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 cooperative association to qualify as a pool plant under the New Orleans-Mississippi order for that month. The suspension was requested by a cooperative association with member-producers who supply milk for the market. The action is needed to ensure that dairy farmers who have historically supplied the fluid needs of the New Orleans-Mississippi market 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 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 distributing plant 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 market's demand for proponent cooperative's milk.

The resulting loss in Class I sales has forced the cooperative to use its balancing plant for the manufacture of cheese much of the 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. 86-7505 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 (1994 Summary)." (Copies of the former document may be obtained by calling the Government Printing Office at 202/783-3238. Copies of the latter document may be obtained by calling the Crop Reporting Board Publications office at 202/447-4021.)

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 the single 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, 1988, an organization that represents not less 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. Qualified individuals can be nominated as candidates for the elections by filing a written petition with the Secretary.

A State association wishing to make nominations is required to furnish the Secretary with a written statement signed by an official 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; U.S. Department of Agriculture; 14th and Independence Avenue, SW., Room 2610-S; Washington, D.C. 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 1230 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 6255) 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 commenter 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 commenter questioned the provisions of section 1230.501 and 1230.506(a) of the proposed rule relating to nominations and elections. It was the commenter’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 commenter was concerned about the cost of elections. The Department shares the commenter’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 commenter 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 commenter also suggested that the place of voting referred to in §1230.506(d) be the County Agricultural Extension Service office. It was the commenter’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 insure the integrity of the election. The location of the voting place has not been finalized and the commenter’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

§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:

"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.

"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.

§ 1230.502 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 pork producers 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 100 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 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.

(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...
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; and
(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 1
- Illinois 10
- Indiana 7
- Iowa 23
- Kansas 4
- Kentucky 3
- Louisiana 2
- Maine 2
- Maryland 2
- Massachusetts 2
- Michigan 3
- Minnesota 7
- Mississippi 2
- Missouri 4
- Montana 2
- Nebraska 2
- 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
- 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 list 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. Those
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 Delegate 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.

William T. Manley,
Deputy Administrator, Marketing Programs.

DATE: Effective April 4, 1986.

**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, authorizes USDA to establish 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 selected by a federal board 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.
This rule was published with requests for comments as a means of providing full public participation in the rulemaking process and the proposal were requested by March 10, 1986. During the comment period, the agency received five letters in response to the proposed rule. Letters were received from a national cattle producer association, a state cattle producer association, a general farm organization, an importer association, and an individual producer.

Discussion of Comments

One individual producer expressed general opposition to the establishment of a beef promotion and research program by the U.S. Department of Agriculture. The proposed rule, however, concerns only certification and nomination procedures for a Cattlemen's Beef Promotion and Research Board, should a beef promotion and research order be adopted. One state cattle producers association commented that the certification and nomination procedures were acceptable.

The general farm organization expressed concern about the lack of minimum qualifications for nominees to the Cattlemen's Promotion and Research Board; (2) questioned the intent of the words "primary purpose" as they relate to promoting the economic welfare of cattle producers in determining the eligibility requirements for certification of organizations which will submit nominations for appointment by the Secretary to the Board; and (3) requested a definition of "substantial" as that term relates to describing the membership of organizations.

The Beef Promotion and Research Act states that the Cattlemen's Beef Promotion and Research Board will be made up of cattle producers and importers and defines "producer" as anyone who owns or acquires ownership of cattle. The Act does not require or provide for any other qualifications to be eligible for nomination to the Board. However, the Act sets forth specific criteria which nominating organizations must meet to insure that such organizations are qualified representatives of cattle producers and therefore eligible to nominate such producers to the Board.

The word "primary" in the phrase, "A primary or overriding purpose of the association or organization is to promote the economic welfare of cattle producers," concerned the commenting organization because it believed that the term could unduly restrict the type of organizations which could be certified. The commenter pointed out that there are general farm organizations which in fact do represent cattle producers in their States or units, but which cannot claim that their only primary purpose is to promote the economic welfare of cattle producers. The Department recognizes that there may be such organizations; however, the phrase is taken directly from the Act. If an organization can demonstrate that a primary or overriding purpose of the organization is to promote the economic welfare of cattle producers, that organization may be eligible for certification with respect to this specific criteria.

