S.C. 552; 12 U.S.C. 4513 and 4526.

■ 2. Amend § 1700.2 as follows:

- a. Remove paragraphs (c)(3), (c)(7), and (c)(8).
- b. Redesignate paragraphs (c) and (d) as paragraphs (d) and (e), respectively.
- c. Redesignate newly designated paragraphs (d)(1) and (d)(2) as paragraphs (d)(2) and (d)(3).
- d. Redesignate newly designated paragraphs (d)(9) and (d)(10) as paragraphs (d)(7) and (d)(8).
- e. Add a new paragraph (c) and a new paragraph (d)(1) to read as follows:

##### **§ 1700.2 Organization of the Office of Federal Housing Enterprise Oversight.**

\* \* \* \* \*

(c) *Executive Director and Chief of Staff.* The Executive Director and Chief of Staff of OFHEO heads the Office of Executive Director. The Executive Director and Chief of Staff reports to the Director and the Deputy Director. The Executive Director and Chief of Staff is the chief administrative officer of OFHEO, serves as a legal advisor on administrative matters, and coordinates communication and cooperation on administrative issues with the Office of General Counsel.

(d) *Offices and functions.* (1) Office of Executive Director. The Office of Executive Director consists of the Office of Budget and Financial Management, the Office of Human Resources Management, the Office of Technology and Information Management, and the Office of Strategic Planning and Management. The Office of Executive Director is responsible for OFHEO-wide management and oversight of all administrative matters.

\* \* \* \* \*

Dated: October 4, 2005.

**Stephen Blumenthal,**

*Acting Director, Office of Federal Housing Enterprise Oversight.*

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