Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1987, the rates of duty in the Rates of Duty column for the following items of the TSU S are stricken and the rates of duty set forth below opposite those items are inserted in lieu thereof:

407.11...........7.4% ad val., but not less than the highest rate applicable to any component material
407.13...........7.4% ad val., but not less than the highest rate applicable to any component material
413.52...........10% ad val., but not less than the highest rate applicable to any component material
413.56...........10% ad val., but not less than the highest rate applicable to any component material
432.26...........3.72% ad val., but not less than the highest rate applicable to any component material
432.28...........3.72% ad val., but not less than the highest rate applicable to any component material

Section C. Effective with respect to articles the product of Israel which are entered, or withdrawn from warehouse for consumption, on or after the dates set forth below, the rate of duty set forth in the Rates of Duty Special column followed by the symbol "T" in parenthesis for the following TSU S items is stricken and the rate of duty set forth below opposite those items is inserted in lieu thereof:

1. Effective January 1, 1987:

407.11...........3% ad val., but not less than the highest rate applicable to any component material
407.13...........3% ad val., but not less than the highest rate applicable to any component material
407.17...........0.7c per lb. + 5.4% ad val., but not less than the highest rate applicable to any component material
407.19...........0.7c per lb. + 5.4% ad val., but not less than the highest rate applicable to any component material
413.52...........4% ad val., but not less than the highest rate applicable to any component material
413.54...........4% ad val., but not less than the highest rate applicable to any component material
432.26...........1.5% ad val., but not less than the highest rate applicable to any component material
432.28...........1.5% ad val., but not less than the highest rate applicable to any component material
Proclamation 5453 of March 31, 1986

Amending the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to Title V of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2461 et seq.), in Proclamation 5365 of August 30, 1985 (50 FR 36220), I designated specified articles provided for in the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP) when imported from designated beneficiary developing countries. I also designated certain such countries as least-developed beneficiary developing countries, pursuant to section 504(c)(6) of the Trade Act, as amended (19 U.S.C. 2464(c)(6)), in order to afford such preferential tariff treatment without regard to the limitations imposed in section 504(c), as amended.

2. Pursuant to section 504(c) of the Trade Act, as amended, those beneficiary countries not designated as least-developed beneficiary developing countries are subject to limitations on the preferential treatment afforded under the GSP. Pursuant to section 504(c)(5) of the Trade Act, as amended, a country which has not been treated as a beneficiary developing country with respect to an eligible article may be redesignated with respect to such article, if imports of such article from such country did not exceed the limitations in section 504(c)(1) during the preceding calendar year. Further, pursuant to section 504(d)(1) of the Trade Act, as amended (19 U.S.C. 2464(d)(1)), the limitation provided in section 504(c)(1)(B) shall not apply with respect to an eligible article if a like or directly competitive article was not produced in the United States on January 3, 1985.

3. I have determined, pursuant to section 504(a) and (c)(1) of the Trade Act, that certain beneficiary developing countries should no longer receive preferential tariff treatment under the GSP with respect to certain previously designated eligible articles. I have also determined, pursuant to section 504(c)(5) of the Trade Act, that certain countries should be redesignated as beneficiary developing countries with respect to specified previously designated eligible articles. These countries have been excluded from the benefits of the GSP with respect to such eligible articles pursuant to section 504(c)(1) of the Trade Act. Further, I have determined that section 504(c)(1)(B) of the Trade Act should not apply with respect to certain eligible articles because no like or directly competitive article was produced in the United States on January 3, 1985.

4. Section 604 of the Trade Act (19 U.S.C. 2483) confers authority upon the President to embody in the TSUS the substance of the relevant provisions of that Act, of other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to Title V and section 604 of the Trade Act of 1974, do proclaim that:

(1) In order to provide preferential tariff treatment under the GSP to certain countries which have been excluded from the benefits of the GSP for certain eligible articles imported from such countries, following my determination that a country not previously receiving such benefits should again be treated as a
beneficiary developing country with respect to such article, the Rates of Duty Special column for each of the TSUS items enumerated in Annex I to this proclamation is modified: (a) by deleting from such column for such TSUS items the symbol “A*” in parentheses, and (b) by inserting in such column the symbol “A” in lieu thereof.

(2) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to an eligible article for purposes of the GSP, the Rates of Duty Special column for the TSUS items enumerated in Annex II to this proclamation is modified: (a) by deleting from each such item the symbol “A” in parentheses, and (b) by inserting in such column the symbol “A*” in lieu thereof.

