

# 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 205

[TM-98-00-1]

#### Information Meetings for the National Organic Program Proposed Rule

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

**ACTION:** Notice of meetings.

**SUMMARY:** The U.S. Department of Agriculture (USDA) is announcing four public information meetings to discuss the proposed rule for the National Organic Program which was published in the **Federal Register** on December 16, 1997. The meetings are intended to provide an opportunity for USDA to present an overview of the proposed rule, respond to questions, and obtain public comments.

**DATES:** February 12, 1998, February 18, 1998, February 26, 1998, March 5, 1998.

**ADDRESSES:** The sessions will be held at the following locations:

*February 12, 1998:* The Meeting Place Conference Center, 2100 Northland Drive, Austin, Texas 78756, (512) 323-9500

*February 18, 1998:* Iowa State University, Iowa State Center, Scheman Building, Benton Auditorium, Suite 4, Ames, Iowa 50011, (515) 294-3218

*February 26, 1998:* Seattle Center, 305 Harrison Street, Seattle, Washington 98109, (206) 684-7202

*March 5, 1998:* Rutgers University, Rutgers Student Center, 126 College Avenue, New Brunswick, New Jersey 08901, (732) 932-8821

Each of the meetings will be held during the hours of 9 a.m. to 4 p.m. in each of the respective locations.

**FOR FURTHER INFORMATION CONTACT:** Michael Hankin, National Organic Program, Room 2945 South Building, USDA, Agricultural Marketing Service, Transportation and Marketing, P.O. Box 96456, Washington, D.C. 20090-6456.

Telephone (202) 720-3252. Fax (202) 690-3924.

**SUPPLEMENTARY INFORMATION:** On December 16, 1997, USDA published in the **Federal Register** (62 FR 65849) a proposed rule, issued under the Organic Foods Production Act of 1990, as amended (7 U.S.C. 6501 *et. seq.*), which addresses the methods, practices, and substances used in producing and handling organic crops and livestock and their processed products. Included in the proposed rule are provisions for: producing and handling organic agricultural products; labeling organic products; certification of organic operations; accreditation of State and private certifying agents; compliance testing; equivalency of foreign organic certification programs; approval of State organic programs; and fees. The proposed rule also includes an assessment of the economic impact of the rule, an analysis of its effects on small businesses, and an estimate of the paperwork burden required under the proposed rule. The purpose of the public meetings is to provide an opportunity for the public to ask USDA questions about the proposed rule and to submit public comments that will be included in the public record, together with comments submitted by letter, fax, or through the Internet, as provided for in the December 16, 1997, proposed rule.

#### Who Can Comment

Any member of the public may submit a comment; however, we request that those persons who wish to comment register with USDA as soon as possible prior to the meeting date. A person may register by calling Karen Thomas at (202) 720-3252, at which time each person will be requested to submit their name, the topic of the comment, and the meeting location where the comment will be submitted. Registration will help ensure that a person will be able to present his or her comment during the meeting. Persons wishing to comment may also register by sending an e-mail message to the NOP Webmaster at <http://www.ams.usda.gov/nop>. Any person wishing to comment, but who is unable to register prior to the meetings, will be able to sign up at each meeting location on the day of the meeting between 9:00 a.m. and 2:00 p.m. These presenters may submit comments on a first-come,

first-served basis and these comments will be limited based on the time available and the number of presenters.

#### Meeting Agenda

Each meeting will begin with a brief opening statement followed by a 30-minute question and answer period. The remainder of the meeting will be a listening session at which time interested parties may submit public comment on the proposed rule. Oral comments will be limited to 5 minutes to enable the greatest number of presenters an opportunity to speak. The question and answer period and the public comments will be recorded and included in the public record of comments for the proposed rule. We request that a printed copy of each person's comments be provided to USDA at the time the comment is submitted orally to ensure an accurate transcription.

