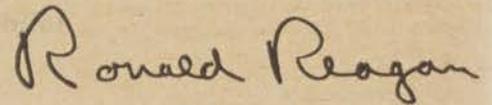


(3) This proclamation shall be effective as to articles entered, or withdrawn from warehouse for consumption, on or after February 23, 1982, and before the close of February 22, 1984, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of February, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.



[FR Doc. 82-5134
Filed 2-23-82; 11:05 am]
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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amends the Federal marketing agreement and order for onions grown in Idaho and Malheur County, Oregon. Of the onion producers voting in the January 11-20 referendum, 96.6 percent favored the amendment. These growers produced 97.0 percent of the production voted. The amendment authorizes the prohibition of overloading railcars and adds a public member to the marketing order administrative committee.

EFFECTIVE DATE: March 26, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-2615.

SUPPLEMENTARY INFORMATION: This action is subject to the formal rulemaking requirements of the Administrative Procedure Act, and therefore is not subject to the requirements of Executive Order 12291. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the regulated handlers.

Prior documents in this proceeding: Notice of Hearing—Issued April 13, 1981, and published April 17, 1981 (46 FR

22382). Notice of Recommended Decision—Issued September 23, 1981, and published September 29, 1981 (46 FR 47585). Secretary's Decision—Issued December 23, 1981, and published December 31, 1981 (46 FR 63313).

46 FR 63313

Preliminary statement:

This proposed amendment was formulated on the record of a public hearing held in Ontario, Oregon, on May 13, 1981. Notice of the hearing was published in the April 17, 1981, issue of the Federal Register. The notice set forth a proposed amendment submitted by the Idaho-Eastern Oregon Onion Committee on behalf of onion producers and handlers in the production area.

On the basis of the evidence introduced at the hearing and placed in the record on September 23, 1981, the Deputy Administrator filed a recommended decision with the U.S. Department of Agriculture Hearing Clerk. Notice of such recommended decision was published in the September 29, 1981 issue of the Federal Register (46 FR 47585). In the recommended decision notice was given of the opportunity to file comments by October 29, 1981. One exception was filed by M. J. Glen, Market Manager, Exempt Agricultural Products, Union Pacific Railroad Company.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900); a public hearing was held upon proposed amendment of Marketing Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in Idaho and Malheur County, Oregon.

Upon the basis of the record, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby amended, regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the the respective classes of commercial and industrial activity specified in, the marketing order upon which hearings have been held;

(3) The order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Further Amended, Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping, covered by this order, as further amended) who during the period July 1, 1980, through June 30, 1981, handled not less than 50 percent of the volume of such onions covered by the said order, as hereby further amended, and

(2) The issuance of this amendatory order, further amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the period July 1, 1980, through June 30, 1981 (which has been determined to be a representative period), have been engaged within the production area in

the production of onions for fresh market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

46 FR 63314

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of onions grown in Idaho and Malheur County, Oregon, shall be in conformity to and in compliance with the terms and conditions of the said order, as hereby amended.

The provisions of the proposed marketing order, amending the order, contained in the recommended decision issued by the Deputy Administrator on September 23, 1981, and published in the Federal Register on September 29, 1981 (46 FR 47585), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

1. Revise paragraph (a) of § 958.20 to read:

§ 958.20 Establishment and membership.

(a) The Idaho-Eastern Oregon Onion Committee, consisting of six producer members, four handler members, and one public member is hereby established. Each shall have an alternate who shall have the same qualifications as the member.

2. Revise the introductory text and add paragraph (e) to § 958.22 to read:

§ 958.22 Selection.

The Secretary shall select committee members and alternates from the nominee lists submitted pursuant to this part or from among other eligible persons.

(e) The public member shall be a resident of the production area and have no direct financial interest in the commercial production, financing, buying, packing or marketing of onions except as a consumer nor be a director, officer or employee of any firm so engaged.

§ 958.25 [Amended]

3. Add a new paragraph (k) to § 958.25 to read:

(k) To recommend nominees for the public member and alternate.

4. Add a new paragraph (g) to § 958.28 to read:

§ 958.28 Nominations.

(g) The producer and handler members of the committee shall nominate the public member and alternate. The committee shall prescribe such additional qualifications, administrative rules and procedures for selection and voting for each candidate as it deems necessary and as the Secretary approves.

