

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture “To develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.” AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements no longer appear in the Code of Federal Regulations, but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is proposing to revise the voluntary United States Standards for Grades of Strawberries using procedures that appear in part 36, title 7 of the Code of Federal Regulations (7 CFR part 36). These standards were last revised in 1965.

### Background

AMS received a request from the CSC requesting a revision to the United States Standards for Grades of Strawberries to allow that percentages be determined by count rather than volume.

Prior to undertaking research and other work associated with a revision of the grade standards, AMS decided to seek public comments on the request. On March 11, 2005, AMS published a notice in the **Federal Register** (70 FR 12175) soliciting comments on a possible revision to the United States Standards for Grades of Strawberries.

In response to our request for comments, AMS received five comments from industry groups. Four comments were in favor of the revision to the standard and one comment was opposed. The comments are available by accessing AMS’s Home Page on the Internet at: <http://www.ams.usda.gov/fv/fpbdoCKETlist.htm>.

The one comment opposing the revision stated, “To change to a count-based system would treat berries of varying sizes equally. This may be more expeditious, but from our perspective reduces the relevance and effectiveness of USDA inspections.” By changing to a count basis each berry will represent the same percentage of the container regardless of the size of the berry. Currently, each inspector must determine the volume of each berry in relation to the container based on a

visual estimation. Modifying the standards to allow that percentages be determined by count will provide more objectivity to an inspection.

AMS received four comments in favor of the revision. Those in favor of the revision stated the proposed rule change follows changing industry practices and market demand by replacing a subjective volume determination, with a more preferred and easily understood objective measurement.

AMS believes the proposed revision to allow percentages to be determined by count rather than volume would establish a clear uniform procedure for determining the percentages. Additionally, AMS is proposing to eliminate the unclassified category. This section is being removed in all standards, when they are revised. This category is not a grade and only serves to show that no grade has been applied to the lot. It is no longer considered necessary.

The official grade of a lot of strawberries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables and Other Products (Sec. 51.1 to 51.61).

This notice provides a 60-day comment period for interested parties to comment on changes to the standard.

**Authority:** 7 U.S.C. 1621–1627.

Dated: September 1, 2005.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket Number FV–04–306]

#### United States Standards for Grades of Watermelons

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

**ACTION:** Notice; request for public comment.

**SUMMARY:** The Agricultural Marketing Service (AMS), of the Department of Agriculture is soliciting comments on its amended proposal to revise the United States Standards for Grades of Watermelons. AMS received a petition from the National Watermelon Association (NWA), amending a portion of their original petition. NWA’s amended petition is requesting that seedless watermelons be defined as:

“Watermelons which have 10 or less mature seeds, not to include pips/caplets, on the face of the melon which has been cut into four equal sections (one lengthwise cut and one crosswise cut).” NWA’s original petition requested that a variance be added to the size requirements. This request remains unchanged.

**DATES:** Comments must be received by November 7, 2005.

**ADDRESSES:** Interested persons are invited to submit written comments to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Room 1661 South Building, Stop 0240, Washington, DC 20250–0240; Fax (202) 720–8871, E-mail

*FPB.DocketClerk@usda.gov*. Comments should make reference to the dates and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours. The United States Standards for Grades of Watermelons are available either through the address cited above or by accessing the Fresh Products Branch Web site at: <http://www.ams.usda.gov/standards/standfrfv.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Cheri L. Emery, at the above address or call (202) 720–2185; E-mail *Cheri.Emery@usda.gov*.

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture “To develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.” AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements no longer appear in the Code of Federal Regulations, but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is proposing to revise the voluntary United States Standards for Grades of Watermelons using procedures that appear in part 36, title 7 of the Code of Federal Regulations (7 CFR part 36). These standards were last revised in 1978.

## Background

AMS received two petitions from the NWA requesting a revision to the United States Standards for Grades of Watermelons. In the first petition, the NWA requested that the USDA revise the standards by defining seedless watermelons as: "Seedless Watermelons" are watermelons which have 16 or less mature seeds, not to include pips/caplets, on the face of the melon which has been cut into four equal sections (one lengthwise cut and one crosswise cut). The petitioner also requested the size requirements be revised by adding an allowance for watermelons to vary 3 pounds above the stated average weight.

Prior to undertaking research and other work associated with a revision of the grade standards, AMS decided to seek public comments on the petition. A notice requesting comments on the petition to revise the United States Standards for Grades of Watermelons was published in the April 22, 2004, **Federal Register** (69 FR 21812).

In response to our request for comments, AMS received one comment from an industry group. The comment was in favor of the proposed revision of the standards.