#### Written Comments

As described in the **Federal Register** on December 16, 1997 (62 FR 65849), written comments may be mailed to Eileen S. Stommes, Deputy Administrator, Agricultural Marketing Service, USDA, Room 4007-S, Ag Stop 0275, P.O. Box 96456, Washington, D.C. 20090-6456, or faxed to (202) 690-4632 by March 16, 1998, or submitted via the Internet through the National Organic Program's homepage at <http://www.ams.usda.gov/nop>.

Dated: January 28, 1998.

**Eileen S. Stommes,**

*Deputy Administrator, Transportation and Marketing.*

[FR Doc. 98-2552 Filed 1-29-98; 9:56 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

#### 7 CFR Part 723

RIN 0560-AF20

**National Marketing Quotas for Fire-Cured (Type 21), Fire-Cured (Types 22-23), Maryland (Type 32), Dark Air-Cured (Types 35-36), Virginia Sun-Cured (Type 37), Cigar Filler (Type 41), Cigar-Filler and Binder (Types 42-44 and 53-55), and Cigar-Binder (Types 51-52) Tobaccos**

**AGENCY:** Farm Service Agency, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Secretary of Agriculture (the Secretary) is required by the Agricultural Adjustment Act of 1938, as amended, (the Act) to proclaim by March 1, 1998, for referenda purposes, national marketing quotas for Maryland (type 32), Virginia sun-cured (type 37), cigar filler (type 41), and cigar-binder (types 51–52) tobacco for the 1998–99, 1999–2000 and 2000–2001 marketing years (MYs) and to determine and announce the amounts of the national marketing quotas for fire-cured (type 21), fire-cured (types 22–23), Maryland (type 32), dark air-cured (types 35–36), Virginia sun-cured (type 37), cigar-filler (type 41), cigar-filler and binder (types 42–44 and 53–55), and cigar-binder (types 51–52) kinds of tobacco for the 1998–99 MY. The public is invited to submit written comments, views, and recommendations concerning the determination of the national marketing quotas for such kinds of tobacco, and other related matters which are discussed in this proposed rule.

**DATES:** Comments must be received on or before February 13, 1998, in order to be assured of consideration.

**ADDRESSES:** Comments must be submitted to the Director, Tobacco and Peanuts Division, Farm Service Agency (FSA), United States Department of Agriculture, STOP 0514, 1400 Independence Avenue, S.W., Washington, DC 20250–0514. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, except holidays in Room 5750-South Building, 1400 Independence Avenue, S.W., Washington, DC 20250–0514.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Tarczy, Tobacco and Peanuts Division, FSA, USDA, STOP 0514, 1400 Independence Avenue, S.W., Washington, DC 20250–0514, telephone 202–720–5346. Copies of the cost-benefit assessment prepared for the rule can be obtained from Mr. Tarczy.

**SUPPLEMENTARY INFORMATION:****Executive Order 12866**

This proposed rule has been determined to be significant and was reviewed by OMB under Executive Order 12866.

**Federal Assistance Program**

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loan and Purchases—10.051.

**Executive Order 12988**

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

**Regulatory Flexibility Act**

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since neither FSA nor the Commodity Credit Corporation (CCC) is required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of these determinations.

**Paperwork Reduction Act**

These proposed amendments do not contain information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35.

**Unfunded Federal Mandates**

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), for State, local and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

**Discussion**

The proposed rule would amend 7 CFR part 723 to set forth the 1998-crop marketing quotas for these eight kinds of tobacco.

Section 312(b) of the Act, provides that the Secretary shall determine and announce, not later than March 1, 1998, with respect to the kinds of tobacco specified in this proposed rule, the amount of the national marketing quota which will be in effect for MY 1998 in terms of the total quantity of tobacco which may be marketed that will allow a supply of each kind of tobacco equal to the reserve supply level.

Also, Section 312(c) of the Act requires for this year that, within 30 days after proclamation of national marketing quotas for Maryland (type 32), Virginia sun-cured (type 37), Pennsylvania filler (type 41), and cigar binder (types 51–52) the Secretary must conduct referenda of farmers engaged in the 1997 production of each kind of tobacco to determine whether they favor or oppose marketing quotas for MYs 1998, 1999 and 2000. These referenda are required because by kind, MY 1997 is the last year of the three consecutive MYs for which marketing quotas previously proclaimed will be in effect or because marketing quotas previously

proclaimed were disapproved by producers in referenda held in 1995.

