

discussed in public meetings. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee was derived by dividing anticipated expenses by expected shipments of California desert grapes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the committee's expenses.

The committee met on February 14, 1991, and unanimously recommended a 1991 budget of \$28,645, \$820 more than the previous year. Increases in rent and utilities will be partially offset by decreases in salaries. The committee also unanimously recommended an assessment rate of \$0.0025 per lug of grapes, a decrease from last season's rate of \$0.003. This rate, when applied to anticipated shipments of 8,000,000 lugs, will yield \$20,000 in assessment income. This, along with \$1,151 in interest income and \$7,494 from the committee's authorized reserve, will be adequate to cover budgeted expenses. The committee recommended utilizing the carryover funds from the 1990 fiscal period to cover part of the 1991 expenses. Funds remaining at the end of the 1991 fiscal period, estimated at \$22,855, will be within the maximum permitted by the order of one fiscal period's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was published in the *Federal Register* on March 20, 1991 (56 FR 11699). That document contained a proposal to add § 925.210 to authorize expenses and establish an assessment rate for the committee. That rule provided that interested persons could file comments through April 1, 1991. No comments were received.

It is found that the specified expenses are reasonable and likely to be incurred and that such expenses and the specified assessment rate to cover such expenses will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the *Federal Register* (5 U.S.C. 553) because the committee needs to have sufficient funds to pay its

expenses which are incurred on a continuous basis. The 1991 fiscal period began in January, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable grapes handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting.

#### List of Subjects in 7 CFR Part 925

Marketing agreements, Grapes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 925 is hereby amended as follows:

#### PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

1. The authority citation for 7 CFR part 925 continues to read as follows:

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

2. A new § 925.210 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

#### § 925.210 Expenses and assessment rate.

Expenses of \$28,645 by the California Desert Grape Administrative Committee are authorized, and an assessment rate of \$0.0025 per 22-pound container of grapes is established for the fiscal period ending December 31, 1991. Unexpended funds may be carried over as a reserve.

Dated: April 12, 1991.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–9132 Filed 4–17–91; 8:45 am]

BILLING CODE 3410–02–M

#### 7 CFR part 982

[FV–91–228 FR]

#### Filberts/Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 1990–91 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is adopting, without modification, as a final rule the provisions of an interim final rule which established interim and final free and restricted percentages for domestic

inshell filberts/hazelnuts for the 1990–91 marketing year under the Federal marketing order for filberts/hazelnuts grown in Oregon and Washington. The percentages indicate the amount of domestically produced filberts/hazelnuts which may be marketed in domestic, export and other outlets. The percentages are intended to stabilize the supply of domestic inshell filberts/hazelnuts in order to meet the limited domestic demand for such filberts/hazelnuts and provide reasonable returns to producers. This action was recommended by the Filbert/Hazelnut Marketing Board (Board), which is the agency responsible for local administration of the order.

EFFECTIVE DATE: April 18, 1991.

#### FOR FURTHER INFORMATION CONTACT:

Patricia A. Petrella, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 475–3920.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 982 [7 CFR part 982], as amended, regulating the handling of filberts/hazelnuts grown in Oregon and Washington. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

This rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a “non-major” rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 25 handlers of filberts/hazelnuts subject to regulation under the filbert/hazelnut marketing order and approximately 1,000 producers in the Oregon and



Washington production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of handlers and producers of filberts/hazelnuts may be classified as small entities.

The Board's recommendation and this final rule are based on requirements specified in the order. This final rule continues the restriction on the amount of inshell filberts/hazelnuts that can be marketed in domestic markets. The domestic outlets for this commodity are characterized by limited demand, and the establishment of free and restricted percentages are expected to benefit the industry by promoting stronger marketing conditions and stabilizing prices and supplies, thus improve grower returns.

The Board is required to meet prior to September 20 of each marketing year to compute an inshell trade demand and preliminary free and restricted percentages, if the use of volume regulation is to be recommended during the season. The order prescribes formulas for computing the inshell trade demand, as well as preliminary, interim final, and final percentages. The inshell trade demand establishes the amount of inshell filberts/hazelnuts the market can utilize throughout the season. The preliminary percentages release 80 percent of the inshell trade demand, while the interim and final percentages release 100 percent and 115 percent, respectively, of the inshell trade demand.

