of December 1989 and continuing indefinitely the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1135.13, paragraphs (f) (3), (4), (5), and (6).

Statement of Consideration

This action continues the suspension of provisions that limit the amount of producer milk that a cooperative association or other handler may divert from pool plants to nonpool plants. These provisions have been suspended since December 1988 through two previous suspension actions. The Dairymen's Creamery Association, Inc. (DCA), an association of producers that supplies much of the market's fluid milk needs and handles much of the market's reserve milk supplies, requested this indefinite suspension.

The reasons justifying this indefinite suspension relate to the persisting conditions that led to the two prior six-month suspensions of the same order provisions. These include the costs of unloading and re-loading of about 2,000,000 pounds of milk through a supply plant each month to meet diversion requirements, which results in increased exposure of the milk to contamination and in shrinkage of milk weights. In addition, continuing uncertainties regarding production trends, economic conditions, and Class I milk utilization make it difficult to establish a diversion percentage that would allow an effective allocation of the milk supply.

Western Dairymen Cooperative, Inc. (WDCI) filed comments supporting the requested indefinite suspension, maintaining that it would aid in the efficient transportation of milk, and would in no way affect producers volumes of milk.

Sales of Class I products have increased modestly in 1989. However, production is still projected to surpass Class I needs for the market. Moreover, there appears to be no basis to conclude that additional supplies of milk would be pooled in the continued absence of diversion limits. Thus, it is reasonable to conclude that a continued suspension of the diversion requirements will allow the needs of the order to be met without causing disruption to producers who have historically supplied the Southwestern Idaho-Eastern Oregon marketing area.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that without expensive hauling and handling, substantial quantities of milk from producers who regularly supply the market would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No comments were filed in opposition to this action.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1135

Dairy products, Milk, Milk marketing orders.

It is therefore ordered, That the following provisions in § 1135.13 of the Southwestern Idaho-Eastern Oregon order are hereby suspended indefinitely beginning with the month of December 1989.

PART 1135—MILK IN THE SOUTHWESTERN IDAHO-EASTERN OREGON MARKETING AREA

1. The authority citation for 7 CFR part 1135 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1135.13 [Suspended in Part]

2. In § 1135.13, paragraphs (f) (3), (4), (5), and (6) are suspended.

Signed at Washington, DC, on: December 5, 1989.

John E. Frydenlund,

Acting Assistant Secretary of Agriculture, Marketing and Inspection Services.

[FR Doc. 89-28856 Filed 12-8-89; 8:45 am]

BILLING CODE 3410-03-M

Food Safety and Inspection Service

9 CFR Parts 327 and 381

[Docket No. 88-013F]

RIN 0583-AA90

Importation of Meat and Poultry Products; Refused Entry Product

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat and poultry products inspection regulations to preclude the distribution in the United States of imported products which have been refused entry into the United States. The rule adds a provision to the regulations that any such products exported to another country and returned to the United States would be subject to detention in accordance with section 402 of the Federal Meat Inspection Act (FMIA) or section 19 of the Poultry Products Inspection Act (PPIA) and to seizure and condemnation in accordance with section 403 of the FMIA or section 20 of the PPIA. This rule is necessary specifically to provide that such products are subject to administrative detention and judicial seizure and condemnation as authorized under the Acts.

EFFECTIVE DATE: January 10, 1990.

FOR FURTHER INFORMATION CONTACT: Patrick J. Clerkin, Director, Field Operations Division, Compliance Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-5604.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this rule is not a "major rule" under Executive Order 12291. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; or have 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. Current regulations prevent the distribution into human food channels of those meat or poultry products offered for importation into the United States from foreign countries and subsequently refused entry. The regulations further prohibit the reimportation of such product into the United States. Although the regulations currently do not so state, FSIS has authority under the FMIA and the PPIA to take the necessary steps to preclude the distribution in the United States of any refused entry product that has been returned to the United States. This rule does not adopt new policy, but merely specifies actions currently authorized under the Acts which provide for the administrative detention and the judicial seizure and condemnation of product in commerce, which is adulterated or misbranded or otherwise in violation of the FMIA or PPIA. As such, no new requirements are being placed on foreign or domestic markets.

Effect on Small Entities

The Administrator has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). This rule merely clarifies the regulations to reflect authority established under the FMIA and PPIA with respect to the administrative detention and judicial seizure and condemnation of meat or poultry products that are adulterated or misbranded or otherwise in violation of the FMIA or PPIA.