5. Add a new paragraph (a)(6) to § 958.52 to read:

§ 958.52 Issuance of regulations.

(a) * * *
(6) Regulate the handling of onions by establishing, in terms of total weight or total number of layers of containers of onions, the maximum load in railcars, taking into account types of containers and sizes of railcars used, potential resulting damage, and other relevant factors.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Signed at Washington, D.C., on February 12, 1982.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-4923 Filed 2-23-82; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1435

Price Support Purchase Program for 1982 Crop Sugar Beets and Sugarcane

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule implements a price support purchase program for 1982-crop sugarcane and sugar beets. This program is mandated by the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981. The rule implements only a purchase program. Provisions for a price support loan program, to be effective October 1, 1982, will be announced later.

DATES: This interim rule shall become effective February 23, 1982. Comments must be received by March 25, 1982.

ADDRESS: Send comments to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, (ASCS), U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: H. E. Maynard, Cotton, Grain, and Rice Price Support Division, ASCS, U.S.

Department of Agriculture, P.O. Box 2415 Washington, D.C. 20013. Phone: (202) 447-8480.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with provisions of Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified as a "major rule."

Need for Immediate Action

Section 201 of the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981 (hereinafter referred to as the "Act") requires that 1982-crop sugar processed from domestically-grown sugar beets and sugarcane between December 22, 1981, and March 31, 1982, be eligible for purchase under a price support purchase program. The purpose of the program is to provide price support to producers of sugarcane and sugar beets.

Since the price support purchase program is applicable only for sugar processed from the 1982 crops of sugar beets and sugarcane for the period December 22, 1981, through March 31, 1982, and since processors are required by this interim rule to file purchase agreements with the Commodity Credit Corporation by April 30, 1982, any comments with respect to this program must be received by March 25, 1982, in order to be assured of consideration. A final document discussing the comments received and any amendments which may be required to be made to this interim rule will be published in the Federal Register as soon as possible.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since CCC is not 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 matter of this interim rule.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety.

The title and number of the Federal Assistance Program to which this interim rule applies are: Commodity Loans and Purchases, Number 10.051 as filed in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

The interim rule is published for the purpose of implementing the price support purchase program. The regulations governing a price support

loan program will be published later as a proposed rule. The regulatory impact analysis considered in the development of this purchase program is available from Thomas W. Fink, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

Statutory Requirements

The Act requires that price support be made available for the 1982 through 1985 crops of sugar beets and sugarcane. In addition, the Act specifically requires that price support shall be made available through the purchase of products processed from domestically-grown sugarcane and sugar beets during the period beginning with the date of enactment of the Agriculture and Food Act of 1981 through March 31, 1982. Any 1982 crop sugar which is processed after March 31, 1982, as well as 1983 through 1985 crop sugar, will be eligible for price support through a loan program that will be available beginning October 1, 1982.

Major Program Provisions

The major program provisions of the purchase program are as follows:

(1) *Eligible Sugar.* Sugar of the 1982-crop processed from domestically grown sugarcane or sugar beets between December 22, 1981, and March 31, 1982, is eligible for purchase under the program, provided the processor agrees to pay all eligible producers at least the minimum level of support which is specified by this rule for the applicable region.

(2) *Definition of crop year.* Under the previous price support programs for sugarcane and sugar beets, the crop year was determined by the harvesting season and varied throughout the production regions.

However, the statutory requirements of the Act differ substantially from the statutory requirements which were previously applicable to the sugar price support program. For example, the Act requires that sugar processed between the date of enactment and March 31, 1982, must be supported through a purchase program and that all other domestically grown sugarcane and sugar beets of the 1982 through 1985 crops must be supported through a loan program. The Act also provides that price support loans must mature within the same fiscal year that the loan was disbursed.

It would appear that the use of the traditional crop year definitions is not compatible with a fair and reasonable implementation of the price support program as mandated by the Act. To illustrate, using the traditional crop year definition, only Hawaiian and Puerto

Rican sugar would be eligible for the purchase agreement program. Conversely, under the price support loan program, Hawaiian and Puerto Rican processors would be required to hold sugar for extended periods before such sugar could be placed under price support loan.