The inshell trade demand, rounded to the nearest whole number, equals the average of the preceding three "normal" years' trade acquisitions of inshell filberts/hazelnuts, with the provision that the Board may increase such estimate by no more than 25 percent, if market conditions warrant such an increase.

The preliminary free and restricted percentages make available portions of the filbert/hazelnut crop which may be marketed in domestic inshell markets (free) and exported or shelled (restricted) early in the 1990-91 season. The preliminary free percentage is expressed as a percentage of the total supply subject to regulation and is based on preliminary crop estimates.

At its August 27, 1990, meeting, the Board computed and announced preliminary free and restricted percentages of 17 and 83 percent, respectively, to release 80 percent of the inshell trade demand. The purpose of

releasing only 80 percent of the inshell trade demand under the preliminary percentage is to guard against underestimates of the crop. The preliminary restricted percentage is 100 percent minus the free percentage. The preliminary percentages release 80 percent of the inshell trade demand in order to protect against underestimates of the crop. The majority of domestic inshell filberts/hazelnuts are marketed in October, November, and December. By November, the marketing season is well under way.

On or before November 15, the Board must meet to recommend to the Secretary interim percentages which release 100 percent of the inshell trade demand and final percentages which release an additional 15 percent of the three-year-average trade acquisitions.

The Board uses current crop estimates to calculate the interim final and final percentages. The interim percentages are calculated in the same way as the preliminary percentages and release 100 percent of the inshell trade demand previously computed by the Board for the marketing year. Final free and restricted percentages release an additional 15 percent of the average of the preceding three years' trade acquisitions to ensure an adequate carryover into the following season. The final free and restricted percentages must be effective at least 30 days prior to the end of the marketing year (July 1 through the following June 30), or earlier, if recommended by the Board and approved by the Secretary. In addition, revisions in the marketing policy can be made until February 15 of each marketing year. However, the inshell trade demand can only be revised upward.

In accordance with order provisions, the Board met on November 13, 1990, reviewed, and approved an amended marketing policy and recommended the establishment of interim and final free and restricted percentages of 21 and 79 percent and 24 and 76 percent, respectively. The Board also recommended that the final percentages be effective on May 1, 1991, which is 60 days prior to the end of the season. The marketing percentages are based on the industry's final production estimates and release 4,740 tons to the domestic inshell market. The Oregon Agricultural Statistics Service provided an early estimate of 21,000 tons total production for the Oregon and Washington area. However, a handler survey conducted by the Board provided a more current estimate of 21,800 tons total production for the area. Therefore, the Board voted to unanimously accept the more current estimate of 21,800 tons.

The marketing percentages are based on the Board's production estimates and the following supply and demand information for the 1990-91 marketing year:

Inshell Supply	Tons
(1) Total production (Filbert/Hazelnut Marketing Board Handler survey estimate) .....	21,800
(2) Less substandard, farm use (disappearance) .....	2,150
(3) Merchantable production (the Board's adjusted crop estimate) .....	19,650
(4) Plus undeclared carryin as of July 12, 1989, subject to regulation .....	0
(5) Supply subject to regulation (Item 3 plus Item 4) .....	19,650
(6) Average trade acquisition based on three prior years' domestic sales .....	4,371
(7) Increase to encourage increased sales (10 percent) .....	437
(8) Less declared carryin as of July 1, 1989, not subject to regulation .....	724
(9) Inshell Trade Demand .....	4,084
(10) 15 percent of the average trade acquisitions based on three years domestic sales .....	656
(11) Inshell Trade Demand plus 15 percent (Item 9 plus Item 10) .....	4,740

  

Percentages	Free	Re- stricted
(12) Interim percentages (Item 9 divided by Item 5) x 100 .....	21	79
(13) Final percentages (Item 11 divided by Item 5) x 100 .....	24	76

In addition to complying with the provisions of the marketing order, the Board also considers the U.S. Department of Agriculture's 1982 "Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders" (Guidelines) when making its computations in the marketing policy. This volume control regulation provides a method to collectively limit the supply of inshell filberts/hazelnuts available for sale in domestic markets. The Guidelines require this primary market to have available a quantity equal to 110 percent of recent years' sales in those outlets before secondary market allocations are approved. This is to provide for plentiful supplies for consumers and for market expansion while retaining the mechanism for dealing with oversupply situations. In order to meet expected needs of the trade and to comply with the Guidelines, an increase of 10 percent (437 tons) has been included in the calculations used in determining the inshell trade demand. The established interim and final percentage, which release 100 percent and 115 percent, respectively, of the inshell trade demand, make available 110 percent and 125 percent, respectively, of prior year's sales, thus



exceeding the requirements of the Guidelines.