(3) General headnote 3(e)(v)(D) to the TSUS, listing those articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite the enumerated TSUS items for those articles, is modified as provided in Annex III to this proclamation.

(4) The eligible articles imported from designated beneficiary developing countries and provided for in the TSUS items enumerated in Annex IV to this proclamation shall not be subject to the limitations of section 504(c)(1)(B) of the Trade Act, as amended.

(5) Proclamation 5365 of August 30, 1985 (50 FR 36220) is superseded to the extent inconsistent with this proclamation.

(6) The modifications to the TSUS made by this proclamation shall be effective with respect to articles both: (a) imported on or after January 1, 1976, and (b) entered, or withdrawn from warehouse for consumption, on or after July 1, 1986.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of March, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan
ANNEX I

ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE GSP WHEN IMPORTED FROM ANY BENEFICIARY DEVELOPING COUNTRY

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<th>Item</th>
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ANNEX II

ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE GSP WHEN IMPORTED FROM BENEFICIARY DEVELOPING COUNTRIES OTHER THAN THOSE SPECIFIED IN GENERAL HEADNOTE 3(e)(v)(D) OF THE TSUS

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ANNEX III

MODIFICATIONS TO GENERAL HEADNOTE 3(e)(v)(D) OF THE TSUS

General headnote 3(e)(v)(D) to the TSUS is modified—

(a) by deleting the following TSUS item numbers and the countries set opposite these numbers:

107.48—Brazil
137.40—Mexico
146.44—Philippines
176.15—Brazil
222.10—Hong Kong
602.10—Peru
603.40—Chile
646.90—Mexico
651.33—Hong Kong
652.60—Taiwan
653.85—Taiwan
687.70—Malaysia
792.50—Philippines
792.60—Hong Kong
ANNEX III (con.)

(b) by adding in numerical sequence, the following TSUS item numbers and countries set opposite them:

- 121.62--India
- 136.00--Dominican Republic
- 136.80--Mexico
- 386.13--Taiwan
- 412.22--Bahamas
- 419.10--Chile
- 420.82--Israel
- 437.64--Brazil
- 465.05--Philippines
- 606.28--Mexico
- 650.87--Hong Kong
- 653.45--Taiwan
- 653.90--Hong Kong
- 654.50--Taiwan
- 657.80--Taiwan
- 686.60--Mexico
- 688.30--Costa Rica
- 710.72--Taiwan
- 724.45--Republic of Korea
- 727.40--Taiwan
- 770.07--Mexico
- 772.15--Taiwan

(c) by deleting the following countries opposite the following TSUS items:

- 155.20--Argentina
- 650.89--Taiwan
- 676.56--Malaysia
- 685.90--Hong Kong

(d) by adding, in alphabetical order, the following countries opposite the following TSUS items:

- 407.19--Romania
- 684.58--Republic of Korea
- 685.32--Singapore
- 688.17--Taiwan
ANNEX IV

ARTICLES NOT PRODUCED IN THE UNITED STATES ON JANUARY 3, 1985

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SUPPLEMENTARY INFORMATION: The Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on certain milk handlers by reducing the payments that are required to be made for milk used in the processing of milkshake mix.

This order of termination is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Upper Florida marketing area.

Notice of proposed rulemaking was published in the Federal Register on March 5, 1986 (51 FR 7579) concerning a proposed termination (or suspension for 12 months) of a provision of the order. Interested parties were afforded opportunity to file written data, views, and arguments thereon.

Statement of Consideration

This termination action will classify as Class II milk all skim milk and butterfat used in the processing of milkshake mix. The order now classifies as Class I milk the skim milk and butterfat in such use.

The termination of the provision "(including milkshake mix)" from the fluid milk product definition of the Upper Florida milk marketing order was requested by Upper Florida Milk Producers Association. The cooperative supplies a large portion of the market's fluid milk needs. It also supplies milk to the Flav-O-Rich plant at Jacksonville, Florida, that is processing a milkshake mix product (Shake Ups) containing in excess of 20 percent total solids.

Interested parties were invited to submit comments regarding the proposed termination (or 12-month suspension). Two interested parties responded. H. P. Hood, Inc., the company for which the product "Shake Ups" is packaged supported the proposed termination. Dairymen, Inc., the operator of the plant packaging the product, also supported the proposed termination.