In order to remedy this problem it would appear appropriate, since it is practicable to conduct a price support purchase or loan program only with respect to the processed products of sugarcane and sugar beets, to provide for a definition of crop year based upon the period of time when sugar beets and sugarcane are processed into refined beet sugar and raw cane sugar.

All producers would appear to be treated equitably if the phrase "crop year" would be defined in this Subpart as sugar processed during a period from July 1 through June 30. Use of a crop year based on processing requires a crop year in excess of 12 months for 1982 because the Act mandates both a purchase program and a loan program for 1982 crop sugar. Therefore, the 1982 crop year is applicable to sugar processed from December 22, 1981, to June 30, 1983. The 1983 crop year will apply to sugar processed from July 1, 1983, through June 30, 1984. The 1984 and 1985 crop years will apply to sugar processed during the 12-month period beginning on July 1 of the applicable year.

(3) *Support level and purchase rates.* The support level is the amount that must be paid to the grower by the processor and approximates a raw sugar price of 16.75 cents per pound. The purchase rates paid to the processors are designed to permit processors, on the average, to pay growers the specified level of support. The national average purchase rate for raw cane sugar is 16.75 cents per pound. The purchase rate for refined beet sugar is required by the Act to be established at such level as is fair and reasonable in relation to the purchase rate for raw cane sugar.

The methods used under previous price support programs to determine price support loan levels for refined sugar processed from sugar beets were used to determine the purchase price for refined beet sugar under this purchase program. The purchase price for refined beet sugar is intended to reflect the value of the sugar taking into account its location and the long term relationship (1.10 to 1.00) between refined beet sugar net selling prices and raw cane sugar prices. After adjustment to reflect the proper price relationship, the estimated 1982 crop fixed marketing costs (which are incurred by beet processors

regardless of the disposition of the sugar) are added to make up the basic purchase rate for refined beet sugar.

Because refined beet sugar and refined cane sugar compete in the same market, the proper support price relationship between sugarcane and sugar beets is necessary to prevent distortion of the market and to avoid disproportionate purchases by CCC of either type of sugar. It has been suggested, however, that the historical price relationship (1.10 to 1.00) between raw cane sugar and refined beet sugar may not accurately reflect the true price relationship. After examination of this issue, it has been tentatively concluded that the method previously used in determining the proper price relationship between raw cane sugar and refined beet sugar should be retained. If after review of the comments received on this issue it is determined that this method should be changed, a revised purchase price for refined beet sugar will be published in the final rule. Support levels required to be paid producers by processors would also be revised accordingly.

The calculation of fixed marketing costs and location differentials are discussed in the Regulatory Impact Analysis.

(4) *Availability.* The final date for an eligible processor to file a purchase agreement with CCC is April 30, 1982.

(5) *Maturity date.* Purchase agreements for 1982-crop sugar will mature on November 1, 1982.

(6) *Obligations of processor.* Eligible processors who execute purchase agreements are required to pay eligible producers a minimum price for sugarcane or sugar beets delivered for processing. The minimum price applicable to specific regions is set forth in the rule. Eligible processors who elect to exercise their option to deliver sugar to CCC upon maturity of the purchase agreement must notify CCC in writing of their intent to deliver no later than October 1, 1982. After a processor has given CCC notice of intent to deliver, title to the sugar shall automatically vest in CCC on November 1, 1982, unless the processor gives written notice to CCC that it does not intend to sell the sugar to CCC or unless the processor is notified by CCC that delivery of the sugar will not be accepted because of the ineligibility of the sugar or the storage structure.

The processor is obligated, at CCC's discretion, to store the sugar in the warehouse at which CCC accepted delivery for a period of up to one year after CCC accepts delivery.

(7) *Treatment of refined cane or specialty sugar.* In the event refined or specialty sugar made from raw cane sugar is delivered for purchase, for purpose of settlement, the quantity of refined cane or specialty sugar will be converted to an equivalent quantity of raw cane sugar.

This settlement procedure is consistent with settlement procedures under previous price support programs. However, one issue is whether processors of sugarcane who are also refiners should be allowed to deliver refined cane sugar under the purchase program at the purchase price for refined beet sugar. This would permit such processors to carry on their normal refining operations and thus would not require the processor to determine whether raw sugar should be diverted from the processor's refining operation to the price support program.

