

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1220

[No. LS-97-005]

#### **Soybean Promotion and Research: Amend the Order to Adjust Representation on the United Soybean Board**

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

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would adjust the number of members for certain States on the United Soybean Board (Board) to reflect changes in production levels that have occurred since the Board was reapportioned in 1994. These adjustments are required by the Soybean Promotion and Research Order (Order) and would result in an increase in Board membership from 59 to 62 effective with the Secretary's 1998 appointments.

**DATES:** Written comments must be received by May 30, 1997.

**ADDRESSES:** Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service (AMS), USDA, Room 2604-S; P.O. Box 96456; Washington, D.C. 20090-6456, comments will be available for public inspection during regular business hours at the above office in Room 2606, South Agricultural Building, 14th and Independence Avenue, SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

#### **SUPPLEMENTARY INFORMATION:**

#### **Executive Orders 12866 and 12988, and Regulatory Flexibility Act**

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

This rule was reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. This rule would not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Soybean Promotion, Research, and Consumer Information Act (Act) provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1971 of the Act, a person subject to the Order may file a petition with the Secretary stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling on the petition, if a complaint for this purpose is filed within 20 days after the date of the entry of the ruling.

#### **Effect on Small Entities**

The Agricultural Marketing Service has determined that this rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because it only adjusts representation on the Board to reflect changes in production levels that have occurred since the Board was reapportioned in 1994. As such, these changes will not impact on persons subject to the program. There are an estimated 381,000 soybean producers who pay assessments and an estimated 10,000 first purchasers who collect assessments, most of whom would be considered small entities under the criteria established by the Small Business Administration (13 CFR 121.601).

#### **Background and Proposed Changes**

The Act (7 U.S.C. 6301-6311) provides for the establishment of a coordinated program of promotion and research designed to strengthen the soybean industry's position in the marketplace, and to maintain and

expand domestic and foreign markets and uses for soybeans and soybean products. The program is financed by an assessment of 0.5 percent of the net market price of soybeans sold by producers. Pursuant to the Act, an Order was made effective July 9, 1991. The Order established a Board of 60 members. For purposes of establishing the Board, the United States was divided into 31 geographic units. Representation on the Board from each unit was determined by the level of production in each unit. The Secretary appointed the initial Board on July 11, 1991. The Board is composed of soybean producers.

Section 1220.201(c) of the Order provides that at the end of each three (3) year period, the Board shall review soybean production levels in the geographic units throughout the United States. The Board may recommend to the Secretary modification in the levels of production necessary for Board membership for each unit. At its March 1997 meeting the Board voted to recommend to the Secretary that no modification be made.

Section 1220.201(d) of the Order provides that at the end of each three (3) year period, the Secretary must review the volume of production of each unit and adjust the boundaries of any unit and the number of Board members from each such unit as necessary to conform with the criteria set forth in § 1220.201(e): (1) To the extent practicable, States with annual average soybean production of less than 3,000,000 bushels shall be grouped into geographically contiguous units, each of which has a combined production level equal to or greater than 3,000,000 bushels, and each such group shall be entitled to at least one member on the Board; (2) units with at least 3,000,000 bushels, but fewer than 15,000,000 bushels shall be entitled to one board member; (3) units with 15,000,000 bushels or more but fewer than 70,000,000 bushels shall be entitled to two Board members; (4) units with 70,000,000 bushels or more but fewer than 200,000,000 bushels shall be entitled to three Board members; and (5) units with 200,000,000 bushels or more shall be entitled to four Board members.

Current representation on the Board (59), and the number of geographical units (30), have been based on average production levels for the years 1989-

1993 (excluding the crops in years in which production was the highest and in which production was the lowest) as reported by the National Agricultural Statistics Service (NASS) of the U.S. Department of Agriculture.

Proposed representation on the Board (62) is based on average production levels for the years 1992–1996 (excluding the crops in years in which production was the highest and in which production was the lowest) as reported by NASS.

The number of geographical units would remain at 30.

This proposed rule would adjust representation on the Board as follows:

State	Current representation	Proposed representation
Indiana .....	3	4
Minnesota .....	3	4
South Dakota .....	2	3
North Dakota .....	1	2
Virginia .....	2	1

Board adjustment as proposed by this rulemaking would be effective, if adopted, with the 1998 nominations and appointments.