A Class II classification is needed for such product in order for the plant to compete with handlers regulated under the Georgia milk order and most other Federal milk orders. Skim milk and butterfat in milkshake mix containing in excess of 20 percent total solids are classified as Class II milk in most Federal milk orders while the current provisions of the Upper Florida milk order classify the skim milk and butterfat in such product as Class I milk. Under these circumstances, the termination action which provides for a Class II classification of the milkshake mix product under the Upper Florida order is appropriate.

It is hereby found and determined that thirty day's notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(a) The termination is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that the action will tend to assure that handlers who operate plants fully regulated under the Upper Florida order will be faced with a competitive price for milk used to make milkshake mix.

(b) This termination does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this termination. Two responses in support of the proposed action and no comments in opposition were received.

Therefore, good cause exists for making this order effective upon publication in the Federal Register.

List of Subjects in 7 CFR Part 1006

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provision in § 1006.15 of the Upper Florida order is hereby terminated.

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. The authority citation for 7 CFR Part 1006 continues to read as follows:


§ 1006.15 [Amended]

2. In § 1006.15, the provisions "(including milkshake mix)" is terminated.

Effective Date: Upon publication in the Federal Register.
7 CFR Part 1094
Milk in the New Orleans-Mississippi Marketing Area; Order Suspending Certain Provision

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for the month of March 1986 the requirement that 45 percent of the producer milk of members of a cooperative association must be physically received at pool distributing plants during the month in order for a balancing plant operated by a cooperative association to qualify as a pool plant under the New Orleans-Mississippi order.

This action is needed due primarily to a sudden reduction in Class I sales by a cooperative association for the month of March 1986. A cooperative association, for the months of April through June 1986, will share in the market's Class I milk sales during March 1986.

EFFECTIVE DATE: April 4, 1986.


SUPPLEMENTARY INFORMATION: The Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers who have been historically associated with the market will continue to have their milk priced under the order for March 1986 and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New Orleans-Mississippi marketing area. After consideration of all relevant material it is hereby found and determined that for the month of March 1986 the following provision of the order does not tend to effectuate the declared policy of the Act:

In § 1094.7(c), the provision "45 percent or more of the".

Statement of Consideration

This action removes for March 1986 the requirement that 45 percent of the producer milk of members of a cooperative association must be physically received at pool distributing plants during the month in order for a balancing plant operated by a cooperative association to qualify as a pool plant under the New Orleans-Mississippi marketing order. The suspension was requested by Gulf Dairy Association, Inc., a cooperative association, for the months of March through June 1986. Proponent cooperative represents a large number of the market's producers.

This action is needed due primarily to a sudden reduction in Class I sales by a cooperative association that is supplied by proponent cooperative. The plant bottles a major portion of its bulk milk receipts under the same label as milk bottled by another plant in a nearby market. Some milk in such nearby market was contaminated with the pesticide heptachlor. As a consequence, consumers are reluctant to buy milk that is packaged under such label regardless of where such milk is bottled. Such action by consumers has lessened the amount of milk bottled by the plant that the cooperative supplies raw milk to and, thus, resulted in a reduction in Class I sales to the plant by the cooperative association.

The resulting loss in Class I sales has forced the cooperative to use its balancing plant for the manufacture of cheese made from milk supply previously associated with such Class I use. Such shift in the use of member milk of the cooperative will result in the cooperative not meeting the pooling requirement that 45 percent or more of the producer milk of members of the cooperative association must be physically received during the month at pool distributing plants. Consequently, unless the suspension action is granted, producers who have historically supplied the fluid milk needs of the market would not have their milk priced and pooled under the order.

Since the suspension request was received on March 20, any action for March must be taken immediately with no opportunity to invite interested parties to comment on the request. In this instance, the action is supported by a significant number of the market's producers. Accordingly, we believe that suspension without industry comments is warranted for the month of March.

With regard to cooperative's request for suspension action for the additional months of April through June, there is sufficient time to seek industry comments. Accordingly, we plan to issue a subsequent document inviting comments on a proposed suspension for such additional months.

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and thirty day's notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who regularly supply the market otherwise would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk, and
(b) This suspension does not require of persons effected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective upon publication in the Federal Register.

List of Subjects in 7 CFR Part 1094
Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provision in § 1094.7(c) of the New Orleans-Mississippi order is hereby suspended for March 1986.

PART 1094—MILK IN THE NEW ORLEANS-MISSISSIPPI MARKETING AREA

1. The authority citation for 7 CFR Part 1094 continues to read as follows:


§ 1094.7 [Amended]

2. In § 1094.7(c), the provision "45 percent or more of the" is suspended.

Effective Date: April 4, 1986.