After considering this issue, it has been tentatively determined that for the purposes of this interim rule the settlement procedures used in previous price support programs should be retained. It should be noted that the purpose of the price support program is to provide price support to growers of sugar beets and sugarcane in their capacities as growers. However, because sugar beets and sugarcane cannot be stored, this objective can only be accomplished by entering into purchase agreements with processors. Therefore, under the price support purchase program storable commodities which are at the nearest point to harvest, i.e., raw sugar for sugarcane and refined beet sugar for sugar beets, are purchased.

Furthermore, permitting processors who are also refiners to deliver refined cane sugar under the price support program at the refined beet purchase rate might unfairly disadvantage independent refiners of raw sugar who would not be eligible to deliver refined cane sugar to CCC under the price support program. Thus, the approach adopted in this interim rule would place the refining operations of processors who are also refiners in substantially the same position as independent refiners of raw sugar.

Budget Requirements

The purchase program will require no budget outlays in FY 1982. Budget outlays for FY 1983 will be effected by several factors, including: (1) the size of the domestic sugar crop, and (2) the amount of sugar actually delivered to CCC. The effectiveness of controls on imported sugar and the market price of sugar will also have significant impact

on the ultimate cost of the program in FY 1983.

This program will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Interim Rule

Accordingly, the regulations at 7 CFR Part 1435 are amended by adding a new "Subpart—Price Support Purchase Agreement Program for 1982-Crop Sugar Beets and Sugarcane" to read as follows:

PART 1435—SUGAR

Subpart—Price Support Purchase Agreement Program for 1982-Crop Sugar Beets and Sugarcane

Sec.	
1435.76	General statement.
1435.77	Administration.
1435.78	Definitions.
1435.79	Method of support and purchase agreement.
1435.80	Eligibility requirements.
1435.81	Availability, disbursement, and maturity of purchase agreements.
1435.82	Quantity of sugar covered by a purchase agreement.
1435.83	Delivery to CCC quality and storage facility requirements, and settlement.
1435.84	Processor storage agreement.
1435.85	Miscellaneous provisions.
1435.86	Applicable forms.

Authority: Sec. 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1447 *et seq.*, 1421 *et seq.*).

Subpart—Price Support Purchase Agreement Program for 1982-Crop Sugar Beets and Sugarcane

§ 1435.76 General statement.

This subpart sets forth the terms and conditions of the price support purchase program for the 1982 crop of sugar beets and sugarcane. The Commodity Credit Corporation (CCC) will offer purchase agreements to processors under which processors may elect to sell sugar to CCC upon maturity of the agreements. Only eligible sugar which is in eligible storage shall be accepted for delivery.

§ 1435.77 Administration.

(a) The Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service (referred to as "ASCS"), will administer this subpart under the general direction and supervision of the Deputy Administrator, State and County Operations.

(b) In the field, this subpart will be administered by the Kansas City Commodity Office and the Management Field Office (referred to as "KCCO" and

"MFO" respectively) and designated State and county ASC committees (referred to as "State and county committees").

§ 1435.78 Definitions.

(a) "1982 crop" means sugar processed from domestically produced sugar beets or sugarcane during the period from December 22, 1981, through June 30, 1983.

(b) "Eligible producer" means the owner of a portion or all of the sugar beets or sugarcane, including share rent landowners, both at the time of harvest and delivery to the processor.

(c) "Sugar" means refined beet sugar, refined cane sugar, raw cane sugar, sugarcane syrup, or edible molasses which: (1) is processed by a processor from domestically-produced sugar beets or sugarcane; (2) meets the requirements as set forth in § 1435.83(b) below; and (3) is not contaminated and does not contain chemicals or other substances poisonous to man or animals.

(d) "Processor" means a person or legal entity that: (1) Commercially processes sugar beets into refined sugar or sugarcane into raw sugar, cane syrup, or edible molasses; (2) is a marketing agent which is cooperatively owned by its raw cane sugar processors; or (3) is a processor of sugarcane into raw cane sugar who is also a refiner.

(e) "Raw value" of any quantity of sugar means its equivalent in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope.