The Secretary will proclaim the results of the referenda. As provided in the Act, if more than one-third of the farmers voting in a referendum for a kind of tobacco oppose the quota, the national marketing quota previously proclaimed will not become effective.

Section 313(g) of the Act authorizes the Secretary to convert the national marketing quota into a national acreage allotment by dividing the national marketing quota by the national average yield for the 5 years immediately preceding the year in which the national marketing quota is proclaimed. In addition, the Secretary is authorized to apportion, through county FSA committees, the national acreage allotment to tobacco producing farms, less a reserve not to exceed 1 percent thereof for new farms, to make corrections and adjust inequities in old farm allotments, through the national factor. The national factor is determined by dividing the preliminary quota (the sum of quotas for old farms) into the quota determined for the MY in question (less the reserve). Procedures will continue unchanged for (1) converting marketing quotas into acreage allotments; (2) apportioning allotments among old farms; (3) apportioning reserves for use in (a) establishing allotments for new farms, and (b) making corrections and adjusting inequities in old farm allotments; and (4) holding referenda.

Producers of three kinds of tobacco—Maryland (type 32), cigar filler (type 41), and cigar binder (types 51–52) are expected to reject marketing quotas. Accordingly, for these kinds this announcement will likely not be codified.

For the other five kinds—Virginia fire-cured (type 21), fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), and cigar filler and binder (types 42–44; 53–55) tobaccos supply and demand are in balance. Thus, changes in 1998 marketing quotas, if any, will likely be small.

**Request for Comments**

This rule proposes to amend 7 CFR part 723, subpart A to include 1998-crop national marketing quotas for fire-cured (type 21), fire-cured (types 22–23), Maryland (type 32), dark-air cured (types 35–36), Virginia sun-cured (type 37), cigar-filler (type 41), cigar-filler and binder (types 42–44 and 53–55) and cigar binder (types 51–52) tobaccos. These eight kinds of tobacco account for about 5 percent of total U.S. tobacco production.

Comments are requested concerning the proposed establishment of the national marketing quotas for the subject tobaccos at the following levels:

(1) *Fire-Cured (Type 21) Tobacco*. The 1998-crop national marketing quota for fire-cured (type 21) tobacco will range from 2.4 to 3.0 million pounds. This range reflects the assumption that the national acreage factor will range from 1.0 to 1.2.

(2) *Fire-Cured (Types 22–23) Tobacco*. The 1998-crop national marketing quota for fire-cured (types 22–23) tobacco will range from 43.0 to 47.0 million pounds. This range reflects the assumption that the national acreage factor will range from 1.0 to 1.1.

(3) *Dark Air-Cured (Types 35–36) Tobacco*. The 1998-crop national marketing quota for dark air-cured (types 35–36) tobacco will range from 10.0 to 11.0 million pounds. This range reflects the assumption that the national acreage factor will range from 1.0 to 1.1.

(4) *Virginia Sun-Cured (Type 37) Tobacco*. The 1998-crop national marketing quota for Virginia sun-cured (type 37) tobacco will range from 150,000 to 165,000 pounds. This range reflects the assumption that the national acreage factor will range from 1.0 to 1.1.

(5) *Cigar-Filler and Binder (Types 42–44 and 53–55) Tobacco*. The 1998-crop national marketing quota for cigar-filler and binder (types 42–44 and 53–55) tobaccos will range from 8.0 to 8.8 million pounds. This range reflects the assumption that the national acreage factor will range from 1.0 to 1.1.

(6) *Maryland (Type 32) Tobacco*. The national acreage factor for the 1998 MY will be 1.0 and the national marketing quota will be approximately 6.0 million pounds.

(7) *Pennsylvania Filler (Type 41) Tobacco*. The national acreage factor for the 1998 MY will be 1.0 and the national marketing quota will be approximately 1.4 million pounds.