The same commentor requested a definition of the word "substantial," contained in another of the eligibility criteria—"The association or organization represents a substantial number of producers that produce a substantial number of cattle in the State." The Secretary agrees that the words "substantial"; therefore, the Department will interpret and apply "substantial" in a manner which will ensure that applicant associations or organizations do in fact represent the interests of cattle producers. Because of the differences in the organizations or associations which may wish to be certified, all applicant organizations or associations will be evaluated on a case-by-case basis.

The national cattle producer association suggested that the definition of "Board" be clarified by adding the words "of the Act" after the words "section 5(1)." The Secretary adopts this suggestion for clarification.

This same commentor also expressed concern about the methods which the Secretary would employ to receive nominations for appointment to the Board if there is no eligible organization or association in a State which can be certified pursuant to the proposed rule. The method proposed in §1260.580 was...

The Secretary may obtain nominations from one or more of the following: (1) Other related organizations, (2) State Departments of Agriculture, and (3) individuals determined by the Secretary to be knowledgeable about the beef industry in that State. However, while it is the Secretary's expressed intent to contact individuals who are residents of the State and knowledgeable about the beef industry in such State, limiting such individuals to "producers" would not permit the Secretary to contact individuals who may not be actively engaged in cattle production but who are knowledgeable about and/or associated with the cattle or beef industry by virtue of their profession (e.g., State Extension Beef Cattle Specialists). The language as proposed does not exclude producers from being contacted and is presumed that they would be the primary source for nominations.

The importer association suggested that the definition of "beef products" may be too broad and, as stated, may include products such as canned vegetable soup containing only "minor" amounts of beef. While there may be a need to further clarify the definition in any promotion and research order, for the purposes of this final rule, the definitions as they are stated in the Beef Promotion and Research Act are sufficient. In regard to the definition of "importer," the commenter suggested using the definition of importer in the U.S. Customs' regulations (19 CFR 101.1). However, the Secretary believes that "importer" as defined in the Act is appropriate for use in implementing the provisions of this final rule on certification and nomination procedures and will provide for full participation of producer nominees from organizations that, in the opinion of the Secretary, could make such nominations consistent with the intent of the Act.

In a related comment, it was the commentor's opinion that the proposed language in §1260.580, paragraph (e)(3), "individuals determined by the Secretary to be knowledgeable about the beef industry in such State," would allow "too large a universe" to submit nominations and would allow the Secretary to receive nominations from persons other than producers in that State. The Secretary would employ to receive nominations from persons other than producers in that State. It was the commentor's contention that substituting the language "individual producers residing in such State" would be more consistent with the intent of the act regarding representation of cattle producers. It is the intent of the Secretary to contact individuals who are knowledgeable about the cattle industry in a State and who are residents of such State. To clarify this intent, the language in §1260.580, paragraph (e)(3), has been modified to indicate that the knowledgeable individuals whom the Secretary may contact will be residents of the involved State. However, while it is the Secretary's expressed intent to contact individuals who are residents of the State and knowledgeable about the beef industry in such State, limiting such individuals to "producers" would not permit the Secretary to contact individuals who may not be actively engaged in cattle production but who are knowledgeable about and/or associated with the cattle or beef industry by virtue of their profession (e.g., State Extension Beef Cattle Specialists). The language as proposed does not exclude producers from being contacted and is presumed that they would be the primary source for nominations.

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importers and their representative organizations.

Additionally, this commentor suggested that importers be included in the definition of "unit." This suggestion is adopted in the final rule.

The importer association further suggested that proposed § 1260.600, determining allotted positions on the Board, appeared to go beyond the stated purposes of the proposed rule, i.e., (1) procedures for establishing eligibility and (2) procedures for submitting nominations. This suggestion is well taken. Accordingly, proposed § 1260.600 is deleted in this final rule.