Alan T. Tracy,
Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 86-7506 Filed 4-3-86; 8:45 am]

BILLING CODE 3410-02-M
Background

The Act authorizes the establishment of a national pork promotion, research, and consumer information order. The order would provide for the establishment of a Delegate Body which would nominate members to a 15-member National Pork Board.

The initial Delegate Body would be comprised of 165 pork producers and importers appointed by the Secretary not later than 60 days after the effective date of an order from nominations submitted by the industry. These regulations for selecting nominees for appointment to the Delegate Body are being made effective now so that, if an order is adopted, it will be possible to appoint the Delegate Body within the time limits set by the Act.

The number of producer members from each State would be determined pursuant to Section 1917 of the Act, based upon statistics published in the "Livestock and Meat Statistics" (statistical bulletin No. 715) and the "Meat, Animal, Production, Disposition, and Income (1984 Summary)."

The number of importer members would be determined based upon statistics published by the Foreign Agricultural Service in "Dairy, Livestock, and Poultry Trade and Prospects." (Copies can be obtained by requesting in writing subscription No. 10005 from: USDA, Foreign Agricultural Service, Information Division, Room 4044-S, Washington, DC 20250.)

To ensure that nominees represent the interests of pork producers and importers, State associations and importer organizations as well as other eligible organizations and individuals will be able to nominate members for appointment to the Delegate Body. Under the Act, State association means any organization of pork producers in a State that is organized under the laws of the State in which such association operates and is recognized by the chief executive officer of such State as representing the pork producers of such State, or if such organization did not exist on January 1, 1986, an organization that represents pork producers in a State which did not exist on January 1, 1986.

A State association wishing to make nominations is required to furnish the Secretary with a written statement signed by an officer of that association attesting that it meets the State association requirements under the Act as well as any other information deemed relevant by the Secretary.

Individual pork producers who are residents of a State can be nominated as candidates for the Delegate Body by a written petition containing the signatures of at least 100 pork producers or 5 percent of the pork producers in such State, whichever is less.

The number of signatures required will be determined from statistics published in the December 1985 issue of "Hogs and "Pigs" to establish compliance with the 5 percent requirement. (Copies may be requested from Crop Reporting Board Publications, telephone 202/447-4021.) Importer organizations wishing to make nominations will be required to submit written evidence demonstrating that they are established, stable organizations representing a significant number of importers. The required written statements or information necessary for an eligibility determination may be submitted with the official nomination forms or in connection with requests for the official nomination forms. Nomination forms may be obtained by contacting the Marketing Programs and Procurement Branch; Livestock and Seed Division; Agricultural Marketing Service; USDA; 14th and Independence Avenue, SW., Room 2610-S; Washington, DC 20250. (Telephone: 202/447-2650.)

imposed by the Federal Government while maximizing the utility of the information requested. In March 1983, the Office of Management and Budget (OMB) implemented the Act by adopting procedures contained in Part 1320 of 5 CFR Chapter III. According to these procedures, the information collection request contained in this subpart has been approved by OMB and has been assigned OMB Control No. 0581-0151.

Comments:
On February 21, 1986, the Agricultural Marketing Service (AMS) published in the Federal Register (51 FR 6225) a proposed rule which would establish procedures for selecting nominees for appointment to the initial National Pork Producers Delegate Body as provided for in the Pork Promotion, Research, and Consumer Information Act (Title XVI, Subtitle B, of the Food Security Act of 1985, approved December 23, 1985). The proposed rule was published with a request for comments as a means of providing full public participation in the rulemaking process. Comments were requested by March 10, 1986. During the comment period, the Agency received one comment in response to the proposed rule. That comment was from a national pork producer association representing 38 State associations with a reported membership of over 100,000 pork producers.

Discussion of Comments
The commentor expressed overall support of the proposed rule and stated that "it is consistent with producer desires and expectations as well as what is provided for in the Pork Promotion, Research, and Consumer Information Act".

The commentor questioned the provisions of section 1230.501 and 1230.506(a) of the proposed rule relating to nominations and elections. It was the commentor's position that in the case where an exact number of nominations are received for delegates to represent a State, there should be no need for an election, since the Act does not provide any other means for delegate nominations to be added to the ballot. The commentor was concerned about the cost of elections.