On October 29, 2004, AMS published a notice in the **Federal Register** (69 FR 209) proposing to revise the standards based on the petitioner request to define seedless watermelons and add a variance to the size requirements.

A 60-day comment period was provided for interested parties to comment on the proposed changes to the standards.

In response to our request for comments, AMS received two comments on the proposed revision. One from an industry group representing receivers and one comment from a consumer. Both commenters supported the inclusion of a definition for seedless watermelons with a lower number of allowable seed count. The commenter representing receivers supported the inclusion of a 3 pound variance in the size requirements, while the other commenter supported a 1 pound variance. The comments are available by accessing AMS's Home Page on the Internet at: <http://www.ams.usda.gov/fv/fpbdoctlist.htm>.

After the comment period ended, AMS received a second petition from the NWA amending the seedless watermelon definition in their original petition. The amended petition is requesting that seedless watermelons be defined as: "Watermelons which have 10 or less mature seeds, not to include

pips/caplets, on the face of the melon which has been cut into four equal sections (one lengthwise cut and one crosswise cut)." NWA did not amend their petition in regard to the inclusion of a the 3 pound variance.

Based on the submitted information and comments received, AMS is proposing to revise the standards for watermelons following the standard format for U.S. Grade Standards. Specifically, the proposed revision will define seedless watermelons by including the following definition: "Seedless Watermelons" are watermelons which have 10 or less mature seeds, not to include pips/caplets, on the face of the melon which has been cut into four equal sections (one lengthwise cut and one crosswise cut).

AMS is also proposing to change the size requirements by adding an allowance for watermelons to vary 3 pounds above the stated average weight. As previously stated, one commenter recommended a 1 pound variance rather than 3 pound variance. However, AMS is proposing to change the size requirements by adding an allowance for watermelons to vary 3 pounds above average weight as the standard currently allows watermelons to vary 3 pounds below the stated weight, therefore the inclusion would be consistent within the standards.

This proposal will bring the standards for watermelons in line with current marketing practices, thereby, improving the usefulness of the standards in serving the industry. The official grade of a lot of watermelons covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables and Other Products (Sec. 51.1 to 51.61).

This notice provides for a 60-day comment period for interested parties to comment on changes to the standards.

**Authority:** 7 U.S.C. 1621-1627.

Dated: September 1, 2005.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Gold Camp Road Final Plan/ Environmental Impact Statement and Record of Decision

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of availability and decision.

**SUMMARY:** In accordance with the National Environmental Policy Act, the Pike National Forest of the Rocky Mountain Region of the Forest Service announces availability of the Final Plan and Final Environmental Impact Statement (Final Plan/EIS) and Record of Decision (ROD) for the Gold Camp Road. The Forest Service is also announcing the agency's decision to restore and reopen a collapsed railroad tunnel and reopen a closed section of Gold Camp Road to one-way traffic, with a third party partner to operate the segment of road (Modified Alternative E). The objective of the management plan for the road is to best accommodate public use and access to National Forest System lands and nearby private in-holdings while maintaining public safety and the historic character of the road. The affected road segment has been closed since 1988 for safety reasons.

**DATES:** The appeal period for the decision will be 45 days from the date the Environmental Protection Agency (EPA) publishes the notice of availability and decision in the **Federal Register**. The notice of availability will be published in the **Federal Register** on September 9, 2005.

**ADDRESSES:** The Final Plan/EIS and ROD are available on the Internet at [http://www.fs.fed.us/r2/psicc/projects/gold\\_camp/](http://www.fs.fed.us/r2/psicc/projects/gold_camp/). Copies of the Final Plan/EIS and ROD may be obtained by contacting the Pikes Peak Ranger District, 601 S. Weber St., Colorado Springs, CO 80903. Notice of Appeal must be sent to: USDA-Forest Service, Rocky Mountain Region, Attn: Appeals Deciding Officer, P.O. Box 25127, Lakewood, Colorado 80225.

**FOR FURTHER INFORMATION CONTACT:** Frank Landis, Supervisory Outdoor Recreation Planner, Pikes Peak Ranger District, at the address listed above or by telephone at 719-477-4203.

**SUPPLEMENTARY INFORMATION:** The Final Plan/EIS and ROD are also available for inspection at the following public libraries in Colorado:

Penrose Public Library—20 N. Cascade Ave., Colorado Springs, CO 80903  
East Library—5550 N. Union Blvd., Colorado Springs, CO 80918

The Forest Service announced in the **Federal Register** (69 FR 39401, June 30, 2004) that the agency intended to prepare an EIS addressing the possible federal action of preparing a plan for the Gold Camp Road and inviting comments on the scope of the EIS. Comments were received from April 12 through August