The numbers of each section under this subpart have been assigned to facilitate the publication of this final rule.

List of Subjects in 7 CFR Part 1260

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Meat and meat products, Beef and beef products.

Chapter XI of Title 7 of the Code of Federal Regulations is amended by revising Part 1260 to read as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

Subpart A—Beef Promotion and Research:

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

Sec.
1260.500 General.
1260.510 Definitions.
1260.520 Responsibility for administration of regulations.
1260.530 Certification of eligibility.
1260.540 Application for certification.
1260.550 Verification of information.
1260.560 Review of certification.
1260.570 Notification of certification and the listing of certified organizations.
1260.580 Nomination of producers for appointment to the initial Board.
1260.590 Nomination of importers for appointment to the initial Board.
1260.600 Reserved.
1260.610 Acceptance of nomination.
1260.620 Confidential treatment of information.
1260.630 Paperwork Reduction Act assigned number.
1260.640 Application for Certification Form.

Subpart A—Beef Promotion and Research:

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

§ 1260.500 General.

State organizations or associations shall be certified by the Secretary as provided for in the Beef Promotion and Research Act of 1985 to be eligible to make nominations of cattle producers to the Board. Additionally, where there is no eligible organization or association in a State, the Secretary may provide for nominations in the manner prescribed in this subpart. Organizations or associations determined by the Secretary to represent importers of cattle, beef, and beef products may submit nominations for membership on the Board in a manner prescribed by the Secretary in this subpart. The number of nominees required for each allotted position will be determined by the Secretary.

§ 1260.510 Definitions.

As used in this subpart:


"Beef" means the flesh of cattle.

"Beef products" means edible products produced in whole or in part from beef, exclusive of milk and milk products produced therefrom.

"Board" means the Cattlemen's Beef Promotion and Research Board established under Section 5(1) of the Act.

"Cattle" means live, domesticated bovine animals regardless of age.

"Department" means the United States Department of Agriculture.

"Importer" means a person who imports cattle, beef, or beef products from outside the United States.

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

"Producer" means a person who owns or acquires ownership of cattle, except that a person shall not be considered to be a producer if the person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee.

"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, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

"State" means each of the 50 States.

"Unit" means a State or combination of States which has a total inventory of not less than 500,000 head of cattle; or importers.

§ 1260.520 Responsibility for administration of regulations.

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

§ 1260.530 Certification of eligibility.

(a) State organizations or associations: requirements for certification.

(1) To be eligible for certification to nominate producer members to the Board, State organizations or associations must meet all of the following criteria:

(i) Total paid membership must be comprised of at least a majority of cattle producers or represent at least a majority of cattle producers in a State or unit.

(ii) Membership must represent a substantial number of producers who produce a substantial number of cattle in such State or unit.

(iii) There must be a history of stability and permanency.

(iv) There must be a primary or overriding purpose of promoting the economic welfare of cattle producers.

(2) Written evidence of compliance with the certification criteria shall be contained in a factual report submitted to the Secretary by all applicant State organizations or associations.

(3) The primary consideration in determining the eligibility of a State organization or association shall be based on the criteria set forth in this section. However, the Secretary may consider any additional information that the Secretary deems relevant and appropriate.

(4) The Secretary shall certify any State organization or association which he determines complies with the criteria in this section, and his eligibility determination shall be final.

(b) Organizations or associations representing importers. The determination by the Secretary as to the eligibility of importer organizations or associations to nominate members to the Board shall be based on applications containing the following information:

(1) The number and type of members represented (i.e., beef, or cattle importers, etc.).

(2) Annual import volume in pounds of beef and beef products and/or the number of head of cattle.

(3) The stability and permanency of the importer organization or association.

(4) The number of years in existence.

(5) The names of the countries of origin for cattle, beef, or beef products imported.

The Secretary may also consider additional information that the Secretary deems relevant and appropriate. The Secretary's determination as to eligibility shall be final.
§ 1260.540 Application for certification.