An interim final rule establishing interim and final free and restricted percentages for the 1990-91 crop year was published in the *Federal Register* on February 8, 1991 (56 FR 5151). That rule provided that interested persons could file written comments through March 11, 1991. No comments were received. Accordingly, interim and final free and restricted percentages as established by that interim final rule are adopted as a final rule without change.

Based on available information, the Administrator of the AMS has determined that the issuance of this rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all available information, it is found that the establishment of interim and final free and restricted percentages, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* because: (1) The 1990-91 marketing year began on July 1, 1990, and the percentages established herein apply to all merchantable filberts/hazelnuts handled from the beginning of the crop year; (2) handlers are aware of this action, which was recommended at an open Board meeting, and need no additional time to comply with these percentages which release more filberts/hazelnuts than the preliminary percentages; and (3) this final rule is an adoption, without modification, of an interim final rule effective February 8, 1991, establishing interim and final free and restricted percentages for the 1990-91 crop year.

#### List of Subjects in 7 CFR Part 982

Filberts/hazelnuts, Marketing agreements and orders, Oregon, and Washington.

For the reasons set forth in the preamble, 7 CFR part 982 is amended as follows:

#### PART 982—[AMENDED]

1. The authority citation for 7 CFR part 982 continues to read as follows:

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

2. Accordingly, the interim final rule adding § 982.240, which was published at 56 FR 5151 on February 8, 1991, is adopted as a final rule without change.

Note: This section will not appear in the Code of Federal Regulations.

Dated: April 12, 1991.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91-9070 Filed 4-17-91; 8:45 am]

BILLING CODE 3410-02-M

#### 7 CFR Part 1210

[WRPA Docket No. 1; FV-91-246]

#### Watermelon Research and Promotion Plan; Amendments to Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

**SUMMARY:** This interim final rule amends the Watermelon Research and Promotion Plan's rules and regulations by allowing an additional ten days for handlers to report and remit assessments following each month of handling before late charges and interest penalties would be incurred on watermelons handled after April 1, 1991. It also invites comments on the amendments. This action was recommended by the National Watermelon Promotion Board.

**DATES:** Effective April 18, 1991. Comments which are received by May 20, 1991, will be considered prior to issuance of any final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525, South Building, P.O. Box 96456, Washington, DC 20090-6456. Comments should reference Docket Number FV-91-246 and the date and page number of this issue of the *Federal Register*. Copies of all comments received will be made available for public inspection in the office of the Docket Clerk, USDA-AMS, room 2525, South Building, 14th and Independence Avenue SW., Washington, DC between 8 a.m. and 4:30 p.m., Monday through Friday except holidays.

**FOR FURTHER INFORMATION CONTACT:** Richard H. Mathews, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525-South, P.O. Box 96456, Washington, DC 20090-6456; telephone (202) 447-4140.

**SUPPLEMENTARY INFORMATION:** This interim final rule is issued under the Watermelon Research and Promotion Plan (Plan) (7 CFR part 1210). The Plan is effective under the Watermelon Research and Promotion Act (title XVI,

subtitle C of Pub. L. 99-198, 7 U.S.C. 4901-4916), hereinafter referred to as the Act.

This interim final rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation No. 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

The Act and Plan provide that all producers (not including persons engaged in the growing of less than five acres of watermelons) and handlers of watermelons are subject to regulation under the Plan for watermelons produced in the contiguous 48 States. The Act and Plan provide that watermelon producers and handlers pay equal assessments for operating the program. The Act and Plan further provide that handlers are responsible for collecting and submitting both producer and handler assessments to the Board, reporting their handling of watermelons, and for maintaining records necessary to verify their reportings.

There are approximately 750 watermelon handlers and 5,000 watermelon producers subject to regulation under the Plan. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than \$3,500,000 and small agricultural producers are defined as those having annual receipts of less than \$500,000. The majority of watermelon handlers and producers may be classified as small entities.