The Department shares the commentor's concern about the cost of conducting the elections and will make every effort to minimize election costs. However, the Act directs the Secretary to call for an election within each State of persons for appointment as producer members of the initial Delegate Body. The Act does not limit the number of persons which the Secretary may require to be nominated for appointment to each allotted position on the Delegate Body. However, for appointment to the initial Delegate Body, only one nominee, selected through the election process, will be required for each allotted producer position. Two nominees will be required for each allotted importer position, because those nominees will not be selected through an election process.

The commentor also recommended that the Secretary seek names from the pork industry of persons to be appointed as delegates from those States which have pork producer associations but which do not submit nominations, or from States which do not have State pork producer associations. In such cases, the Act permits the Secretary to determine the manner in which nominations of pork producers shall be submitted. It is the Secretary's intent to ensure that pork producer nominees in such States do in fact represent the pork producers of those States, and it is presumed that pork producers would be a primary source for obtaining nominations. However, identifying alternative sources provides the Secretary with sufficient flexibility to obtain nominees who would best represent pork producer interests of a given State. The order in which the alternative sources are listed in §1230.507(b) is not indicative of the order in which they would be considered.

The commentor also suggested that the place of voting referred to in §1230.506(d) be the County Agricultural Extension Service office. It was the commentor's opinion that pork producers identify with these offices and that the staff within the Extension Office is familiar with bona fide producers which will help ensure the integrity of the election. The location of the voting place has not been finalized and the commentor's suggestion will be considered. The Secretary will issue a public announcement prior to the election date identifying the voting location.

List of Subjects in 7 CFR Part 1230
Administrative practice and procedure, Advertisings, Agricultural research, Marketing agreements, Meat and meat products, Pork and pork products.

Chapter XI of Title 7 of the Code of Federal Regulations is hereby amended by adding a new Part 1230 to read as follows:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

Subpart A—Procedures for Nominations and Elections of Pork Producers and Nominations of Importers for Appointment to the Initial National Pork Producers Delegate Body

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Subpart A—Procedures for Nominations and Elections of Pork Producers and Nominations of Importers for Appointment to the Initial National Pork Producers Delegate Body

§1230.501 General
Associations, organizations, or individuals must be recognized by the Secretary as being eligible to participate in nominating pork producers as candidates for statewide elections of nominees for appointment to the Initial Delegate Body. The number of nominees required for each allotted position will be determined by the Secretary. Additionally, the Secretary shall provide that organizations or associations which represent importers of porcine animals, pork, and pork products may nominate such importers for appointment as members of the Delegate Body. The making and receiving of nominations and the election process shall be conducted in accordance with this subpart.

§1230.502 Definitions.
As used in this subpart:
"Delegate Body" means the National Pork Producers Delegate Body established by the Secretary.
"Department" means the United States Department of Agriculture.
"Importer" means a person who imports porcine animals, pork, or pork products into the United States.

"Livestock and Seed Division" means the Livestock and Seed Division of the Department's Agricultural Marketing Service.

"Person" means an individual, group of individuals, partnership, corporation, association, organization, cooperative, or other entity.

"Porcine animal" means a swine raised for slaughter, feeder pigs, or seed stock.

"Pork" means the flesh of a porcine animal.

"Pork product" means a product produced or processed in whole or in part from pork.

"Producer" means a person who produces porcine animals in the United States for sale in commerce.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, to act in the Secretary's stead.

"State" means each of the 50 States.

"State association" means the single organization of pork producers in a State that is (1) organized under the laws of the State in which such association operates; and (2) recognized by the chief executive officer of such State as representing the pork producers of such State; or if such organization did not exist on January 1, 1986, an organization that represents not fewer than 50 pork producers who market annually in the aggregate, not less than 10 percent of the volume (measured in pounds) of porcine animals marketed in such State.

"Producer members." The producer members of which the State association operates; and (2) recognized by the chief executive officer of such State as representing the pork producers of such State; or if such organization did not exist on January 1, 1986, an organization that represents not fewer than 50 pork producers who market annually in the aggregate, not less than 10 percent of the volume (measured in pounds) of porcine animals marketed in such State.

§ 1230.503 Administration.

The Livestock and Seed Division shall have the responsibility for administering the provisions of this subpart.

§ 1230.504 Eligibility to nominate candidates for election and appointment to the initial Delegate Body.

(a) States with existing State associations. Existing State associations are eligible to submit names of candidates for election as producer nominees for appointment by the Secretary to the Delegate Body. However, such State associations must provide the Department with written verification that they comply with the definition of a State association in 

§ 1230.502.

