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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

Common Crop Insurance Regulations, Fresh Market Sweet Corn Crop Insurance Provisions; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule; correction.

SUMMARY: The document contains a correction to the final regulation which was published Friday, March 28, 1997 (62 FR 14781-14786). The regulation pertains to the insurance of fresh market sweet corn.

EFFECTIVE DATE: May 13, 1997.

FOR FURTHER INFORMATION CONTACT: Linda Williams, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction was intended to provide policy changes to better meet the needs of the insured, include the current fresh market sweet corn endorsement under the Common Crop Insurance Policy for ease of use and consistency of terms, and to restrict the effect of the current fresh market sweet corn endorsement to the 1997 and prior crop years.

Need for Correction

As published, the final regulation contained an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication on March 28, 1997, of the final regulation at 62 FR 14781-14786 is corrected as follows:

PART 457—[CORRECTED]

§ 457.129 [Corrected]

On page 14785, in the third column, in § 457.129, section 14(b)(2) is corrected to read:

(2) Multiplying each result in section 14(b)(1) by the percentage for the applicable stage (see section 3(d));

Signed in Washington DC, on May 7, 1997.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 97-12451 Filed 5-12-97; 8:45 am]

BILLING CODE 3410-08-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1230

[No. LS-97-001]

Pork Promotion, Research, and Consumer Information Order—Increase in Importer Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Pursuant to the Pork Promotion, Research, and Consumer Information Act (Act) of 1985 and the Pork Promotion, Research, and Consumer Information Order (Order) issued thereunder, this final rule increases by eight-hundredths of a cent per pound the amount of the assessment per pound due on imported pork and pork products to reflect an increase in the 1996 five-market average price for domestic barrows and gilts. This action brings the equivalent market value of the live animals from which such imported pork and pork products were derived in line with the market values of domestic porcine animals. These changes will facilitate the continued collection of assessments on imported porcine animals, pork, and pork products.

EFFECTIVE DATE: June 12, 1997.

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

SUPPLEMENTARY INFORMATION: This final rule has been determined not significant for purposes of Executive Order 12866 and therefore 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 is not intended to have a retroactive effect. The Act states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of obtaining funds thereof from pork producers and that the regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1625 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, a provision of such order or an obligation imposed in connection with such order is not in accordance with law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in the district in which such person resides or does business has jurisdiction to review the Secretary's determination, if a complaint is filed not later than 20 days after the date such person receives notice of such determination.

Pursuant to requirements set forth in the Regulatory Flexibility Act (5 United States Code (U.S.C.) 601 *et seq.*), the Agricultural Marketing Service (AMS) has considered the economic impact of this final action on small entities. The effect of the Order upon small entities was discussed in the September 5, 1986, issue of the **Federal Register** (51 FR 31898), and it was determined that the Order would not have a significant effect upon a substantial number of small entities. Many of the estimated 200 importers may be classified as small entities under the Small Business Administration definition (13 CFR 121.601). This final rule increases the amount of assessments on imported pork and pork products subject to assessment by eight-hundredths of a

cent per pound, or as expressed in cents per kilogram, nineteen-hundredths of a cent per kilogram. This increase is consistent with the increase in the annual price of domestic barrows and gilts for calendar year 1996. Adjusting the assessments on imported pork and pork products would result in an estimated increase in assessments of \$422,000 over a 12-month period. Assessments collected for 1996 were \$2,804,935. Accordingly, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

The Act (7 U.S.C. 4801-4819) approved December 23, 1985, authorized the establishment of a national pork promotion, research, and consumer information program. The program was funded by an initial assessment rate of 0.25 percent of the market value of all porcine animals marketed in the United States and an equivalent amount of assessment on imported porcine animals, pork, and pork products. However, that rate was increased to 0.35 percent in 1991 (56 FR 51635) and to 0.45 percent effective September 3, 1995 (60 FR 29963). The final Order establishing a pork promotion, research, and consumer information program was published in the September 5, 1986, issue of the **Federal Register** (51 FR 31898; as corrected, at 51 FR 36383 and amended at 53 FR 1909, 53 FR 30243, 56 FR 4, 56 FR 51635, and 60 FR 29963) and assessments began on November 1, 1986.

