

This seven-day cutoff period will adequately ensure equitable treatment of all parties during the final days immediately before Joint Board meetings.

6. However, because of the importance of the issues involved, the Joint Board may, on certain occasions, wish to obtain the views on interested persons during this period. In these situations the Joint Board will provide an opportunity for public oral argument the day before the Joint Board is to meet. In addition, individual members of the Joint Board and the Joint Board Staff may initiate written or oral *ex parte* presentations during the cutoff period.³ The Commission's *Ex Parte* Rules governing nonrestricted informal rulemaking proceedings will continue to apply to the extent that they are not inconsistent with the procedures outlined above.

III. Ordering Clause

7. Accordingly, it is ordered, That the procedures set forth above SHALL APPLY to the conduct of this proceeding before the Federal-State Joint Board. This action is taken pursuant to Sections 4 (i) and (j), 221(c) and 410(c) of the Communications Act, 47 U.S.C. 154 (i) and (j), 221(c) and 410(c) (1976). These procedures shall be effective immediately upon publication in the Federal Register. (May 28, 1982)⁴

Federal Communications Commission.⁵

William J. Tricarico,
Secretary.

Dissenting Statement of Commissioner
Anne P. Jones

In re: Amendment of Part 67 of the
Commission's Rules and Establishment
of a Joint Board, CC Docket No. 80-286
March 2, 1982.

I dissent from the Joint Board's decision to adopt these supplemental restrictions on *ex parte* communications in this proceeding primarily for the reasons I dissented from the Commission's adoption two years ago of *ex parte* restrictions for its informal rulemaking proceedings (78 FCC 2d 1384). As I pointed out then, the purpose of proceedings such as these is to

³This procedure is different from that set out in the Commission's *Ex Parte* Rules governing nonrestricted informal rulemaking proceedings which prohibit Commission initiated *ex parte* presentations during the cutoff period.

⁴Notice and an opportunity for comment as well as 30 days' notice prior to the effective date of these changes are not required pursuant to Section 553 of the Administrative Procedure Act, 5 U.S.C. 553 (1976), because this Order deals exclusively with procedural matters.

⁵See attached Dissenting Statement of Commissioner Anne P. Jones.

establish sound public policy in the broad public interest, and in such an effort the paramount need of the decision makers is wisdom. Because *ex parte* restrictions limit access by decision makers to wisdom outside the agency (or in this case the Joint Board), I believe they should not be imposed except as required by law, and no such requirement applies here.

An additional objection to the restrictions adopted here by the Joint Board is that only a little ingenuity will be required to evade them. For example, a party wishing to impart an *ex parte* communication during the cut-off period need only drop a hint convincing enough to induce the member of the Joint Board or the Joint Board Staff with whom he wishes to communicate to initiate the otherwise prohibited presentation.

In short, these restrictions are objectionable both because their purpose is counterproductive and because they are, in any event, ill designed for that purpose.

[FR Doc. 82-14674 Filed 5-27-82; 8:45]

BILLING CODE 6712-01-M

47 CFR Part 83

[PR Docket No. 81-657; FCC 82-203]

Stations on Land in the Maritime Services and Stations on Shipboard in the Maritime Services; Commission's Rules To Make a Certain Frequency Available Exclusively for Vessel Traffic Service (VTS) Communications in the Houston VTS Radio Protected Area

Correction

In FR Doc. 82-14341 appearing on page 22962 in the issue of Wednesday, May 26, 1982, make the following correction:

On page 22963, second column, in the amendatory language and the section heading, "81.361" should read "83.361".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271 and 278

[Amendment No. 216]

Food Stamp Program: Defining Which Financial Institutions May Redeem Food Stamps

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment permits certain insured financial institutions to redeem food stamps for authorized retailers and wholesalers. This provision is authorized by Title XIII of Pub. L. 97-98 (The Food Stamp and Commodity Distribution Amendments of 1981). This rule will permit these institutions to begin redeeming food stamps immediately. Prior to this provision only banks were permitted to redeem food stamps.

EFFECTIVE DATE: May 28, 1982.

FOR FURTHER INFORMATION CONTACT: Herbert A. Scurlock, Director, Federal Operations Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302 (703) 756-3487.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291.

This rule has been reviewed under Executive Order 12291 and the Secretary's Memorandum No. 1512-1. The Department has determined that this rule does not constitute a major rule. Since this rule merely implements technical aspects of parts of Title XIII of Pub. L. 97-98 (the Food Stamp and Commodity Distribution Amendments of 1981), it will not result in (1) An annual effect on the economy of \$100 million or more; (2) A major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule will not significantly raise the Food Stamp Program's total benefit and administrative expenses. The rule deals exclusively with the administration of the Food Stamp Program and since it merely restates the provisions of the statute it will not affect industry and trade.