(a) State organizations or associations. Any State organization or association which meets the eligibility criteria specified in § 1260.530(a) for certification is entitled to apply to the Secretary for such certification of eligibility to nominate producers for appointment to the Board. To apply, such organization or association must submit a completed “Application for Certification of Organization or Association,” Form LS-25, contained in § 1260.640. It may be reproduced or additional copies may be obtained from the Livestock and Seed Division; Agricultural Marketing Service, USDA; 14th and Independence Avenue, SW., Room 2810-S; Washington, DC 20250; (Telephone: 202/447-2650.)

(b) Importer organizations or associations. Any organization or association whose members import cattle, beef, or beef products into the United States may apply to the Secretary for determination of eligibility to nominate importers under the Act. Applications shall be in writing and shall contain the information required by § 1260.530. Interested organizations or associations may contact the Livestock and Seed Division; Agricultural Marketing Service, USDA; 14th and Independence Avenue, SW., Room 2810-S; Washington, DC 20250; (Telephone: 202/447-2650) for information concerning application procedures.

§ 1260.550 Verification of information.

The Secretary may require verification of the information to determine eligibility for certification to make nominations under the Act. All documents and information submitted to or obtained by the Department shall be kept confidential except that the Secretary may issue statements will not identify any one source.

§ 1260.560 Review of certification.

The Secretary may terminate or suspend certification or eligibility of any organization or association if it ceases to comply with the certification or eligibility criteria set forth in this subpart. The Secretary may require any information deemed necessary to ascertain whether the organization or association may remain certified or eligible to make nominations.

§ 1260.570 Notification of certification and the listing of certified organizations.

Organizations and associations shall be notified in writing as to whether they are eligible to nominate producer members to the Board. A copy of the certification or eligibility determination shall be furnished to certified or eligible organizations and associations. Copies shall also be maintained on file in the Livestock and Seed Division office, where they will be available for inspection.

§ 1260.580 Nomination of producers for appointment to the initial Board.

Nominations to the initial Board shall be made in the following manner:

(a) When notifying a State organization or association that it has been certified, the Secretary shall concurrently advise the organization or association of the number of positions on the Board allotted to that organization's or association's respective State. The Secretary also shall request the names of the certified organization's or association's nominees for each allotted position.

(b) When more than one State organization or association in a State or unit is certified, the Secretary shall provide each such certified State organization or association with a list of all other certified State organizations or associations in the same State or unit.

(c) If there is more than one certified State organization or association within a State or unit, such State organization or associations may jointly nominate producers for each allotted position on the Board.

(d) Nominations shall be submitted by certified State organizations or associations pursuant to this section.

(e) If the Secretary determines that there is no eligible organization or association in a State which can be certified pursuant to paragraph (d), § 1260.530, the Secretary may obtain nominations from one or more of the following: (1) Other related organizations, (2) State Departments of Agriculture, and (3) Individuals who are residents of such State and who are knowledgeable about the beef industry in such State.

§ 1260.590 Nomination of importers for appointment to the initial Board.

(a) The Secretary shall notify in writing applicant importer organizations or association of their eligibility to nominate importer members to the Board and advise them of the allotted number of importer positions on the Board. Eligible organizations or association may nominate members for each position allotted to importers.

(b) The Secretary shall provide importer organizations or associations with the names of all other eligible importer organizations.

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

§ 1260.600 [Reserved]

§ 1260.610 Acceptance of appointment.

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

§ 1260.620 Confidential treatment of information.

All documents and information submitted to or obtained by the Department shall be kept confidential by all employee of the Department, except that the Secretary may issue general statements based upon the information collected from a number of different sources. These general statements will not identify any information as having been furnished by any one source.

§ 1260.630 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 0581-152 has been assigned.

§ 1260.640 Application for Certification Form.

The following official form, "Application for Certification of Association or Organization," must be completed and submitted to the Department by eligible State organizations or associations seeking certification by the Secretary. This form may be reproduced.
Information is collected in order to determine eligibility of organizations or associations to nominate cattle producers to serve as members of the Board. Application is voluntary and information is held confidential (Beef Promotion and Research Act of 1985).