(8) *Cigar-Binder (Types 51–52) Tobacco*. The national acreage factor for the 1998 MY will be 1.0 and the national marketing quota will be approximately 700,000 pounds.

Accordingly, comments are requested with respect to the foregoing issues.

#### List of Subjects in 7 CFR part 723

Acreage allotments, Marketing quotas, Penalties, Reporting and recordkeeping requirements, Tobacco.

Accordingly, it is proposed that 7 CFR part 723 be amended as follows:

#### PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

**Authority:** 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372–75, 1421, 1445–1, and 1445–2.

2. Section 723.113 is amended by adding paragraph (f) to read as follows:

#### § 723.113 Fire-cured (type 21) tobacco.

\* \* \* \* \*

(f) The 1998-crop national marketing quota will range from 2.4 million pounds to 3.0 million pounds.

3. Section 723.114 is amended by adding paragraph (f) to read as follows:

#### § 723.114 Fire-cured (types 22–23) tobacco.

\* \* \* \* \*

(f) The 1998-crop national marketing quota will range from 43.0 million pounds to 47.0 million pounds.

4. Section 723.115 is amended by adding paragraph (f) to read as follows:

#### § 723.115 Dark air-cured (types 35–36) tobacco.

\* \* \* \* \*

(f) The 1998-crop national marketing quota will range from 10.0 million pounds to 11.0 million pounds.

5. Section 723.116 is amended by adding paragraph (f) to read as follows:

\* \* \* \* \*

#### § 723.116 Sun-cured (type 37) tobacco.

\* \* \* \* \*

(f) The 1998-crop national marketing quota will range from 150,000 to 165,000 pounds.

6. Section 723.117 is amended by adding paragraph (f) to read as follows:

#### § 723.117 Cigar-filler and binder (types 42–44 and 53–55) tobacco.

\* \* \* \* \*

(f) The 1998-crop national marketing quota will range from 8.0 million pounds to 8.8 million pounds.

7. Section 723.119 is added (a) to read as follows:

#### § 723.119 Maryland (type 32) tobacco.

(a) The 1998-crop national marketing quota will range between 5.0 million pounds to 7.0 million pounds.

(b) [Reserved]

8. Section 723.120 is added (a) to read as follows:

#### § 723.120 Pennsylvania filler (type 41) tobacco.

(a) The 1998-crop national marketing quota will range between 1.3 million pounds to 1.5 million pounds.

(b) [Reserved]

9. Section 723.121 is added (a) to read as follows:

#### § 723.121 Cigar binder (type 51–52) tobacco.

(a) The 1998-crop national marketing quota will range from 600,000 pounds to 1.0 million pounds.

(b) [Reserved]

Signed at Washington, DC on January 28, 1998.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 98–2578 Filed 1–29–98; 11:52 am]

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#### DEPARTMENT OF JUSTICE

#### Immigration and Naturalization Service

#### 8 CFR Parts 274a and 299

[INS No. 1890–97]

RIN 1115–AE94

#### Reduction in the Number of Acceptable Documents and Other Changes to Employment Verification Requirements

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Proposed rule.

**SUMMARY:** The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) amended existing law by eliminating certain documents currently used in the employment eligibility verification (Form I–9) process. This rule proposes to shorten the list of documents acceptable for verification. Currently, newly hired individuals may choose from among 29 documents to establish their identity and eligibility to work in the United States. The proposed rule cuts that number approximately in half. In addition, the proposed rule clarifies and expands the receipt rule, under which individuals may present a receipt instead of a required document in certain circumstances. It also explains that employers may complete the Form I–9 before the time of hire or at the time of hire, so long as they have made a commitment to hire and provided that the employer completes the Form I–9 at the same point in the employment process for all employees. The proposed rule also details reverification requirements and includes a proposal for a new employment eligibility reverification form (Form I–9A), adds the Federal Government to the definition of “entity,” and clarifies the Immigration and Naturalization Service’s (Service or INS) subpoena authority. In addition to making those changes, the Service proposes to restructure the rule to make it easier to