(b) States without existing State associations. In the absence of an existing State association referred to in paragraph (a) of this Section, an organization which represents not fewer than 50 pork producers who market annually in the aggregate, not less than 10 percent of the volume (measured in pounds) of porcine animals marketed in such State is eligible to submit candidates for election and appointment to the Delegate Body. Such organization must provide the Department with a written statement containing the number of pork producers in the State that it represents and the aggregate volume in pounds of porcine animals marketed annually by those producers in that State.

(c) Qualified individuals. Individual pork producers may be nominated as candidates from the State in which they reside for election and appointment to the Delegate Body. A nomination must be supported by a written petition signed by 180 producers or 5 percent of the pork producers in such State, whichever is less. Written petitions must be submitted to the Chief, Marketing Programs and Procurement Branch, Livestock and Seed Division: Agricultural Marketing Service, USDA; 14th and Independence Avenue, SW., Room 2610–S; Washington, DC 20250. (Telephone: 202/447–2650).

§ 1230.505 Nomination of members for appointment to the Delegate Body.

All nominations to the initial Delegate Body shall be made in the following manner:

(a) Producer members. The producer nominees from each State for appointment by the Secretary to the Delegate Body shall be determined by statewide elections as described in § 1230.508.

(b) Importer members. (1) Eligible importer associations or organizations shall submit to the Department the names of nominees for each of the allotted importer positions on the Delegate Body. Each nomination must be accompanied by biographical data which shall include the following information: (i) name, date and place of birth, U.S. citizenship, Social Security number, residence address and telephone number; (ii) business address, telephone number, and brief description of business including volume and types of products imported; and (iii) a list of importer organizations of which the nominee is a member and current positions in such organization held by the nominee.

(2) Eligible importer associations or organizations will be given 45 days in which to submit nominations to the Marketing Programs and Procurement Branch: Livestock and Seed Division: Agricultural Marketing Service; 14th and Independence Avenue, SW., Room 2610–S; Washington, DC 20250.

(3) If there are two or more eligible importer associations or organizations, they may jointly nominate importers for each allotted position on the Delegate Body.

§ 1230.506 Initial delegate body membership.

(a) Producers. The number of producer members appointed to the initial Delegate Body shall be candidates for statewide elections. A biographical data sheet for each nominee listed on the "Nomination of Pork Producers for Election and Appointment to the National Pork Producers Delegate Body" must be attached to that form. Official nomination forms, biographical data sheets, and additional information on nominations can be obtained by calling or writing the Chief, Marketing Programs and Procurement Branch: Livestock and Seed Division: Agricultural Marketing Service, U.S. Department of Agriculture; 14th and Independence Avenue, SW., Room 2610–S; Washington, DC 20250. (Telephone: 202/447–2650).
determined pursuant to the following criteria:

(1) Shares shall be assigned to each State for the 1986 calendar year on the basis of one share for each $400,000 of farm market value of porcine animals marketed from such State as determined by the Secretary based on the annual average of farm market value for the calendar year 1982 through 1984 rounded to the nearest $400,000.

(2) If the number of shares assigned to a State is

(i) Less than 301, the State shall receive two producer members;
(ii) More than 300 but less than 601, the State shall receive three producer members;
(iii) More than 600 but less than 1,001, the State shall receive four producer members; and
(iv) More than 1,000, the State shall receive four producer members, plus one additional member for each 300 additional shares in excess of 1,000 shares rounded to the nearest 300.

(3) Based on the criteria contained in paragraph (a)(1) and (2) of this section, the number of members on the Delegate Body allotted to each State shall be:

Alabama 2; Alaska 2; Arizona 2; Arkansas 2; California 2; Colorado 2; Connecticut 2; Delaware 2; Florida 2; Georgia 3; Hawaii 2; Idaho 2; Illinois 10; Indiana 7; Iowa 23; Kansas 4; Kentucky 8; Louisiana 2; Maine 2; Maryland 2; Massachusetts 2; Michigan 3; Minnesota 7; Mississippi 2; Missouri 6; Montana 2; Nebraska 6; Nevada 2; New Hampshire 2; New Jersey 2; New Mexico 2; New York 2; North Carolina 4; North Dakota 2; Ohio 4; Oklahoma 2; Oregon 2; Pennsylvania 2; Rhode Island 2; South Carolina 2; South Dakota 4; Tennessee 3; Texas 2; Utah 2; Vermont 2; Virginia 2; Washington 2; West Virginia 2; Wisconsin 4; and Wyoming 2.

