the regulated States who voted in a continuance referendum held March 10–20, 1986.


SUPPLEMENTARY INFORMATION: This action is governed by the provisions of section 8c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “act”.

Marketing Order No. 930 regulates the handling of cherries grown in eight States and has been in effect continuously since 1971. The order regulates the handling of cherries grown in Michigan, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. The order provides for the establishment of reserve pools of cherries in years when production exceeds market needs. Such cherries are returned to the market in periods when production falls short of normal market requirements.

Section 930.73 of the order requires that a referendum be conducted by the Secretary every fifth year to ascertain whether continuation of the order is favored by producers and handlers. When the results of the referendum indicate that (1) More than 50 percent of the producers by number or volume of production represented in the referendum or (2) more than 50 percent of the handlers, who during the current fiscal period handled more than 50 percent of the total volume of cherries processed in the production area by those handlers voting in the referendum favor termination of the order, the Secretary shall give consideration to terminating the order.

Continuance referenda at 5-year intervals afford producers and handlers an opportunity to express themselves at regular intervals as to whether or not the program should continue in effect. Based upon record evidence at the public hearing which preceded issuance of the order including § 930.73, it was concluded that if the percentage of producers or handlers expressing themselves as favoring termination exceeded the levels specified in the order, it would be reasonable to assume that the program is not measuring up to their expectations. It was noted that under such circumstances, it may be difficult to administer the order. Therefore, the Secretary should terminate the program in accordance with the act.

Pursuant to section 930.73 of the order, the Department published a referendum order in the Federal Register on March 5, 1986 (51 FR 7576) which directed that a continuance referendum be conducted among producers and handlers. In the referendum conducted March 10–20, 1986, 84 percent of all cherry producers voted and 83 percent of all cherry handlers voted. Of those voting, 51 percent of the producers and 56 percent of the handlers favored termination of the cherry marketing order. Voting producers who favored termination represented 45 percent of the volume of production represented in the referendum. Voting handlers who favored termination represented 40 percent of the processed volume represented in the referendum.

Given the high level of producer and handler participation, these results are a reliable indicator of their sentiment, and clearly demonstrate that a significant portion of the producers and handlers do not favor continuation of the cherry order. In the absence of substantial industry support, marketing order operations tend to be less effective. Experience in similar circumstances indicates that it often becomes difficult for a marketing order committee to obtain the requisite majority of votes necessary to approve recommendations for implementing order authorities. Moreover, a committee may experience difficulty in obtaining compliance with order requirements from all handlers in such a circumstance. Given the demonstrated lack of producer and handler support for the cherry order, it is determined that it no longer fulfills the objectives of the act.

Therefore, based on the foregoing considerations, pursuant to section 8c(16)(A) of the act and § 930.73 of the order, it is found that Marketing Order No. 930, regulating the handling of Cherries Grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and all rules and regulations and supplementary orders issued thereunder and now effective do not tend to effectuate the declared policy of the act and are hereby terminated. The Food Security Act of 1985 requires the Secretary to notify Congress 60 days in advance of the termination of any Federal marketing order pursuant to section 8c(16)(A) of the act. Congress was so notified on April 19, 1986.

To avoid undue disruption within the cherry industry, maintain continuity throughout the end of the 1986–87 fiscal period, and in accordance with order requirements, this termination of order No. 930, and all rules, regulations and supplementary orders thereunder, shall become effective on April 30, 1987. The time remaining before the termination date is an adequate period of time for the Cherry Administrative Board, the agency responsible for local administration of the order, to dispose of all currently held reserve pool cherries and return the proceeds from sales of such cherries to equity holders.

List of Subjects in 7 CFR Part 930
Marketing orders, Cherries.
1. The authority citation for 7 CFR Part 930 continues to read:

PART 930—[REMOVED]
2. Accordingly, 7 CFR Part 930 is removed.
Dated: October 6, 1986.
Peter C. Myers,
Deputy Secretary.
[FR Doc. 86-22974 Filed 10-9-86; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 981
 Handling of Almonds Grown in California; Quality Control

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the quality control provisions of the administrative rules and regulations established under the Federal marketing order for California almonds to increase the tolerance for inedible almonds from zero percent to three percent. This change will allow more almonds to be shipped in view of a projected short almond crop while maintaining acceptable quality standards.

EFFECTIVE DATE: October 10, 1986.


SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural
Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

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 Agricultural Marketing Agreement 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.

This action will increase the grade defect tolerance for almonds from zero percent to three percent. Almonds with grade defects in excess of three percent will be classified as inedible. This action will not have a significant impact on a substantial number of small entities. It is estimated that 70 handlers of California almonds under the marketing order for almonds grown in California will be subject to regulation during the current season and that the great majority of these firms may be classified as small entities.

It is anticipated that this action will not impose additional costs on affected handlers. However, any such additional costs, if present at all, would not be significant.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) in that: (1) It is intended that the regulation applies to 1986 crop almonds which handlers now are receiving, processing, and marketing in volume; (2) the regulation relaxes restrictions on handlers, and handlers should have the opportunity to utilize this increased flexibility as soon as possible; (3) handlers are aware of this action and need no additional time to comply; and (4) no useful purpose would be served by delaying the effective date of this action.

