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DEPARTMENT OF AGRICULTURE

Economic Analysis Staff

7 CFR Ch. XXXIX

Removal of CFR Chapter

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This final rule removes the regulations of the Economic Analysis Staff (EAS) relating to its organization and functions and availability of information to the public, to reflect an internal reorganization of the Department of Agriculture, which abolished EAS.

EFFECTIVE DATE: December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Virginia Taylor, Office of the Chief Economist, United States Department of Agriculture, Room 227-E, Jamie L. Whitten Federal Building, Washington, D.C. 20250-3810, or call (202) 720-5955.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act (FOIA) requires each Federal agency to publish in the Federal Register regulations regarding its organization and functions and the manner in which the public may obtain information from the agency. Part 3900 set out the organization and functions of EAS. Part 3901 set out the regulations of EAS for obtaining information under the Freedom of Information Act. Pursuant to a reorganization of the Department of Agriculture, EAS was integrated into the Office of the Chief Economist. This document removes Parts 3900 and 3901.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required. Further, since the rule relates to internal agency management it is exempt from the provisions of Executive Orders 12866

and 12988. In addition, this action is not a rule as defined by the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Chapter XXXIX

Availability of information to the public; organizations and functions.

CHAPTER XXXIX [REMOVED]

Accordingly, under the authority of 5 U.S.C. 301 and 552, 7 CFR Chapter XXXIX is removed.

Done this 23rd of December, 1996, at Washington, D.C.
Keith Collins,
Chief Economist.
[FR Doc. 96-33063 Filed 12-30-96; 8:45 am]
BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 58

[DA-96-10]

RIN 0581-AB43

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products: Revision of User Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is increasing the fees charged for services provided under the dairy inspection and grading program. This rule will yield an estimated \$272,000 in fiscal year 1997. The program is a voluntary, user-fee program conducted under the authority of the Agricultural Marketing Act of 1946, as amended. This action increases the hourly rate to \$47.00 per hour for continuous resident services and \$52.00 per hour for nonresident services between the hours of 6:00 a.m. and 6:00 p.m. The fee for nonresident services between the hours of 6:00 p.m. and 6:00 a.m. would be \$57.20 per hour. These fees represent an increase of four dollars per hour. The fees are being increased to cover the costs of recent salary increases and locality adjustments, the costs necessary to maintain adequate levels of service during changing production and purchasing patterns within the dairy industry, the continued full funding for

standardization activities, and other operating costs.

EFFECTIVE DATE: January 5, 1997.

FOR FURTHER INFORMATION CONTACT:

Lynn G. Boerger, USDA/AMS/Dairy Division, Dairy Grading Branch, Room 2750-South Building, P.O. Box 96456, Washington, D.C. 20090-6456, (202) 720-9381.

SUPPLEMENTARY INFORMATION: This rule has been determined to be not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have preemptive effect with respect to any State or local laws, regulations or policies. This rule is not intended to have retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule or the application of its provisions.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) 5 U.S.C. 601 *et seq.*, the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

There are more than 600 users of Dairy Grading Branch's inspection and grading services. Many of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.601). This rule will raise the fee charged to businesses for voluntary inspection services and grading services for dairy and related products. Even though the fee will be raised, the increase is approximately 8.6 percent and will not significantly affect these entities. These businesses are under no obligation to use these services, and any decision on their part to discontinue the use of the services would not prevent them from marketing their products. The Agricultural Marketing Service (AMS) estimates that overall this rule will yield an additional \$272,000 during fiscal year 1997. The rule reflects certain fee increases needed to recover the cost of inspection and grading services rendered in accordance with the Agricultural Marketing Act (AMA) of 1946.

The Agricultural Marketing Service (AMS) has determined that this action will not have a significant impact on a

substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601).

The Agricultural Marketing Act of 1946, as amended, authorizes the Secretary of Agriculture to provide Federal dairy grading and inspection services that facilitate marketing and help consumers obtain the quality of dairy products they desire. The Act provides that reasonable fees be collected from the users of the services to cover, as nearly as practicable, the cost of maintaining the program.

Since the costs of the grading program are covered entirely by user fees, it is essential that fees be increased when necessary to cover the cost of maintaining a financially self-supporting program. The last fee increase under this program became effective on October 1, 1995. Since that time, Congress increased the salaries of Federal employees by 2.9 percent as of January 7, 1996, which included locality pay. Also, there have been normal increases in other nonpay operating costs that include utilities, office space, and reimbursable travel. In addition, recent congressional action may result in additional salary increases of 3.0 percent in 1997. Although the program's operating reserves were adequate to cover the January 7, 1996, salary increase, this will not be the case for 1997 salary increases, and a fee increase is needed.

The grading program fees need to be increased to cover the costs associated with maintaining adequate levels of service during shifting production patterns within the dairy industry. The industry changes include plant consolidations, geographical shifts of dairy production areas, and changes in the types of dairy products being manufactured and offered for inspection and grading services. To minimize the necessary fee increase, the Department has initiated cost-reduction efforts which include the reduction of staff and program overhead.

On November 14, 1996, the Agricultural Marketing Service published in the Federal Register (61 FR 58345) for public comment a document proposing a \$4.00 increase in the hourly fee for both resident and nonresident programs. No comments were received.

Pursuant to 5 U.S.C. 553, it is hereby found that good cause exists for not delaying the effective date of this action until 30 days after publication of this final rule in the Federal Register. A revenue shortfall warrants putting the higher rates into effect as quickly as possible. The increase in fees is essential for effective management and

operation of the program and to satisfy the intent of the Agricultural Marketing Act of 1946. A proposed rule setting forth proposed fee increases was published in the Federal Register on November 14, 1996 (61 FR 58345). Therefore, the provisions of this final rule are known to interested parties.

Accordingly, the program fees are being increased as set forth below.

Program Changes Adopted in the Final Rule

This rule document makes the following changes in the regulations implementing the dairy inspection and grading program:

1. Increases the hourly fee for nonresident services from \$48.00 to \$52.00 for services performed between 6:00 a.m. and 6:00 p.m. The nonresident hourly rate is charged to users who request an inspector or grader for particular dates and amounts of time to perform specific grading and inspection activities. These users of nonresident services are charged for the amount of time required to perform the task and undertake related travel plus travel costs.

2. Increases the hourly fee for continuous resident services from \$43.00 to \$47.00. The resident hourly rate is charged to those who are using grading and inspection services performed by an inspector or grader assigned to a plant on a continuous, year-round resident basis.

List of Subjects in 7 CFR Part 58

Dairy products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 58 is amended as follows:

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

1. The authority citation for Part 58 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. Section 58.43 is revised to read as follows:

§ 58.43 Fees for inspection, grading, and sampling.

Except as otherwise provided in §§ 58.38 through 58.46, charges shall be made for inspection, grading, and sampling service at the hourly rate of \$52.00 for service performed between 6:00 a.m. and 6:00 p.m. and \$57.20 for service performed between 6:00 p.m. and 6:00 a.m., for the time required to

perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports and the travel time of the inspector or grader in connection with the performance of the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

3. Section 58.45 is revised to read as follows:

§ 58.45 Fees for continuous resident services.

Irrespective of the fees and charges provided in §§ 58.39 and 58.43, charges for the inspector(s) and grader(s) assigned to a continuous resident program shall be made at the rate of \$47.00 per hour for services performed during the assigned tour of duty. Charges for service performed in excess of the assigned tour of duty shall be made at a rate of 1½ times the rate stated in this section.

Dated: December 24, 1996.

Lon Hatamiya,

Administrator.

[FR Doc. 96–33267 Filed 12–30–96; 8:45 am]

BILLING CODE 3410–02–P

Federal Crop Insurance Corporation

7 CFR Parts 401 and 457

RIN 0563–AB03

Common Crop Insurance Regulations; Florida Citrus Fruit Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) finalizes specific crop provisions for the insurance of Florida citrus. The provisions will be used in conjunction with the Common Crop Insurance Policy Basic Provisions, which contain standard terms and conditions common to most crops. The intended effect of this action is to provide policy changes to better meet the needs of the insured, include the current Florida Citrus Endorsement with the Common Crop Insurance Policy for ease of use and consistency of terms, and to restrict the effect of the current Florida Citrus Endorsement to the 1997 and prior crop years.

EFFECTIVE DATE: January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Bill Klein, Program Analyst, Research and Development Division, Product Development Branch, Federal Crop Insurance Corporation, United States