#### List of Subjects in 7 CFR 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Reporting and recordkeeping requirements, Soybeans and soybean products.

For the reasons set forth in the preamble, it is proposed that Title 7, part 1220 be amended as follows:

#### PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR part 1220 continues to read as follows:

**Authority:** 7 U.S.C. 6301–6311.

2. In § 1220.201, the table immediately following paragraph (a) is revised to read as follows:

#### § 1220.201 Membership of board.

(a) \* \* \*

Unit	Number of members
Illinois .....	4
Iowa .....	4
Minnesota .....	4
Indiana .....	4
Missouri .....	3
Ohio .....	3
Arkansas .....	3
Nebraska .....	3
South Dakota .....	3
Mississippi .....	2

Unit	Number of members
Kansas .....	2
Louisiana .....	2
Tennessee .....	2
North Carolina .....	2
Kentucky .....	2
Michigan .....	2
North Dakota .....	2
Maryland .....	2
Wisconsin .....	2
Virginia .....	1
Georgia .....	1
South Carolina .....	1
Alabama .....	1
Delaware .....	1
Texas .....	1
Pennsylvania .....	1
Oklahoma .....	1
New Jersey .....	1
Eastern Region (New York, Massachusetts, Connecticut, Florida, Rhode Island, Vermont, New Hampshire, Maine, West Virginia, District of Columbia, and Puerto Rico .....	1
Western Region (Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, California, Hawaii, and Alaska) .....	1

\* \* \* \* \*

Dated: April 24, 1997.

**Barry L. Carpenter,**

*Director, Livestock and Seed Division.*

[FR Doc 97–11105 Filed 4–29–97; 8:45 am]

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#### DEPARTMENT OF AGRICULTURE

##### Rural Utilities Service

##### 7 CFR Part 1703

RIN 0572–AB31

##### Distance Learning and Telemedicine Loan and Grant Program; Correction

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Proposed rule: Correction.

**SUMMARY:** This document contains corrections to the proposed regulations which were published Wednesday, April 16, 1997 (62 FR 18686). The regulations related to the requirements for submitting an application for financial assistance.

##### FOR FURTHER INFORMATION CONTACT:

Barbara L. Eddy, Deputy Assistant Administrator, Telecommunications

Program, Rural Utilities Service, telephone number (202) 720–9554.

#### SUPPLEMENTARY INFORMATION:

##### Background

The proposed regulations that are the subject of these corrections, supersede paragraph (c) of § 1703.113 as proposed and would affect persons submitting applications for financial assistance under 7 CFR 1703, subpart D. Title VII, section 704, of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104–127) amended Chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 by authorizing the Secretary of Agriculture to make loans for distance learning and telemedicine services in rural areas. The proposed regulations would amend 7 CFR part 1703 to set forth the rules for this new loan program to be administered by the RUS.

##### Need for Correction

As published, the proposed regulations contain errors which may prove to be misleading and are in need of clarification.

##### Correction of Publication

Accordingly, the **Federal Register** document 97–9422 published on April 16, 1997, at 62 FR 18677 is corrected as follows:

##### § 1703.113 [Corrected]

1. On page 18686, in the third column, in § 1703.113, paragraph (c), line three, the date “May 31, 1997,” is corrected to read “[60 days from the date of publication of the final rule].”

2. On page 18686, in the third column, in § 1703.113, paragraph (c), line 24, the date “by May 31” is corrected to read “[not later than 60 days from the date of publication of the final rule].”

Dated: April 23, 1997.

**Wally Beyer,**

*Administrator, Rural Utilities Service.*

[FR Doc. 97–11102 Filed 4–29–97; 8:45 am]

BILLING CODE 3410–15–P

#### NUCLEAR REGULATORY COMMISSION

##### 10 CFR Parts 30, 40, 50, 70, and 72

RIN 3150–AF64

##### Self-Guarantee of Decommissioning Funding by Non-Profit and Non-Bond Issuing Licensees

**AGENCY:** Nuclear Regulatory Commission.