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

APPLICATION FOR CERTIFICATION OF ORGANIZATION OR ASSOCIATION

Organizations or associations must apply for certification by the Secretary to be eligible to participate in the making of nominations of cattle producers to serve as members of the Cattlemen's Beef Promotion and Research Board as provided in the Beef Promotion and Research Act of 1985. Information submitted in response to all items must be complete. Please type or print clearly. Send original only to:

Marketing Programs and Procurement Branch
Livestock and Seed Division, AMS
U. S. Department of Agriculture, Room 2610-S
Washington, D C. 20250

NAME AND ADDRESS OF ORGANIZATION (Street address or P.O. Box No., City, State, ZI P)

TEL. (AC . . . . . . . . . . . . . . . . .)

1. NAME AND ADDRESS OF ORGANIZATION (Street address or P.O. Box No., City, State, ZIP)

2. TYPE OF ORGANIZATION (X one):
   - Cattle
   - General Farm
   - Other (Specify)

3. STATE

4. TOTAL PAID MEMBERSHIP (Most RECENT FULL calendar year)
   - IN 198
   - NO.
   - IN 199
   - NO.

5. NUMBER OF PAID MEMBERS ENGAGED IN CATTLE PRODUCTION (Most RECENT FULL calendar year)
   - AS OF JAN. 1, 198
   - NO.

6. TOTAL ESTIMATED INVENTORY OF CATTLE OWNED BY PAID MEMBERS (Most RECENT FULL calendar year)
   - AS OF JAN. 1, 198
   - NO.

7. AS EVIDENCE OF THE STABILITY AND PERMANENCY OF THE ORGANIZATION, GIVE:
   - A. No. of Years in Existence
   - B. No. of Paid Members during each of the last four calendar years:
     - 198
     - 198
     - 198
     - 198
   - C. Other Evidence (Explain)

I hereby certify that: (1) a primary or overriding purpose of this organization or association is to promote the economic welfare of cattle producers, and (2) the information provided in response to the above items is true, complete, and correct to the best of my knowledge. The Secretary of Agriculture may examine our books, documents, papers, records, files, and facilities to verify any of the information submitted and may procure such other information as may be required to determine this organization's or association's eligibility for certification.

NAME AND TITLE OF PERSON COMPLETING THIS APPLICATION

 Type or print

DATE

SIGNATURE

Type or print

FORM LS-25
(JAN 86)
BILLING CODE 3410-02-C
Farmers Home Administration

7 CFR Parts 1951 and 1965

Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received; Correction and Amendments

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) corrects typographical errors to a final rule published April 2, 1985, (30 FR 12589) and makes revisions to that final rule. The primary intent of the revisions is to clarify method of applying collection of lump-sum repayment in cases subject to/not subject to recapture of subsidy; make an exception to required liquidation in cases where the borrower provided false information to obtain unauthorized interest credit; and to set a threshold of $5 per month or $60 per year, under which no adjustments will be made to accounts for receipt of unauthorized interest credit.

EFFECTIVE DATE: April 4, 1986.

FOR FURTHER INFORMATION CONTACT: Betty Throne, Realty Specialist, Property Management Division, Farmers Home Administration, USDA, Room 5309, South Agriculture Building, Washington, DC 20250, telephone (202) 328-1452.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291 and has been determined to be exempt from those requirements because it involves only corrections or internal agency management. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it involves only corrections (including the removal of unintended harsh results) or internal management, and publication for comments is deemed unnecessary. This action does not directly affect any FmHA programs or projects which are subject to review under Executive Order 12372, Intergovernmental Review of Federal Programs. This document has been reviewed in accordance with 7 CFR Part 1940. Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required. Some of the FmHA programs and projects affected by these regulations are subject to intergovernmental consultation in the manner delineated in FmHA Instruction 1940-J, "Intergovernmental Review of Farmers Home Administration Programs and Activities." These programs include Multiple Family Housing and Community and Business programs. Along with the correction of typographical errors in Part 1951, Subparts M, N and O, Farmers Home Administration (FmHA) is making the following changes:

1. With issuance of Part 1951, Subparts M, N and O, Form FmHA 1951-11, "Accelerated Repayment Agreement," was reissued as Form FmHA 1965-11. Inadvertently, a reference to this form in Part 1965, Subpart B, was overlooked, and is now being corrected.