Notice of this action was published in the Federal Register on September 9, 1986 (51 FR 32103). Written comments were invited from interested persons until September 19, 1986. No comments were received.

This action revises § 981.442 of Subpart—Administrative Rules and Regulations issued pursuant to the marketing agreement and Order No. 981 (7 CFR Part 981), both as amended, regulating the handling of almonds grown in California and hereinafter referred to collectively as the “order.” Section 981.442 is issued pursuant to § 981.422(a) of the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based on a recommendation of the Almond Board of California, hereinafter referred to as the “Board,” which works with USDA in administering the order, and other information.

Section 981.422(a) of the almond order provides that each handler shall cause to be determined through the inspection agency at handler expense the percent of inedible kernels in each variety received and shall report the determination to the Board. Section 981.442(a)(4) of the administrative rules and regulations currently provides that the weight of inedible kernels reported to the Board in excess of zero percent for each variety shall constitute a handler’s disposition obligation. This weight must be accumulated by the handler during processing and delivered to the Board or Board-accepted crushers, feed manufacturers, feeders, or dealers in nut wastes.

This action revises § 981.442(a)(4) so that the quantity of inedible kernels in each variety in excess of three percent, instead of the current zero percent, constitutes a handler’s disposition obligation. The Board believes that this change will maintain acceptable quality standards while allowing more almonds to be shipped in view of a projected short almond crop.

After consideration of all relevant matter presented, including the Board’s recommendation and other available information, it is further found that the changes hereinafter set forth will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 981
Marketing agreements and orders, Almonds.

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 981 continues to read as follows:

Subpart—Administrative Rules and Regulations

2. In § 981.442, the first sentence of paragraph (a)(4) is revised to read as follows:
§ 981.442 Quality control.
(a) * * *
[4] The weight of inedible kernels in excess of three percent of kernel weight reported to the Board of any variety received by a handler shall constitute that handler’s disposition obligation.

Dated: October 6, 1986.
Joseph A. Gribbin,
Director, Fruit and Vegetable Division.
[FR Doc. 86-22971 Filed 10-9-86; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 1230
Pork Promotion, Research, and Consumer Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: AMS is correcting the heading of the table listing the assessment amounts for imported pork and pork products which appeared in the September 5, 1986, Federal Register (51 FR 31989) to read “dollars per pound” rather than “cents per pound.”

FOR FURTHER INFORMATION CONTACT: Ralph Tapp, Chief, Marketing Programs and Procurement Branch (202) 447-2650.

The following correction is made in FR Doc. 86-20073, the Pork Promotion, Research, and Consumer Information Order (7 CFR Part 1230) published in the September 5, 1986, Federal Register (51 FR 31989):

1. In §1230.71, paragraph (e) the first column on page 31908, change the heading of the table from “Assessment (cents per pound)” to “Assessment (dollars per pound).”

Done at Washington, DC, on: October 6, 1986.
James C. Handley,
Administrator, Agricultural Marketing Service.
[FR Doc. 86-22971 Filed 10-9-86; 8:45 am]
BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 77

[T Docket No. 86-087]

Tuberculosis in Cattle; State Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of tuberculosis by raising the designation of Georgia and Missouri from modified accredited areas to accredited-free.
States. It has been determined that Georgia and Missouri meet the criteria for designation as accredited-free States.

The regulations do not impose restrictions on the interstate movement of cattle not known to be affected with or exposed to tuberculosis from either accredited-free States or modified accredited areas. However, the designation for any given jurisdiction can affect the marketability of cattle from that jurisdiction, since some prospective cattle buyers prefer to buy cattle from accredited-free States.

**DATES:** Interim rule effective October 10, 1986; comments must be received on or before December 9, 1986.

**ADDRESSES:** Written comments should be submitted to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 86-067. Written comments may be inspected at Room 726 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ralph L. Hosker, Domestic Programs Support Staff, VS, APHIS, USDA, Room 815, Federal Building, 6605 Belcrest Road, Hyattsville, MD 20782, 301-436-6436.

**SUPPLEMENTARY INFORMATION:**

**Background**

The "Tuberculosis in Cattle" regulations (contained in 9 CFR Part 77 and referred to below as the regulations) regulate the interstate movement of cattle because of tuberculosis. The requirements of the regulations concerning the interstate movement of cattle not known to be affected with or exposed to tuberculosis are based on whether the cattle are moved from jurisdictions designated as accredited-free States, modified accredited areas, or nonmodified accredited areas. The criteria for determining the status of States (the term State is defined to mean any State, territory, the District of Columbia, or Puerto Rico) or portions of States are contained in a document captioned "Uniform Methods and Rules—Bovine Tuberculosis Eradication," which has been made part of the regulations by incorporation by reference. Generally the status of States or portions of States is determined based on the rate of tuberculosis infection present and the effectiveness of a tuberculosis control and eradication program.