(b) Importers. The number of importer members to be appointed to the initial Delegate Body shall be determined pursuant to the following criteria:

(1) Shares shall be assigned on the basis of one share for each $575,000 of market value of marketed porcine animals, pork, or pork products based on the annual average of imports for the calendar years 1982 through 1984 rounded to the nearest $575,000.

(2) The number of importer members appointed to the Delegate Body shall equal a total of:

(i) Three members for the first 1,000 such shares; and
(ii) One additional member for each 300 additional shares in excess of 1,000 shares rounded to the nearest 300.

(3) Based on the criteria contained in paragraph (b)(1) and (2) of this Section, importers shall be entitled to four members on the Delegate Body.

§ 1230.507 Nominations of producers as candidates for election.

(a) The candidates for election in each State shall be nominated by eligible State associations, organizations, and qualified individuals as described in § 1230.504. Nominees must be pork producers and reside in the State they will represent as candidates in the election. Official nomination forms, listing the names of the nominees and a completed and signed Biographical Data Sheet for each nominee shall be submitted to the Chief, Marketing Programs and Procurement Branch: Livestock and Seed Division; Agricultural Marketing Service, U.S. Department of Agriculture, 14th and Independence Avenue, S.W., Room 2010-S; Washington, DC 20250. A 45-day time period will be provided for submitting nominations for candidates in the elections.

(b) In the case of a State that does not have an eligible State association, or if an eligible State association, other eligible organization, or an eligible qualified individual does not submit nominations, the Secretary shall obtain nominations in such States from one or more of the following: (1) General farm organizations, (2) State Departments of Agriculture, and (3) individuals considered by the Secretary to be knowledgeable about the pork industry in such States.

§ 1230.508 Election process.

(a) General. To appoint the initial Delegate Body, the Secretary shall call for statewide elections of producers nominated as candidates for appointment. To facilitate the timely implementation of the pork promotion, research, and consumer information program, the elections shall be conducted prior to the effective date of the final order. The decision to conduct an election in each State shall be based on the number of candidates nominated in each State.

(b) Preparation and distribution of ballots. A master ballot shall be prepared for each State containing the names of eligible candidates nominated by State associations, organizations, or interested individuals under § 1230.507. A master ballot will list the names of nominees from each State and the cities in which the nominees reside. The master ballot for each State will be reproduced and distributed to designated voting places within the State. Each ballot will contain instructions for its completion.

(c) Notice. The Secretary shall give public notice of the statewide elections by publication in one or more newspapers of general circulation in each State and in pork production and agricultural trade publications at least 1 week prior to the election and in any other reasonable manner determined by the Secretary. The notice shall set forth the dates, times, and places for voting and such other information as the Secretary considers necessary.

(d) Time and place of voting. Statewide elections will be held in a timely manner following the distribution of the ballots to the designated voting places in each State. Persons eligible to vote shall register to vote and complete their ballots simultaneously at the designated voting places in each State. Voting shall take place over a 1-week period, Monday through Friday, during the normal business hours of the designated voting places.

(e) Voter eligibility requirements. Any person who produces porcine animals in the United States for sale in commerce shall be eligible to vote in the election in the State in which such person resides.

(f) Voting procedures.—(1) Voting in person. Each eligible voter shall register at the time of voting by signing a voter registration form which will signify that such voter is a pork producer as defined in § 1230.502 and a resident of that State. Upon registration, each eligible voter will receive a ballot containing the names and the resident cities of the pork producer candidates. Voting shall be by secret ballot under the supervision of the Secretary's designated representative. All ballots shall be placed in sealed ballot boxes or other suitable receptacles.

(2) Absentee ballot. Eligible voters, unable to vote in person, may obtain a ballot and a voter registration form by mail. To ensure confidentiality of the vote, the voter shall seal the completed ballot in a separate envelope and include it in another envelope containing the signed registration form. The ballot shall remain sealed until the counting of all such ballots. Absentee ballots may be obtained from and must be returned to the address designated by the Secretary, which will be provided in public announcements of the statewide elections.

(g) Procedures for determining the elected candidates. After the voting period ends, the ballots cast in each designated voting place including any absentee ballots shall be counted in a manner and by a person or persons designated by the Secretary. The results of the election in each State shall be forwarded to the Department.
candidates in each State receiving the highest number of votes shall be submitted to the Secretary for consideration as appointees to the Delegate Body.

§ 1230.509 Acceptance of appointment.