The Order requires importers of porcine animals to pay the U.S. Customs Service (USCS), upon importation, the assessment of 0.45 percent of the animal's declared value and importers of pork and pork products to pay USCS, upon importation, the assessment of 0.45 percent of the market value of the live porcine animals from which such pork and pork products were produced. This final rule increases the assessments on all of the imported pork and pork products subject to assessment as published in the **Federal Register** as a final rule June 7, 1995, and effective September 3, 1995; (60 FR 29965). This increase is consistent with the increase in the annual average price of domestic barrows and gilts for calendar year 1996 as reported by USDA, AMS, Livestock and Grain Market News (LGMN) Branch. This increase in assessments will make the equivalent market value

of the live porcine animal from which the imported pork and pork products were derived reflect the recent increase in the market value of domestic porcine animals, thereby promoting comparability between importer and domestic assessments. This final rule will not change the current assessment rate of 0.45 percent of the market value.

The methodology for determining the per pound amounts for imported pork and pork products was described in the Supplementary Information accompanying the Order and published in the September 5, 1986, **Federal Register** at 51 FR 31901. The weight of imported pork and pork products is converted to a carcass weight equivalent by utilizing conversion factors which are published in the Department's Statistical Bulletin No. 697 "Conversion Factors and Weights and Measures." These conversion factors take into account the removal of bone, weight lost in cooking or other processing, and the nonpork components of pork products. Secondly, the carcass weight equivalent is converted to a live animal equivalent weight by dividing the carcass weight equivalent by 70 percent, which is the average dressing percentage of porcine animals in the United States. Thirdly, the equivalent value of the live porcine animal is determined by multiplying the live animal equivalent weight by an annual average market price for barrows and gilts as reported by USDA, AMS, LGMN Branch. This average price is published on a yearly basis during the month of January in LGMN Branch's publication "Livestock, Meat, and Wool Weekly Summary and Statistics."

Finally, the equivalent value is multiplied by the applicable assessment rate of 0.45 percent due on imported pork and pork products. The end result is expressed in an amount per pound for each type of pork or pork product. To determine the amount per kilogram for pork and pork products subject to assessment under the Act and Order, the cent per pound assessments are multiplied by a metric conversion factor 2.2046 and carried to the sixth decimal.

The formula in the preamble for the Order at 51 FR 31901 contemplated that it would be necessary to recalculate the equivalent live animal value of imported pork and pork products to reflect changes in the annual average price of domestic barrows and gilts to maintain equity of assessments between domestic porcine animals and imported pork and pork products.

The average annual market price increased from \$41.99 in 1995 to \$52.77 in 1996, an increase of about 25 percent. This increase will result in a corresponding increase in assessments for all HTS numbers listed in the table in § 1230.110, 60 FR 29965; June 7, 1995, of an amount equal to eight-hundredths of a cent per pound, or as expressed in cents per kilogram, nineteen-hundredths of a cent per kilogram. Based on the most recent available Department of Commerce, Bureau of Census, data on the volume of imported pork and pork products, the increase in assessment amounts would result in an estimated \$422,000 increase in assessments over a 12-month period.

On February 26, 1997, AMS published in the **Federal Register** (62 FR 8639) a proposed rule which would increase the per pound assessment on imported pork and pork products consistent with increases in the 1996 average prices of domestic barrows and gilts to provide comparability between imported and domestic assessments. The proposal was published with a request for comments by March 28, 1997. No comments were received.

Accordingly, this final rule establishes the new per-pound and per-kilogram assessments on imported pork and pork products.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, 7 CFR Part 1230 is amended as follows:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION:

1. The authority citation for 7 CFR Part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801-4819.

Subpart B—[Amended]

2. Section 1230.110 is revised to read as follows:

§ 1230.110 Assessments on imported pork and pork products.

(a) The following HTS categories of imported live porcine animals are subject to assessment at the rate specified.