Sections 77.7 and 77.8 of the regulations provide the following with respect to the interstate movement of cattle not known to be affected with or exposed to tuberculosis:

**§ 77.7 Movement from accredited-free States and modified accredited areas.**

Cattle not known to be affected with or exposed to tuberculosis, originating in an accredited-free State or a modified accredited area, may be moved interstate without restriction.

**§ 77.8 Movement from nonmodified accredited areas.**

Cattle not known to be affected with or exposed to tuberculosis, originating in a nonmodified accredited area, shall only be moved interstate if:

(a) Such cattle are accompanied by a certificate stating that such cattle have been classified negative to an official tuberculin test, which was conducted within 30 days prior to movement. All cattle not individually identified by a registration number and name shall be individually identified by a Veterinary Services approved metal ear tag or tattoo; or

(b) Such cattle are from an accredited herd and they are accompanied by a certificate showing the cattle to be from such a herd; or

(c) Such cattle are moved interstate directly to slaughter to an establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter.

Prior to the effective date of this document, Georgia and Missouri, among other States, were designated under § 77.5 of the regulations as modified accredited areas. The Deputy Administrator has determined that Georgia and Missouri meet the criteria for designation as accredited-free States. Therefore, this document amends the regulations by adding Georgia and Missouri to the list of accredited-free States in § 77.4.

As noted above, the regulations do not impose restrictions on the interstate movement of cattle not known to be affected with or exposed to tuberculosis from accredited-free States or modified accredited areas. However, the designation for any given jurisdiction can affect the marketability of cattle from that jurisdiction, since some prospective cattle buyers often prefer to buy cattle from accredited-free States.

**Executive Order and Regulatory Flexibility Act**

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any 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 export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the States of Georgia and Missouri will not cause a significant effect on marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant impact on a substantial number of small entities.

**Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

**Emergency Action**

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. It is necessary to change the regulations immediately so that they accurately reflect the current tuberculosis status of Georgia and Missouri, and thereby provide prospective cattle buyers with accurate and up-to-date information which may affect the marketability of cattle.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of...
this document. A document discussing comments received and any amendments required will be published in the Federal Register.

List of Subjects in 9 CFR Part 77

Animal diseases, Cattle, Transportation, Tuberculosis.

PART 77--TUBERCULOSIS IN CATTLE

Accordingly, 9 CFR Part 77 is amended as follows:

1. The authority citation for Part 77 continues to read as set forth below:


2. In § 77.4, paragraph (b) is revised to read as follows:

§ 77.4 Accredited-free States.

(b) The following States are hereby designated accredited-free States: Delaware, Georgia, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Wisconsin, Wyoming, and the Virgin Islands of the United States.

Done at Washington, DC, this 7th day of October 1986,

B.G. Johnson,

Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 239

[Release No. 33-6663; File No. S7-13-86]

Form D and Regulation D

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission, with acknowledgement of the cooperation of the North American Securities Administrators Association, Inc. ("NASAA"); announces the adoption of various revisions to Form D and Regulation D under the Securities Act of 1933 (the "Securities Act") designed to make the Form a uniform notification form that can be filed with the Commission and with the States. Certain revisions to the Form which are being adopted affect various items of disclosure which have previously been required in the filing. In addition, the provisions requiring the Form to be updated every six months until the offering is completed, and requiring a final filing within thirty days of the final sale or the completion of the offering, have been eliminated.

EFFECTIVE DATE: November 10, 1986.


SUPPLEMENTARY INFORMATION:

1. The authority citation for Part 77 is amended to read as follows:


2. In § 77.4, paragraph (b) is revised to read as follows:

§ 77.4 Accredited-free States.

(b) The following States are hereby designated accredited-free States: Alaska, Arizona, Colorado, Connecticut, Delaware, Georgia, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Wisconsin, Wyoming, and the Virgin Islands of the United States.

Done at Washington, DC, this 7th day of October 1986,

B.G. Johnson,

Deputy Administrator, Veterinary Services.

BILLING CODE 3410-34-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 239

[Release No. 33-6663; File No. S7-13-86]

Form D and Regulation D

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission, with acknowledgement of the cooperation of the North American Securities Administrators Association, Inc. ("NASAA"); announces the adoption of various revisions to Form D and Regulation D under the Securities Act of 1933 (the "Securities Act") designed to make the Form a uniform notification form that can be filed with the Commission and with the States. Certain revisions to the Form which are being adopted affect various items of disclosure which have previously been required in the filing. In addition, the provisions requiring the Form to be updated every six months until the offering is completed, and requiring a final filing within thirty days of the final sale or the completion of the offering, have been eliminated.

EFFECTIVE DATE: November 10, 1986.


SUPPLEMENTARY INFORMATION:

The Commission also has revised the Instructions to Form D and Rule 503 to eliminate the requirements to file with the Commission six month updates and the final notification on Form D. The initial notice is still required to be filed with the Commission within 15 days of the first sale of securities in an offering under Regulation D or section 4(b). Issuers must determine the filing requirements of each State where the Form can be used.

* 17 CFR 229.51. The Commission has under consideration several proposals which could change the information requirements in Form SR. If such form is changed in this regard, it is currently projected that parallel changes would also be made to Form D.

7 17 CFR 229.504.