Background

Section 20(a) of the FMIA (21 U.S.C. 620) provides that "No carcasses, parts of carcasses, meat or meat food products * * * which are capable of use as human food, shall be imported into the United States if such articles are adulterated or misbranded and unless they comply with all * * * other provisions of the Act and regulations issued thereunder * * *" Section 20(b) of the FMIA further provides that "The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section unless (1) they are exported by the owner or consignee within the time fixed therefor by the Secretary, or (2) in the case of articles which are not in compliance with the Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary." Section 17(a) and (b) of the PPIA (21 U.S.C. 466) contains similar language for poultry and poultry products, except that no provision is made for poultry products that do not comply because of misbranding to be brought into compliance.

Section 402 of the FMIA (21 U.S.C. 672) provides that "Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules, or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to title I or II of this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of title I of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that such article or animal has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 403 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or animal, and shall not be moved by any person, firm, or corporation from the place at which it is located when so detained, until released by such representative."

Section 403(a) of the FMIA (21 U.S.C. 673) provides that "Any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules or other equines, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine, that is being transported in commerce otherwise subject to title I or II of this Act, or is held for sale in the United States after such transportation, and that (1) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 404 of this Act within the jurisdiction of which the article or animal is found." Sections 19 and 20(a) of the PPIA (21 U.S.C. 467a and 467b) contain similar provisions for poultry and poultry products.

Part 327 of the Federal meat inspection regulations (9 CFR part 327) and subpart T of the poultry products inspection regulations (9 CFR part 381, subpart T) prescribe the requirements for meat and poultry products imported into the United States as authorized by the FMIA and PPIA. Such products imported from any foreign country are inspected by departmental inspectors before they are entered into the United States. The inspectors report their findings to the Director of Customs at the port of entry where such products were offered for entry into the United States.

If any such products are identified as "U.S. Refused Entry", the inspector requests the Director of Customs to refuse entry of the product and to direct the owner or consignee of the refused entry product to export such product within 45 days. The owner or consignee may opt not to reexport the product, but rather may, within the 45-day period, either destroy the product under departmental supervision or convert the product into animal food. As previously discussed, the FMIA contains an exception to this rule that provides that any meat food product which has been refused entry solely because of misbranding may be brought into compliance with the Act under departmental supervision. This exemption is also provided in § 327.13(a)(4) of the Federal meat inspection regulations (9 CFR 327.13(a)(4)).

If the owner or consignee does not take appropriate action within the specified time period, the Acts and regulations authorize the Secretary to destroy the product for human food purposes (9 CFR 327.13(a)(6) and 381.202(a)(5)). This is necessary to prevent adulterated or misbranded product from entering into U.S. commerce.

Section 327.13(a)(7) of the Federal meat inspection regulations and § 381.202(a)(6) of the poultry products inspection regulations prohibit the return to the United States of product which had been refused entry and exported to another country (9 CFR 327.13(a)(7) and 381.202(a)(6)). If such product is returned to the United States, FSIS is authorized under the FMIA and PPIA to administratively detain the product pursuant to section 402 of the FMIA or section 19 of the PPIA, to preclude its distribution in commerce and seek judicial seizure and condemnation of such product in accordance with section 403 of the FMIA or section 20 of the PPIA. The current regulations, however, do not specify that such refused entry product is subject to detention and judicial seizure and condemnation under the law. To clarify the regulations in this regard, FSIS published a proposed rule in the **Federal Register** on January 13, 1989, to amend §§ 327.13 and 381.202 of the Federal meat and poultry products inspection regulations (54 FR 1375). The proposal would specifically provide that such returned, refused entry product shall be subject to administrative detention and judicial seizure and condemnation.

FSIS did not receive any comments in response to the proposal. Therefore, the proposal is adopted in its entirety.

List of Subjects

9 CFR Part 327

Meat inspection, Imported products.

9 CFR Part 381

Poultry products inspection, Imported products.

For the reasons set forth in the preamble, parts 327 and 381, title 9 of the Code of Federal Regulations, are amended as follows:

PART 327—IMPORTED PRODUCTS

1. The authority citation for part 327 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*

2. Section 327.13 is amended by adding a sentence at the end of paragraph (a)(7) to read as follows:

§ 327.13 Foreign products offered for importation; reporting of findings to customs; handling of articles refused entry.