(f) "Sugar beets of average quality" means sugar beets containing 15.57 percent sucrose.

(g) "Sugarcane of average quality" means (1) for Florida, sugarcane containing 13.87 percent sucrose in normal juice, and (2) for Louisiana, sugarcane containing 13.07 percent sucrose in normal juice of 79.20 percent purity.

(h) "Secretary" means the Secretary of Agriculture or an official who has been designated to act on his behalf.

(i) "Eligible storage" means a storage facility meeting the requirements set forth in § 1435.83(b) below.

§ 1435.79 Method of support and purchase agreement.

(a) *Method of support.* Price support to domestic producers of 1982-crop sugar beets and sugarcane processed beginning December 22 through March 31, 1982, is available through purchase agreements with eligible processors.

(b) *Purchase agreement rates.* The basic (weighted average) purchase rates for the 1982 crop shall be 19.16 cents per pound for refined beet sugar and 16.75

cents per pound for cane sugar, raw value, including the cane sugar, raw value equivalent, contained in refined cane sugar, sugarcane syrup, and edible molasses. In the case of refined or specialty sugar made from raw cane sugar, the rate shall be the appropriate regional rate applied to the raw cane sugar equivalent of the refined or specialty sugar.

(c) *Locational differentials.* (1) The purchase agreement rate applicable to sugar shall be the rate specified in paragraphs (c) (2) and (3) of this section for the region in which such sugar was processed.

(2) The processing regions and applicable purchase agreement rates for refined beet sugar shall be as listed below:

Region No. and description	Cents per pound
1—Michigan and Ohio	20.11
2—Minnesota and the Eastern half of North Dakota	19.01
3—Northeastern quarter of Colorado; Northwestern quarter of Kansas; Nebraska; and the Southwestern quarter of Wyoming	18.53
4—Southeastern quarter of Colorado; and Texas	19.15
5—Montana and the Northwestern quarter of Wyoming	18.71
6—That part of Idaho east of the Eastern boundary of Owyhee County and of such boundary extended northward; and Utah	18.59
7—That part of Idaho west of the eastern boundary of Owyhee County and of such boundary extended northward; Oregon; and Washington	18.59
8—Arizona and California	19.81

(3) The processing regions and applicable purchase agreement rates for cane sugar, raw value, shall be as listed below, except that for such sugar processed in Hawaii or Puerto Rico but delivered to CCC on the mainland of the U.S., the applicable rate shall be 16.75 cents per pound:

Region	Cents per pound
Florida	16.73
Louisiana	17.18
Texas	16.85
Hawaii	16.66
Puerto Rico	16.23

§ 1435.80 Eligibility requirements.

(a) The maximum quantity of sugar which is eligible to be offered by an eligible processor under the 1982 Price Support Purchase Agreement Program is that quantity of domestically-produced sugar which is equivalent to the quantity of sugar processed by the processor during the period beginning December 22, 1981 through March 31, 1981 from sugar beets and sugarcane grown by eligible producers. Such sugar must be processed and owned by the eligible processor (or jointly owned by the eligible processor and eligible producer) offering the sugar.

(b) Eligible processors for 1982-crop sugar are those processors who, as a condition for obtaining a CCC purchase agreement, agree to pay to all eligible producers who have delivered or will deliver to them for processing sugar beets and sugarcane of average quality in the following location not less than:

(1) For sugar beets in the regions described in paragraph (c)(2) of this section, the following rates per net ton: Region 1, \$26.71: *Provided*, That, if (i) the sugar extracted by a processor from sugar beets harvested in 1981 yields, on the average, less than 224.62 pounds per net ton of sugar beets delivered and accepted by the processor or (ii) the processor's net return on by-products per net ton of sugar beets delivered and accepted by the processor average less than \$6.80 per net ton, the required minimum price support rate per ton of sugar beets may be adjusted. The adjusted rate will be determined by (A) multiplying \$19.37 (the purchase agreement rate per pound less \$.74 considered as fixed marketing costs) by the average pounds and hundredths of pounds of sugar extracted per net ton, (B) adding thereto the net return to the processor on by-products per net ton of sugar beets delivered and accepted, and (C) multiplying the result by 53.1 percent:

Region 2	\$29.35
Region 3	\$28.60
Region 4	\$29.58
Region 5	\$28.88
Region 6	\$28.69
Region 7	\$28.69
Region 8	\$30.62

(2) For sugarcane in Florida, \$23.14 per net ton;

(3) For sugarcane in Louisiana, \$21.64 per net ton;

(4) For sugarcane in Texas, the amount determined by multiplying 10.110 cents times the average pounds of cane sugar, raw value, recovered per ton from the sugarcane delivered to the processor by all producers, as adjusted by the processor to reflect the quality of the juice (normal juice sucrose and normal juice purity) extracted from the individual producer's sugarcane;

(5) For sugarcane in Hawaii, the amount determined by multiplying the total pounds of cane sugar, raw value, recovered per ton from the sugarcane delivered to the processor by the individual producer times (i) 10.996 cents where the delivery point is at the mill or (ii) 8.497 cents where the cane is delivered by loading into trucks in the field; and

(6) For sugarcane in Puerto Rico, that price determined in accordance with the provisions of Puerto Rico Law No. 426,

also known as the Puerto Rico Sugar Law, and the rules issued thereunder by the Sugar Board of Puerto Rico.

The foregoing prices may be adjusted for sugar beets or sugarcane of nonaverage quality on the method agreed upon by the producer and processor.

§ 1435.81 Availability, disbursement, and maturity of purchase agreements.

(a) *Obtaining price support.* To obtain price support on eligible sugar, an eligible processor: (1) Must file a request for price support with the State committee of the State where such processor is headquartered or a county committee designated by the State committee; and (2) must execute a purchase agreement as prescribed by CCC. The request for price support must be filed no later than April 30, 1982, and must state the quantity of sugar to be covered by the purchase agreement.

(b) *Maturity of purchase agreements.* CCC purchase agreements will mature on November 1, 1982.

§ 1435.82 Quantity of sugar covered by a purchase agreement.

A CCC purchase agreement shall not be approved for more than the quantity of sugar which an eligible processor certifies is eligible and available to be placed under a purchase agreement. The total quantity of sugar which a processor may offer to CCC under a purchase agreement may not exceed (a) his total eligible storage capacity less ineligible sugar in storage or (b) the quantity of eligible sugar processed from December 22, 1981, through March 31, 1982.

§ 1435.83 Delivery to CCC, quality and storage facility requirements, and settlement.

(a) The quantity of sugar which a processor may deliver to CCC may be less than, but shall not exceed, the quantity of sugar which is shown on a purchase agreement which is approved by CCC.

(b) In order to be eligible to be delivered to CCC, sugar must meet the following minimum quality requirements:

(1) Refined beet or cane sugar must be: (i) Dry and free flowing; (ii) free of excessive sediment; and (iii) free of any objectionable color, flavor, odor, or other characteristic which would impair the merchantability of such sugar or which would impair or prevent the use of such sugar for normal commercial purposes.

(2) Raw cane sugar must be: (i) Of reasonable grain size; (ii) free from excessive color or moisture; and (iii) free

from any objectionable color, flavor, odor, or other characteristic which would impair the merchantability of such sugar or which would impair or prevent the use of such sugar for normal commercial purposes.

(3) Sugarcane syrup or edible molasses must be free from any objectionable color, flavor, odor, or other characteristic which would impair the merchantability of such sugar or which would impair or prevent the use of such sugar for normal commercial purposes.

(4) Any type of sugar delivered to CCC must be free of any contamination by either natural or man-made substances, and must not contain chemicals or other substances which are poisonous or harmful to man or animals. In addition, all sugar which is delivered to CCC must be free and clear of any liens, mortgages, or other such encumbrances.

(c) Sugar may only be delivered to CCC in eligible storage. Eligible storage is any storage facility which: (1) Is owned or controlled by the processor; (2) is suitable for the storage and loading out of the sugar being delivered to CCC by the processor; (3) meets CCC Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils (7 CFR Part 1423); and (4) is placed under a storage contract with CCC. If the sugar is delivered in or to an ineligible storage facility, the processor shall be responsible for all costs incurred in moving the sugar to an eligible storage facility.