Publication

Mr. Samuel J. Cornelius, Administrator of the Food and Nutrition Service, has determined, in accordance with 5 U.S.C. 553(b)(1)(B), that notice of proposed rulemaking and public comment procedures prior to the effective date of this rule are unnecessary since the rule merely restates the provisions of the statute. Public Law 97-98 permits insured savings and loan institutions to redeem food stamps in the same way as banks operated under current Food Stamp regulations. Because

Pub. L. 97-98 is now effective it is in the public interest to grant such savings and loan institutions the opportunity extended to them by the law without delay.

Regulatory Flexibility Act

This action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). The Administrator, Food and Nutrition Service, has certified that the rule does not have a significant economic impact on a substantial number of small entities because the rule reiterates the provisions of the statute and extends the right to redeem food stamps to fiscal organizations insured by FSLIC and FDIC.

This rule does not contain recordkeeping or reporting requirements under the provisions of the Paperwork Reduction Act of 1980.

Background

Currently only banks are permitted to redeem food stamps for retailers and wholesalers participating in the Food Stamp Program. However, Title XIII of Pub. L. 97-98 (the Food Stamp and Commodity Distribution Amendments of 1981) requires that the term "bank" be struck wherever it appears in the Food Stamp Act of 1977 and the term

"financial institutions which are insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC)" be substituted.

The economic circumstances prevailing in the country today make it desirable for insured savings and loan institutions to accept food stamps for redemption without delay. Therefore, the Department has determined that this rule shall take effect upon publication.

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs-social programs.

7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries-retail, Groceries, General line-wholesaler, Penalties.

Accordingly, 7 CFR Parts 271 and 278 are amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

§ 271.1 [Amended]

1. In § 271.1, paragraph (b) is amended by striking out the term "banks" and

inserting the term "insured financial institutions".

§ 271.2 [Amended]

2. In § 271.2, the following definition is added in alphabetical order:

* * * * *

"Insured financial institution" means a financial institution insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC).

* * * * *

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND FINANCIAL INSTITUTIONS

3. The term "bank" or "banks" is struck wherever it appears (except where preceded by the term "Federal Reserve") and replaced by the term "insured financial institution" or "insured financial institutions".

(91 Stat. 958 (7 U.S.C. 2011-2027))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: May 26, 1982.

Samuel J. Cornelius,

Administrator.

[FR Doc. 82-10373 Filed 5-27-82; 10:21 am]

BILLING CODE 3410-30-M

Proposed Rules

Federal Register

Vol. 47, No. 104

Friday, May 28, 1982

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 52

United States Standard for Grades of Lemon Juice

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On September 4, 1981, the Agricultural Marketing Service published in the *Federal Register* a document proposing to amend the U.S. Standards for Grades of Canned Lemon Juice by incorporating into it the current grading standards for concentrated lemon juice for manufacturing and adding new grading standards for lemon juice from concentrate. All three products are subject to the newly established Food and Drug Administration (FDA) standards of identity and fill of container for lemon juice. This proposed rule would make the U.S. Department of Agriculture (USDA) grading standards consistent with FDA's standards of identity and fill of container and would promote orderly and efficient marketing. A request was made by the Processors Council of the California/Arizona Citrus League for additional time to study the proposal and gather data. Since the Department is interested in receiving meaningful data, an extension of comment period is being granted.

DATE: Comments must be received by October 29, 1982.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of the *Federal Register* in which the proposal was published

and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Graesanto V. Berbano, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, (202) 447-6193.

Done at Washington, D.C., on May 26, 1982.

William T. Manley,
Acting Administrator.

[FR Doc. 82-14685 Filed 5-27-82; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1040

Milk in the Southern Michigan Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend for the months of June through August 1982 the requirement in the Southern Michigan order that a cooperative association deliver to pool distributing plants at least 50 percent of its members' producer milk in order to qualify its supply plants as pool plants under the order. The suspension was requested by a cooperative association that represents producers supplying milk to the fluid market. The association claims that the action is needed to avoid inefficient handling of milk and to ensure that dairy farmers who have been historically associated with the Southern Michigan market will continue to share in the market's fluid milk sales.

DATE: Comments are due June 4, 1982.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and

has been classified "not significant" and, therefore, not a major action.

It has also been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the *Federal Register*. However, this would not permit the completion of the required suspension procedures in time for the suspension to be made effective for the month of June 1982 if this is found necessary. The initial request for the action was received on May 17, 1982.

Further, it has been determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing without the necessity of inefficient handling and transportation of milk.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Southern Michigan marketing area is being considered for the months of June through August 1982.

1. In § 1040.7(b)(2) the words "if transfers from such supply plant to plants described in paragraph (b)(5) of this section and by direct delivery from the farm to plants qualified under paragraph (a) of this section are:"

2. In § 1040.7(b)(2), subdivisions (i) and (ii).

All persons who want to send written comments about the proposed suspension should send two copies to the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250 on or before June 4, 1982.

The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include