2. Part 1951, Subpart M, is changed to correct several typographical errors and to make the following additional changes:

(a) To exclude from servicing cases where unauthorized interest credit amounting to not more than $5 per month or $60 per year was received.

(b) To provide that if a borrower whose loan is subject to recapture of subsidy repays unauthorized interest credit in a lump sum, the payment made on the account under the unauthorized interest credit agreement(s) must be reversed and reapplied correctly before the lump sum payment is applied. If this is not done, and recapture of subsidy needs to be calculated in the future, the total subsidy granted would be overstated by the amount of the unauthorized interest credit repaid, thus causing FmHA to recapture more subsidy than it should. Not making this revision would result in a situation which is inequitable to the borrower.

(c) To allow FmHA to recover unauthorized interest credit through account adjustments (in lieu of repayment by lump sum) in cases where the unauthorized interest credit was obtained fraudulently. FmHA believes that when the loan was otherwise made properly, liquidation should not be required in all cases where the borrower obtained interest credit fraudulently provided the unauthorized subsidy has been recovered. To do so would be inequitable to the borrower and would not be in the best interest of the Government since forced liquidation might result in FmHA acquiring the house along with the costs associated with handling and selling inventory property.

Catalog of Federal Domestic Assistance Titles and Numbers:

10.410 Low Income Housing Loans
10.411 Rural Housing Site Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.417 Very Low-income Housing Repair Loans and Grants
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
10.421 Indian Tribes and Tribal Corporation Loans
10.422 Business and Industrial Loans
10.423 Community Facilities Loans

List of Subjects

7 CFR Part 1951

Account servicing, Credit, Grant programs—Housing and community development, Interest credit, Loan programs—Housing and community development, Low and moderate income housing loans—Servicing, Mortgages. Recapture of subsidy, Reporting requirements, and Rural areas.

7 CFR Part 1965

Administrative practice and procedure, Low and moderate income housing—Rental, Mortgages.

Accordingly, Chapter XVIII, Title 7 of the Code of Federal Regulations is amended as follows:

PART 1951—SERVICING AND COLLECTIONS

1. The authority citation for Part 1951 continues to read as follows:


Subpart M—Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Single Family Housing

2. In § 1951.604, paragraph (a)(1)(v) is revised to read as follows:

§ 1951.604 Categories of unauthorized SFH assistance.

(a) * * *

(1) * * *
§ 1951.606 [Amended]
3. The introductory text of § 1951.606 is corrected by removing the words, “but is unable to determine whether or not the assistance was received,” in the second sentence.

4. In § 1951.608, paragraphs (a)(3) and (b) are revised to read as follows:

§ 1951.608 Decision on servicing actions.

(a) * * *
(3) In the case of unauthorized interest credit:
(ii) If the loan on which the unauthorized interest credit was granted is subject to recapture of subsidy, as “Miscellaneous Collection for Application to the General Fund.”

(ii) If the loan on which the unauthorized interest credit was granted is subject to recapture of subsidy, payments made under the unauthorized interest credit agreement(s) must be reversed and reapplied so that the correct amounts of total subsidy granted and principal reduction attributed to subsidy will be available if recapture must be calculated at a later date. The County Supervisor will request the Finance Office to hold the lump-sum payment in suspense until the payments made under the unauthorized interest credit agreement(s) have been reversed and reapplied correctly. After the account adjustments have been completed, the lump-sum payment will be applied as a regular payment with credit to the borrower as of the date it was collected. Form FmHA 1944-15, “Interest Credit Agreement Cancellation,” or Form(s) FmHA 1944-6, “Interest Credit Agreement,” as appropriate, to cancel interest credit or adjust the amount of interest credit for each period of time unauthorized interest credit was granted must be submitted simultaneously with the lump-sum payment.