(d) A processor who intends to sell sugar to CCC shall give a written notice of intent to sell such sugar to CCC not later than October 1, 1982. At that time, the processor shall furnish to CCC complete information as to the storage locations where delivery to CCC is proposed and, for each location, the quantity proposed for delivery to CCC. CCC shall have the right to inspect such sugar and storage facilities. The processor shall also furnish such production records as CCC considers necessary to verify compliance with the quantitative limitations set forth in § 1435.80(a).

(e) If a processor has given CCC a notice of intent to sell sugar, such processor shall deliver eligible sugar to CCC in-store at eligible storage facilities owned or controlled by the processor. Delivery of such sugar shall occur automatically on November 1, 1982, without further action by either the processor or CCC. At that time, title and all interest in the sugar shall vest in

CCC. Notwithstanding the foregoing, delivery shall not occur and title shall not pass if: (1) After the date on which the notice of intent to sell is given to CCC and before November 1, 1982, the processor gives written notice to CCC that it does not intend to sell such sugar (or portion thereof) to CCC; or (2) CCC gives notice to the processor prior to November 1, 1982, that delivery of such sugar (or portion thereof) shall not be accepted by CCC due to the ineligibility of the sugar or the storage facility.

(f) The processor shall be liable to CCC for any damages suffered by CCC if: (1) The processor delivers ineligible sugar to CCC; or (2) the processor delivers sugar to CCC which in ineligible storage. The processor shall be liable for such damages regardless of whether CCC inspected the sugar and storage facility prior to delivery, and regardless of whether CCC failed to give notice to the processor of nonacceptance of delivery as provided in paragraph (e) of this section.

(g) Disbursement for purchases of sugar made by CCC will be made by sight drafts drawn on the account of CCC.

§ 1435.84 Processor storage agreement.

(a) By executing a purchase agreement and delivering sugar to CCC, the processor agrees to store such sugar on behalf of CCC under the terms and conditions specified in this subpart and any storage agreement entered into between CCC and the processor. Should the terms of the storage agreement and the terms of these regulations conflict, the terms set forth in the regulations shall be applicable.

(b) The processor shall at all times be responsible for maintaining the quality and condition of the sugar in storage. The processor shall be liable to CCC for any damages suffered by CCC due to the failure of the processor to load out sugar meeting the eligibility criteria set forth in § 1435.83(b). Notwithstanding the foregoing, the processor shall not be liable for any damage, and CCC will bear its pro rata share of any loss in the case of sugar stored on a commingled basis, less any insurance proceeds and salvage value of the sugar to which CCC may be entitled, if the processor establishes to the satisfaction of CCC that each of the following conditions occurred: (1) The loss or damage occurred without fault or negligence on the part of the processor; (2) the loss resulted solely from an external cause (other than insect infestation, vermin, or animals) such as theft, fire, lightning, explosion, windstorm, cyclone, tornado, flood, or other act of God; (3) the

processor gave the State committee immediate notice of such loss or damage; and (4) the processor made no fraudulent representation in the purchase agreement or in obtaining approval of the purchase agreement.

(c) The processor shall store sugar delivered to CCC in the eligible storage where delivered for as long as deemed necessary by CCC after delivery of the sugar to CCC. However, if a sugar beet processor requires the storage space for other sugar during the period the processor is required by CCC to maintain the refined beet sugar delivered under a purchase agreement in the storage where delivered, CCC will accept bagged sugar from the current crop in substitution for the delivered bulk sugar, provided the settlement rate for the area where the bagged sugar is stored is equal to or exceeds the settlement rate for the delivered bulk sugar.

(d) The processor shall remove and physically deliver the purchased sugar in accordance with written instructions from CCC. All load out expenses shall be for the account of the processor.

(e) CCC shall make monthly storage payments to the processor for the period of time the processor stores the sugar for CCC after delivery by the processor in accordance with the purchase agreement. The storage payment rate shall be as agreed upon by CCC and the processor, but in no event shall exceed \$.00083 per pound per month.

§ 1435.85 Miscellaneous provisions.

(a) *Scheme or device.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this subpart through any scheme or device whatsoever.

(b) *Processor indebtedness.* The regulations issued by the Secretary governing setoffs and withholding, 7 CFR Part 13, shall be applicable to the program.