(a) * * *

(7) * * * Any such product so returned to the United States shall be subject to administrative detention in accordance with section 402 of the Act and seizure and condemnation in accordance with section 403 of the Act.

* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. The authority citation for part 381 continues to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, as amended, 21 U.S.C. 451 *et seq.*; 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

4. Section 381.202 is amended by adding a sentence at the end of paragraph (a)(6) to read as follows:

§ 381.202 Poultry products offered for entry; reporting of findings to customs; handling of articles refused entry; appeals, how made; denaturing procedures.

(a) * * *

(6) * * * Any such product so returned to the United States shall be subject to administrative detention in accordance with section 19 of the Act, and seizure and condemnation in accordance with section 20 of the Act.

* * * * *

Done at Washington, DC, on: November 15, 1989.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 89–28855 Filed 12–8–89; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 50, 51, 52, and 170

RIN 3150–AC61

Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published on April 18, 1989 (54 FR 15372), which provides for the issuance of early site permits, standard design certifications, and combined construction permits and operating licenses with conditions for nuclear power reactors. The action is necessary to correct an amendatory instruction that contained an incorrect paragraph identification.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7758.

SUPPLEMENTARY INFORMATION: In the April 18, 1989, edition of the **Federal Register**, in the right-hand column of page 15398, make the following correction to amendatory instruction number 16:

In the amendatory instruction for 10 CFR 51.20, the paragraph designated as paragraph (a)(6) is correctly designated as paragraph (b)(6).

Dated at Bethesda, Maryland, this 5th day of December 1989.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 89–28838 Filed 12–8–89; 8:45 am]

BILLING CODE 7590-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 600

RIN 3052–AB07

Organization and Functions; Service of Process

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA) Board adopts final regulations which establish the method to be used to serve legal process upon the agency, including identification of the agency official designated to accept service of process. The adoption of these regulations creates subpart B—Rules and Procedures for Service Upon the Farm Credit Administration—now held in reserve within 12 CFR part 600.

EFFECTIVE DATE: These regulations shall become effective after the expiration of 30 days from publication during which either or both Houses of Congress are in session. Notice of the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Gary L. Bohlke, Associate General Counsel, Litigation and Enforcement Division, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: These regulations establish the proper procedures to follow in order to serve legal process upon the FCA. They provide the individual designated to receive such service, as well as the method of delivery. In promulgating the regulations, the FCA Board determined that the matter was one of internal agency procedure and practice and was exempt from the provisions of 5 U.S.C. 553(b) (1)–(3). The purpose of the rulemaking requirements of the Administrative Procedure Act is to allow public participation in the promulgation of rules which have a substantial impact on those regulated.

When regulations involve matters of agency procedure or practice, or where the agency finds good cause that the notice and public comment are unnecessary or contrary to the public interest, 5 U.S.C. 553(b) (A) and (B) provide that an agency may publish regulations in final form. Accordingly, these regulations are issued as a final rule.

Pursuant to 5 U.S.C. 553(d) and 12 U.S.C. 2252(c)(1), these regulations will be effective after the expiration of 30 days from publication during which either or both Houses of the Congress are in session.

List of Subjects in 12 CFR Part 600

Organization and functions (Government agencies).

As stated in the preamble, part 600 of chapter VI, title 12, of the Code of Federal Regulations is amended as follows:

PART 600—ORGANIZATION AND FUNCTIONS

1. The authority citation for part 600 continues to read as set forth below and all other authority citations throughout part 600 are removed.

Authority: Secs. 5.9, 5.17; 12 U.S.C. 2243, 2252.

2. Part 600 is amended by adding a new subpart B, consisting of § 600.10, to read as follows:

Subpart B—Rules and Procedures for Service Upon the Farm Credit Administration

§ 600.10 Service of Process.

(a) Except as otherwise provided in the Farm Credit Administration regulations, the Federal Rules of Civil Procedure or by order of a court with jurisdiction over the Farm Credit Administration, any legal process upon the Farm Credit Administration shall be duly issued and served upon the Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

(b) Service of process upon the Secretary to the Farm Credit Administration Board may be effected by personally delivering a copy of the documents to the Secretary or by sending a copy of the documents to the Secretary by registered or certified mail.