This action will not have a significant economic impact on small handlers or producers. This action will benefit handlers by providing additional time, after the month of handling, to file handling reports and remit assessments to the Board. This action also delays the time by which handlers must remit their assessments before interest and late payment charges accrue.

Sections 1647(b)(2) of the Act and 1210.327(b) of the Plan authorize the Board to recommend to the Secretary such rules and regulations as are necessary to effectuate the terms and conditions of the Plan.



Based on the experience of its first year of operation and information received from handlers, the National Watermelon Promotion Board (Board) recommends that paragraphs (c) and (d) of § 1210.518 be amended to lengthen the time periods contained in each. In paragraph (c)(1) of § 1210.518, the Board recommends amending sentences 1 and 3 by changing "20" to "30". The Board recommends that paragraph (c)(4)(ii) of § 1210.518 also be amended by changing "20" to "30". In paragraph (d)(1) of § 1210.518, the Board recommends changing "thirtieth" in sentence 2 to "fortieth" and "20" in sentence 4 to "30". The Board further recommends that the first sentence of paragraph (d)(2) of § 1210.518 be revised for clarity and simplification as well as providing handlers with an additional ten days as has been recommended in other places throughout § 1210.518. In addition, a proviso is being added to paragraph (d)(2) to clarify when the one and one-half percent per month interest will be added to accounts for handlers paying their assessments in accordance with paragraph (c)(4)(ii). The first sentence currently reads as follows:

"In addition to the late payment charge, one and one-half percent per month interest on the outstanding balance, including the late payment charge and any accrued interest, will be added to any accounts delinquent beyond 30 days after the twentieth day after the end of the month such assessments are due."

The Board recommends that the first sentence be amended to read as follows:

"In addition to the late payment charge, one and one-half percent per month interest on the outstanding balance, including the late payment charge and any accrued interest, will be added to any accounts for which payment has not been received by the last day of the second month following the month of handling; *Provided*, that, handlers paying their assessments in accordance with paragraph (c)(4)(ii), will not be subject to the one and one-half percent per month interest under this paragraph until the last day of the second month after such assessments are due under paragraph (c)(4)(ii)."

The Board has received many comments regarding the time allotted for reporting and remitting assessments. Some handlers have stated that 20 days following the month the watermelons were actually handled is an insufficient amount of time to obtain the necessary information to adequately report the hundredweight of watermelons handled and remit the required assessment. Such handlers state they become too involved with the daily business of the watermelon season and would benefit from an additional ten days to file their reports and pay their assessments.

The Board's recommended amendments will provide handlers an additional ten days for reporting and paying their assessments. The Board's recommendations will also allow an additional ten days before the levy of late payment charges and interest. This additional ten days is necessary to maintain the current grace periods provided in the rules and regulations for the receipt of assessments before the imposition of late payment charges and interest. These amendments will have a positive impact on all handlers regardless of size. The amendments will be especially beneficial to those handlers who do not have sufficient work force to update their records daily. Since the majority of both large and small handlers operate their budgets on a monthly basis, the additional ten days should make it easier for handlers to work the reporting and remittance into their normal monthly billing and payment activities.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. 3501 *et seq.*), this rule contains no new information collection or recordkeeping requirements from those already approved by the OMB under OMB approval number 0518-0158. Approximately 750 handlers will be affected by these provisions.

Based on available information, the Administrator of the AMS has determined that the issuance of this rule will not have a significant economic impact on a substantial number of small entities.

Upon the basis of the evidence provided by the Board, it is found that this action, and all of its terms and conditions as set forth, will tend to effectuate the declared policy of the Act.

Pursuant to the provisions in 5 U.S.C. 553, it is found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register*, because: (1) This action relaxes the provisions of § 1210.518 by providing additional time for the filing of reports and remitting of assessments and before the imposition of late charges and interest; and (2) The 1991 crop year begins in early April 1991 and any amended rules and regulations should be in place as soon as possible so that all handlers may benefit from the amendments. It is important to note that the watermelon harvest moves from one

part of the country to another throughout the crop year. Accordingly, any amendment must be in place at the beginning of a crop year to benefit all handlers. All written comments received in response to this publication by the date specified herein will be considered prior to issuance of any final rule.