Live porcine animals	Assessment
0103.10.0000	0.45 percent Customs Entered Value

Live porcine animals	Assessment
0103.91.0000	0.45 percent Customs Entered Value
0103.92.0000	0.45 percent Customs Entered Value

(b) The following HTS categories of imported pork and pork products are subject to assessment at the rates specified.

Pork and pork products	Assessment	
	cents/lb	cents/kg
0203.11.0000 .....	.34	.749564
0203.12.1010 .....	.34	.749564
0203.12.1020 .....	.34	.749564
0203.12.9010 .....	.34	.749564
0203.12.9020 .....	.34	.749564
0203.19.2010 .....	.39	.859794
0203.19.2090 .....	.39	.859794
0203.19.4010 .....	.34	.749564
0203.19.4090 .....	.34	.749564
0203.21.0000 .....	.34	.749564
0203.22.1000 .....	.34	.749564
0203.22.9000 .....	.34	.749564
0203.29.2000 .....	.39	.859794
0203.29.4000 .....	.34	.749564
0206.30.0000 .....	.34	.749564
0206.41.0000 .....	.34	.749564
0206.49.0000 .....	.34	.749564
0210.11.0010 .....	.34	.749564
0210.11.0020 .....	.34	.749564
0210.12.0020 .....	.34	.749564
0210.12.0040 .....	.34	.749564
0210.19.0010 .....	.39	.859794
0210.19.0090 .....	.39	.859794
1601.00.2010 .....	.47	1.036162
1601.00.2090 .....	.47	1.036162
1602.41.2020 .....	.51	1.124346
1602.41.2040 .....	.51	1.124346
1602.41.9000 .....	.34	.749564
1602.42.2020 .....	.51	1.124346
1602.42.2040 .....	.51	1.124346
1602.42.4000 .....	.34	.749564
1602.49.2000 .....	.47	1.036162
1602.49.4000 .....	.39	.859794

Dated: May 7, 1997.

Barry Carpenter,

Director, Livestock and Seed Division.

[FR Doc. 97-12500 Filed 5-12-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Rural Housing Service; Rural Business-Cooperative Service; Rural Utilities Service; Farm Service Agency

7 CFR Part 1944

RIN 0575-AB43

Housing Preservation Grant Program

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Rural Housing Service (RHS), a successor agency to the Farmers Home Administration (FmHA), is amending its Housing Preservation Grant regulations. The purpose is to allow replacement housing where the grantee has determined that the costs for repair and rehabilitation on the recipient's (individual homeowners only) existing housing are not economically feasible or practical. These revisions will bring the regulations into conformance with the Housing and Community Development Act of 1992 amending the Housing Preservation Grant program, section 533 of the Housing Act of 1949.

EFFECTIVE DATE: June 12, 1997.

FOR FURTHER INFORMATION CONTACT: Sue M. Harris-Green, Senior Loan Specialist, Multi-Family Housing Processing Division, Rural Housing Service, United States Department of Agriculture, Washington, DC 20250, telephone (202) 720-1606 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Classification

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).

Paperwork Reduction Act

The information collection requirements contained in this regulation have been approved by OMB under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control number 0575-0115 in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). This final rule does not revise or impose any new information collection or recordkeeping requirement from those approved by OMB.

Civil Justice Reform

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with this rule: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) No retroactive effect will be given to this rule; and (3) Administrative proceedings in accordance with the regulations of the agency published at 7 CFR part 11, must be exhausted before bringing suit.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, established requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of UMRA, Federal agencies generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to state, local, or tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires RHS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

The rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for state, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of RHS 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.

Programs Affected

This program is listed in the Catalog of Federal Domestic Assistance under number 10.433, Rural Housing Preservation Grants.

Intergovernmental Consultation

This program is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials (7 CFR part 3015, subpart V, 48 FR 29115, June 24, 1983). The Rural Housing Service has conducted intergovernmental consultation in the manner delineated in RD Instruction 1940-J, "Intergovernmental Review of