Producers and importers nominated to the Delegate Body must signify in writing their intent to serve if appointed.

§ 1230.510 Verification of information.

The Secretary may require verification of any information submitted and may procure such other information as may be required to determine whether an association, organization, or individual is eligible to nominate or be nominated for appointment to the initial Delegated Body under the Act.

§ 1230.511 Confidential treatment of information.

All documents submitted by associations, organizations, and individuals and information otherwise obtained by the Department pursuant to this subpart shall be kept confidential by all employees of the Department. Only such information so furnished or acquired as the Secretary deems relevant shall be disclosed and then only in the issuance of general statements based upon the reports of a number of persons subject to the order or statistical data collected therefrom, when such a statement or data does not identify the information furnished by any one person.

§ 1230.512 Paperwork Reduction Act assigned number.

The OMB has approved the information collection request contained in this subpart under the provisions of 44 U.S.C. Chapter 35, and OMB Control Number 0581–0151 has been assigned.

Signed at Washington, DC, April 1, 1986.

William T. Manley,
Deputy Administrator, Marketing Programs.
[FR Doc. 86–7524 Filed 4–3–86; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 1260

Beef Promotion and Research; Certification and Nomination Procedures for the Cattlemen’s Beef Promotion and Research Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes nomination procedures and also procedures for determining the eligibility of State and importer organizations, associations, and others to make nominations for appointment to a Cattlemen’s Beef Promotion and Research Board, as provided for in the Beef Promotion and Research Act of 1985, which amended the Beef Research and Information Act (7 U.S.C. 2901–2916). The Board would administer an industry-funded promotion and research order authorized by the Act.

DATE: Effective April 4, 1986.

ADDRESS: Certification, nomination, and biographical data forms may be requested from Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch; Livestock and Seed Division; Agricultural Marketing Service, USDA; 14th and Independence Avenue SW., Room 2610–S; Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp [202/447–2650].

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

This final rule was reviewed under USDA procedures and Executive Order No. 12291 and has been designated as a “nonmajor” rule.

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 rule pertains only to (1) the procedures for establishing the eligibility of organizations, associations, and others to nominate cattle producers and importers for appointment by the Secretary to the Cattlemen’s Beef Promotion and Research Board and (2) the procedures for submitting such nominations.

Background

The Beef Promotion and Research Act of 1985, approved December 23, 1985, authorized the establishment of a national beef promotion and research order. The order would provide for the establishment of a Cattlemen’s Beef Promotion and Research Board which would elect 10 members to a 20-member beef promotion operating committee. The remaining 10 members would be elected by a federation that includes as members the qualified State beef councils.

The Cattlemen’s Beef Promotion and Research Board would be comprised of cattle producers and importers nominated for appointment by the Secretary to the Board. The duties and responsibilities of the Board would be specified in the order.

The Act provides that the Secretary shall either certify or otherwise determine the eligibility of State or importer organizations, associations, or others to nominate members to the Board to ensure that nominees represent the interests of cattle producers and importers. Certification procedures are set forth in this final rule. The certification of State producer organizations or associations representing cattle producers will be based on a factual report containing information required by the Act, including but not limited to (1) size and composition of active membership, (2) the proportional representation of cattle producers within the membership, (3) the evidence that the State organizations or associations are well established and permanent, and (4) the function and purpose of State organizations or associations as they relate to cattle producers and their economic welfare. State organizations or associations will submit completed application forms to the Department containing the above-specified information.

Importer organizations and those wishing to submit nominations from States where there are no certifiable organizations will submit such information as required by the Secretary pursuant to these rules.

The Secretary will have the authority to require verification of any information submitted to determine the eligibility to nominate persons for membership on the Board.

Information obtained by the Secretary will be kept confidential, except that the Secretary can release general statements based upon data obtained from a number of organizations. The Secretary will not disclose the information obtained from any specific organization or person.

Paperwork Reduction

The Paperwork Reduction Act of 1980 (Title 44, U.S.C. Chapter 35) seeks to minimize the paperwork burden imposed by the Federal Government while maximizing the utility of the information requested. In March 1983, the Office of Management and Budget (OMB) implemented the Act by adopting procedures contained in Part 1320 of 5 CFR Chapter III. In accordance with these procedures, the information collection request contained in this subpart has been approved by OMB and has been assigned OMB Control No. 0581–0132.

Comments

On February 21, 1986, the Agricultural Marketing Service published a proposed rule establishing certification and nomination procedures for a Cattlemen’s Beef Promotion and Research Board.