(b) Continuation with recipient. If the recipient agrees with FmHA’s determination or is willing to pay the amount in question but cannot repay the unauthorized assistance within a reasonable period of time, servicing will be as follows:

(1) All categories of unauthorized assistance EXCEPT unauthorized or excessive interest credit. Continuation with the loan is authorized and servicing actions outlined in § 1951.612 of this subpart will be taken provided ALL of the following conditions are met:

(i) The recipient did not provide false information as defined in § 1951.602(d) of this subpart;

(ii) It would be highly inequitable to require prompt repayment of the unauthorized assistance; and

(iii) Failure to collect the unauthorized assistance in full will not adversely affect FmHA’s financial interests.

(2) Unauthorized or excessive interest credit. When the unauthorized assistance is solely in the form of unauthorized or excessive interest credit, continuation with the loan is authorized regardless of whether the borrower provided false information as defined in § 1951.602(d) of this subpart, provided the borrower cooperates in executing documents necessary to effect account adjustments according to § 1951.612(a)(2)(i) of this subpart. After the account is thus adjusted, the unauthorized assistance is deemed to have been fully recovered.

5. Section 1951.612 is amended by adding introductory text to paragraph (a)(2) and by revising paragraph (a)(2)(i) to read as follows:

§ 1951.612 Servicing options in lieu of liquidation or legal action to collect.

(a) * * *
(2) Unauthorized interest credit.

When unauthorized interest credit amounting to no more than $5 per month or $60 per year is granted, regardless of reason, no account adjustments will be made. For amounts in excess of $5 per month or $60 per year adjustments are as follows:

(i) On outstanding loan. Continuation with the loan is authorized provided the recipient executes the forms necessary to effect correction of the account through reversal and reaplication of payments. The account will be serviced according to § 1951.618(a)(3) of this subpart for audit cases or § 1951.618(b)(1)(ii) of this subpart for nonaudit cases.

(ii) For unauthorized interest credits amounting to $5 per month or $60 per year, Form FmHA 1944-15 or Form FmHA 1944-6, as applicable, will be submitted to the Finance Office. Payments will be reversed and reapplied accordingly.

6. Section 1951.618(a)(2) is amended by adding the following sentence to the end of the paragraph: “When Form FmHA 1951–12 is processed, a new Form FmHA 1944–6, “Interest Credit Agreement,” must be submitted, if applicable.

7. Section 1951.618(a)(3) is amended by inserting in the first sentence, after the first three words, “amounting to $5 per month or $60 per year.”
12. Section 1951.711 (c) is corrected by changing the word "of" to "on" in the title of the paragraph.

PART 1965—REAL PROPERTY

13. The authority citation for Part 1965 is revised to read as follows:


Subpart B—Security Servicing for Multiple Housing Loans

§1965.85 [Amended]

14. Section 1965.85(a) is amended in the third sentence by changing the reference from "Form FmHA 465-11" to "Form FmHA 1965-11".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket Nos. 85-AWA-3 and 85-AWA-10]

Establishment of Airport Radar Service Areas

Correction

In FR Doc. 86-2712 beginning on page 4672 in the issue of Friday, February 7, 1986, make the following correction: On page 4680, in the third column, in § 71.501, in the fifth line under "Tampa * * *", "83°" should read "82°".

BILLING CODE 1505-01-M

14 CFR Part 97

[Docket No. 24947; Amdt. No. 1317]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: Effective: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved publication in the Federal Register of documents and materials necessary for making some SIAPs effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is established. This amendment to Part 97 is effective on the date of publication.

For further information contact:


SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a). 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs) The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim incorporation impractical. Further, SIAPs do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number. This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria.

Some SIAP amendments may have been previously issued by the FAA in a Notice to Airmen (NOTAM) or a Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves as established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures.