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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1427

RIN 0560-AF12

Amendments to the Regulations for the Nonrecourse Cotton Loan and Loan Deficiency Payment Programs

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Commodity Credit Corporation (CCC) amended regulations for the nonrecourse cotton loan and loan deficiency payment (LDP) programs by transferring existing requirements regarding open yard storage endorsements and fire insurance coverage from the warehouse receipt section to the general eligibility section of the regulations.

EFFECTIVE DATE: April 18, 1997.

FOR FURTHER INFORMATION CONTACT:

George A. Stickels, Agricultural Program Specialist—Cotton, USDA, Farm Service Agency, Price Support Division, STOP 0512, 1400 Independence Avenue, SW, Washington, D.C., 20250-0512; telephone (202) 720-7935.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988. The provisions of this final rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Paperwork Reduction Act

The amendments set forth in this final rule do not generate any new or revised information collection or record keeping requirements on the public. The existing information collections were previously cleared by OMB and assigned OMB control number 0560-0120.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because it has been determined that this rule will not have a significant effect on a substantial number of small businesses. Obtaining a cotton loan or LDP is strictly voluntary.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

Pursuant to the provisions of 7 CFR part 1427, the Secretary has the authority to require that specific information be provided on paper warehouse receipts or on an electronic warehouse receipt (EWR) record, as a condition for obtaining nonrecourse cotton loans or LDP's. For cotton to be eligible for a nonrecourse loan or LDP, 7 CFR part 1427 presently requires that each paper warehouse receipt or EWR must be issued by a warehouse with an existing Cotton Storage Agreement (CSA) under terms of the United States Warehouse Act; and must indicate that any open yard storage endorsement has been rescinded and that the bale is covered by fire insurance.

Warehouses with an existing CSA must: (1) Keep CCC-interest cotton stored within a facility approved by CCC; and (2) at all times keep all CCC-loan cotton insured against loss or damage by fire. Because of these CSA

requirements, and because only receipts issued by a warehouse with an existing CSA are eligible for CCC loan or LDP, CCC has determined it unnecessary that each paper receipt or EWR also indicate compliance with open yard endorsement and fire insurance requirements. Therefore, CCC has amended 7 CFR part 1427 by transferring open yard endorsement and fire insurance requirements from the warehouse receipt and insurance section to the general eligibility requirements section.

List of Subjects in 7 CFR Part 1427

Cotton, Loan programs—agriculture, Packaging and containers, Price support programs, Reporting and recordkeeping requirements, Surety bonds, Warehouses.

For the reasons set out in the preamble, 7 CFR part 1427 is amended as set forth below.

PART 1427—COTTON

1. The authority citation for part 1427 continues to read as follows:

Authority: 7 U.S.C. 7231-7237; and 15 U.S.C. 714b and 714c.

2. Section 1427.5 is amended by revising paragraph (b)(2) to read as follows:

§ 1427.5 General eligibility requirements.

* * * * *

(b) * * *

(2) Be in existence and good condition, be covered by fire insurance, be stored in a warehouse with an existing cotton storage agreement in accordance with §§ 1427.1081 through 1427.1089 at the time of disbursement of the loan or loan deficiency payment proceeds, except as provided in § 1427.23(f), and be stored in approved storage as determined in accordance with § 1427.10;

* * * * *

3. Section 1427.11 is amended by revising the section heading, and by revising paragraph (a) to read as follows:

§ 1427.11 Warehouse receipts.

(a) Producers may obtain loans on eligible cotton represented by warehouse receipts only if the warehouse receipts meet the definition of a warehouse receipt and provide for delivery of the cotton to bearer or are properly assigned by endorsement in blank, so as to vest title in the holder of

the receipt or are otherwise acceptable to CCC. The warehouse receipt must:

- (1) Contain the gin bale number;
- (2) Contain the warehouse receipt number;
- (3) Be dated on or prior to the date the producer signs the note and security agreement.

* * * * *

Signed at Washington, DC, on April 7, 1997.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 97-9683 Filed 4-17-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 287 and 299

[INS No. 1830-97]

RIN 1115-AE80

Establishment of Pre-enrolled Access Lane (PAL) Program at Immigration and Naturalization Service Checkpoints

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule amends the Immigration and Naturalization Service (Service) regulations by establishing a Pre-enrolled Access Lane (PAL) program for the use of eligible persons and vehicles at Service checkpoints within the United States. This rule is necessary to permit the Service to facilitate passage through Service checkpoints while safeguarding the integrity of law enforcement at the checkpoints.

DATES: This interim rule is effective April 18, 1997. Written comments must be received on or before June 17, 1997.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536, Attn: Public Comment Clerk. To ensure proper handling, please reference 1830-97 on your correspondence. Comments are available for public inspection at this location by calling (202) 514-3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: William Carter, U.S. Border Patrol, Immigration and Naturalization Service, 415 I Street, NW., Room 4226, Washington, DC 20536, telephone (202) 514-3072.

SUPPLEMENTARY INFORMATION: In the Fiscal Year 1996 Appropriations Act for the Department of Justice, Congress required the Service to establish a computer lane facilitation pilot program at the San Clemente, California, checkpoint. See section 101 of Public Law 104-134 (April 26, 1996). The Service has determined that the Pre-enrolled Access Lane (PAL) program implemented by this interim rule is the best means of complying with this congressional mandate.

Under the PAL program, the Service may establish lanes at checkpoints for pre-enrolled travelers, the use of which is restricted to enrolled participants who the Service has determined present a low risk of using the lane for unlawful purposes (and to passengers of such enrolled participants). A person who wishes to become an enrolled participant in the PAL program or to register a vehicle for use in the lane will be required to apply to the Service by using Form I-866—Application Checkpoint Pre-enrolled Access Lane. This program is wholly voluntary, and failure to apply or denial of an application for the PAL program in no way prevents a person from passing through any checkpoint in the regular traffic lanes.

Prior to approval of any vehicle for use in the lane, the Service may inspect such vehicle to ensure that it does not present evidence of having been used or prepared to be used to smuggle aliens or drugs. An electronic transmitter or other identifier may be affixed to vehicles authorized for use in the lane. Prior to enrolling applicants to participate in the PAL program, the Service will conduct appropriate checks of immigration, law enforcement, and criminal history information records and databases for information related to the applicant and any vehicle he or she wishes to register. This check may include submitting the applicant's fingerprints to appropriate law enforcement agencies.

An authorized vehicle may not have access to a Pre-enrolled Access Lane unless at least one person in the vehicle is an enrolled participant in the PAL program and has specific authorization to use that vehicle in the PAL. When using the PAL, an enrolled participant may carry passengers who are not enrolled in the PAL, so long as all passengers are United States citizens, lawful permanent residents of the United States or rightful holders of valid nonimmigrant United States visas. If an authorized vehicle is sold, stolen, or otherwise disposed of, authorization to use that vehicle in the lane is automatically revoked. Within 24 hours of when an authorized vehicle is stolen,

or within 7 days of when such vehicle is sold, or otherwise disposed of or the license plates are changed, enrolled participants must give, in person or by fax, written notice of such occurrence to the PAL enrollment center at which their application was filed. If a vehicle is sold or otherwise disposed of, it is the responsibility of the enrolled participant to remove or obliterate any identifying decal or other authorization for participation in the PAL program before or at the time of sale or disposal unless otherwise notified by the Service. If the Service installs an electronic transmitter or similar device on the vehicle, the enrolled participant must have that device removed by the Service at the PAL enrollment center.

Failure to comply with the terms and conditions established for use of the lane may result in revocation of the privilege to participate in the program. Unless revocation is automatic, the Service will give written notice of revocation to the enrolled PAL participant or mail it to his or her last known address. However, written notification is not necessary prior to revocation of the privilege to participate in the PAL program. All vehicles approved for use in the lane remain subject to being stopped and occupants questioned during use of the lane in order to ensure compliance with immigration and other applicable laws and the conditions for use of the PAL.

Factors which the Service will consider in determining the eligibility of an applicant to enroll in the Pre-enrolled Access Lane program include, but are not limited to, lawful presence in the United States, criminal history and/or evidence of criminality, employment, residency, prior immigration history, possession of a valid driver's license, vehicle type, registration, and inspection.

Good Cause Exception

The Service's implementation of this rule as an interim rule with provisions for post-promulgation public comment is based upon the "good cause" exceptions to the normal notice and comment requirement found at 5 U.S.C. 553 (b)(3)(B) and (d)(3). Immediate implementation of this interim rule without prior notice and comment is necessary because of a statutory requirement. In the Fiscal Year 1996 Appropriations Act, Congress mandated that the Service establish a commuter lane facilitation program at the San Clemente checkpoint within 90 days of the passage of that Act. See section 101 of Public Law 104-134 (April 26, 1996). While the INS did initiate a commuter lane facilitation pilot program by the