(c) *Liens.* Waivers of liens or encumbrances on the sugar delivered to CCC must be obtained to protect fully the interest of CCC. A lienholder, in lieu of waiving a prior lien on sugar, may execute with CCC a Lienholder's Subordination Agreement (Form CCC-864) in which the lienholder's security interest is subordinated to the rights of CCC.

(d) *Appeals.* A producer or processor may obtain reconsideration and review of determinations made under this subpart in accordance with the regulations in 7 CFR Part 780.

(e) *Records and inspection thereof.*

ASCS, the Office of the Inspector General, USDA, and the Comptroller General shall have the right to have access to the premises of the processor, in order to inspect, examine, and make copies of the books, records, accounts, and other written data as are deemed necessary by the examining agency to verify compliance with the requirements of this subpart. Such books, records, accounts, and other written data shall be retained by the processor for not less than three years.

(f) *False certifications.* Any false certification, which is made for the purpose of enabling a processor to obtain a purchase agreement to which it is not entitled, will subject the person making such certification to liability under applicable Federal civil and criminal statutes.

(g) *Handling payments and collections not exceeding three dollars.* In order to avoid unreasonable administrative costs of making small payments and handling small accounts, amounts of \$3 or less which are due the processor will be paid only upon his request. Deficiencies of \$3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

(h) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any processor who is entitled to the payment of any sum in settlement of a purchase payment shall, upon proper application to the State committee, be made to the persons who would be entitled to such processor's payment under the regulations contained in 7 CFR Part 707—Payment Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1435.86 Applicable forms.

The CCC forms for use in connection with this program will be available from the appropriate State committee or designated county committee. CCC forms have been developed for program participation by farmers and producers. When such forms are used for participation in the sugar purchase program, the term "producer" shall mean "processor."

Signed at Washington, D.C., on February 18, 1982.

John R. Block,
Secretary.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Direct Transits; Restriction for Citizens of Afghanistan; Correction

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule; correction.

SUMMARY: This final rule restricts citizens of Afghanistan from transiting the United States without visas. This waiver of visas for transits from Afghanistan has become a means of circumventing immigration laws once they arrive in the United States. Citizens of Afghanistan must have visas and passports to transit the United States regardless of their ultimate destination. The rule is republished to make a technical correction.

EFFECTIVE DATE: February 9, 1982.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieskiel, Acting Instructions Officer, Immigration & Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

For Specific Information: Edward K. Burns, Immigration Inspector, Immigration & Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-3996.

SUPPLEMENTARY INFORMATION: The Department of State and the Department of Justice have established that citizens of Afghanistan, believing they have a claim to refugee status, are trying to circumvent refugee procedures abroad by using the transit without visa waiver privilege to enter the United States as supposed transits and, upon arriving in the United States, applying for asylum as refugees. Other Afghan nationals destroy their travel documents and onward airline tickets while in flight to prevent continuation of their travel beyond the United States.

Because of the continuing nature of these schemes, and imminent arrival of additional groups, the Department of State and Immigration and Naturalization Service are jointly withdrawing the transit without visa privilege as it applies to Afghan citizens.

This rule is being republished to explicitly clarify that an alien citizen or national of Afghanistan may not transit the United States without a passport or visa.

In view of the emergency situation which exists, compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date would be impractical and contrary to the public interest.

This rule is exempt from the requirements of E.O. 12291 under section 1.(a)(2) thereof since it is issued with respect to a foreign affairs function of the United States.

Accordingly, Title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. In § 212.1, paragraph (e) is revised to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

(e) *Direct transits—(1) Transit without visa.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Service under the provisions of section 238(d) of the Act on Form I-426 to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That such alien is in possession of a travel document or documents establishing his/her identity and nationality and ability to enter some country other than the United States.

(2) *Waiver of passport and visa.* On the basis of reciprocity, the waiver of passport and visa is available to a national of Albania, Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Hungary, Latvia, Lithuania, Mongolian People's Republic, People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he/she is transiting the United States by aircraft of a transportation line signatory to an agreement with the Service on Form I-426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

(3) *Unavailability to transit.* This waiver of passport and visa requirement is not available to an alien who is a citizen or national of Afghanistan, Cuba, Iraq, or Iran. This waiver of passport and visa requirement is not available to an alien who is a citizen or national of