(c) The Secretary shall promptly forward a copy of all documents to the Associate General Counsel, Litigation and Enforcement, and to any Farm Credit Administration personnel named in the caption of the documents.

Dated: December 1, 1989.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 89–28836 Filed 12–8–89; 8:45 am]

BILLING CODE 6705-01-M

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12 CFR Parts 612, 614, 615, and 618

RIN 3052-AB06

Personnel Administration, Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA) Board adopts as final an interim rule which eliminates the requirement for Farm Credit institutions to submit to the FCA certain proposed policies, procedures, programs and actions for FCA's approval prior to implementation by the institution. These submissions by the institution are referred to collectively as "prior approvals".

The FCA Board determined that certain prior approvals are unnecessary in light of the Agricultural Credit Act of 1987, which amended the Farm Credit Act of 1971 (Act) and Congressional intent, and are inconsistent with FCA's role as an arms's length regulator.

The elimination of these prior approvals does not relieve the Farm Credit institutions of their responsibility to develop and implement the policies, procedures, programs, and actions referred to in these regulations and to operate in a safe and sound manner and in accordance with all applicable laws, rules and regulations. Such policies, procedures, programs, and actions continue to be subject to examination by FCA.

DATES: This regulation shall become effective upon the expiration of 30 days after publication during which either or both Houses of Congress are in session. Notice of effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: John C. Moore, Jr., Deputy Chief, Financial Analysis and Standards Division, 1501 Farm Credit Drive, McLean, VA 22102–5090, (703) 883–4401, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: On January 6, 1989, the FCA Board adopted an interim rule (54 FR 1149) and requested public comments thereon. The interim rule eliminated prior approval language contained in the following regulations: §§ 612.2150 (a) and (c); 612.2160(a); 614.4280 (a) and (b); 614.4320; 614.4321; 614.4340(a); 614.4345; 614.4460; 614.4511; 615.5040; 615.5104; 615.5135(b); 615.5143; 615.5190(b); and 618.8060. The Farm Credit Amendments Act of 1985, the Farm Credit Act Amendments of 1986, and the Agricultural Credit Act of 1987, which amended the Farm Credit Act of 1971 (Act), specifically eliminated certain prior approvals from the Act. In addition, the FCA Board interpreted Congressional intent, based on those prior approvals specifically eliminated, to require the elimination of other prior approvals. Finally, the FCA Board determined that certain prior approvals should be eliminated as being inconsistent with FCA's role as an arm's length regulator. See 54 FR 1149, January 12, 1989, for a further discussion of the basis for removal of the individual prior approval requirements.

The FCA received two comments: one from the Farm Credit Corporation of America (FCCA), and one from the Farm Credit Bank of Baltimore (FCBB). Both commenters agreed with the FCA's action of eliminating the prior approvals as set forth in the interim rule. The FCCA also urged FCA to consider the elimination of certain other prior approvals not included in the interim rule. The FCBB concurred with the FCCA comment. FCA is continuing to examine prior approval requirements, including some of those which were discussed by the commenters, to determine whether such prior approvals should be eliminated. However, no action is proposed at this time.

Accordingly, the FCA Board adopts the interim rule amending 12 CFR parts 612, 614, 615, and 618 which was published at 54 FR 1149 on January 12, 1989, as a final rule without change.

List of Subjects in 12 CFR Parts 612, 614, 615, and 618

Accounting, Agriculture, Archives and records, Banks, Banking, Conflict of interest, Credit, Foreign trade, Government securities, Insurance, Investments, Reporting and recordkeeping requirements, Rural areas, Technical assistance.

Dated: December 1, 1989.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 89–28837 Filed 12–8–89; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 25147, Amdt. No. 23–36]

Small Airplane Airworthiness Review Program, Amendment No. 1; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correcton of final rule.

SUMMARY: This document contains corrections to final regulations that were published in the **Federal Register** on August 15, 1988 (53 FR 30802) as Small Airplane Airworthiness Review Program, Amendment No. 1. These rules relate to the adopton of airworthiness standards for cabin safety and occupant protection during emergency landing conditions for airplanes type certificated to the airworthiness standards of part 23.

EFFECTIVE DATE: December 11, 1989.

FOR FURTHER INFORMATION CONTACT: Bobby Sexton, Standards Office (ACE–