#### List of Subjects in 7 CFR Part 1210

Agricultural promotion, Agricultural research, Market development, Reporting and recordkeeping requirements, Watermelons.

#### Recommended amendments

For the reasons set forth in the preamble, chapter XI of title 7 is amended as follows:

#### PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN

1. The authority citation for 7 CFR part 1210 continues to read as follows:

Authority: 7 U.S.C. 4901-4916.

2. Section 1210.518 is amended by revising paragraphs (c)(1), (c)(4)(ii), (d)(1), and (d)(2) to read as follows:

#### § 1210.518 Payment of assessments.

(c) *Payment direct to the Board.* (1) Except as provided in paragraph (e) of this section, each handler shall remit the required producer and handler assessments, pursuant to § 1210.341 of the Plan, directly to the Board not later than 30 days after the end of the month such assessments are due. Remittance shall be by check, draft, or money order payable to the National Watermelon Promotion Board, or NWPB, and shall be accompanied by a report, preferably on Board forms, pursuant to § 1210.350. To avoid late payment charges, the assessments must be mailed to the Board and postmarked within 30 days after the end of the month such assessments are due.

(4) \* \* \* (ii) Handlers using such procedures shall provide a final annual report of actual handling and remit any unpaid assessments not later than 30 days after the end of the last month of the designated handler's marketing season or at the end of each fiscal period if such handler markets assessable watermelons on a year-round basis.

(d) *Late payment charges and interest.* (1) A late payment charge shall be imposed on any handler who fails to make timely remittance to the Board of the total producer and handler assessments for which any such handler



is liable. Such late payment shall be imposed on any assessments not received before the fortieth day after the end of the month such assessments are due. This one-time late payment charge shall be 10 percent of the assessments due before interest charges have accrued. The late payment charge will not be applied to any late payments postmarked within 30 days after the end of the month such assessments are due.

(2) In addition to the late payment charge, one and one-half percent per month interest on the outstanding balance, including the late payment charge and any accrued interest, will be added to any accounts for which payment has not been received by the last day of the second month following the month of handling. *Provided*, that, handlers paying their assessments in accordance with paragraph (c)(4)(ii), will not be subject to the one and one-half percent per month interest under this paragraph until the last day of the second month after such assessments are due under paragraph (c)(4)(ii). Such interest will continue monthly until the outstanding balance is paid to the Board.

Dated: April 12, 1991.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91-9069 Filed 4-17-91; 8:45 am]

BILLING CODE 3410-02-M

## 7 CFR Part 1220

(LS-90-106)

### Soybean Promotion, Research, and Consumer Information: Procedures for Nominations of Soybean Producers for Appointment to the Initial United Soybean Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This final rule establishes the procedures and criteria for nominating soybean producers to the initial United Soybean Board (herein referred to as Board), as provided for in the Soybean Promotion, Research, and Consumer Information Act, enacted November 28, 1990. The Act authorizes a national industry-funded program for soybeans and soybean products' promotion and research to be administered by a Board comprised of industry members appointed by the Secretary.

**DATES:** Effective April 18, 1991; requests from organizations for eligibility to nominate must be received by May 3,

1991; completed nomination forms and membership background information sheets must be received by May 20, 1991.

**ADDRESSES:** Official nomination forms and membership background information sheets may be requested from the Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service; U.S. Department of Agriculture, room 2624-S; P.O. Box 96456; Washington, DC 20090-6456.

**FOR FURTHER INFORMATION CONTACT:** Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; AMS, USDA, room 2624-S; P.O. Box 96456; Washington, DC 20090-6456. (Telephone: 202/382-1115).

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed in accordance with Executive Order No. 12291 and Departmental Regulation No. 1512-1 and has been classified a "non-major" rule because it does not meet the criteria for a major rule as stated in the Order.

This action has also been reviewed under the Regulatory Flexibility Act. The Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small business entities. The rules herein pertain only to: (1) The procedures for establishing the eligibility of organizations to nominate, (2) the procedures for submitting nominations.

In accordance with the Paperwork Reduction Act of 1980, the information collection requirements contained in this action were approved by the Office of Management and Budget (OMB) and were assigned OMB No. 0581-0093. This action sets forth the procedures for establishing the eligibility of organizations to nominate soybean producers to the initial Board and the procedures for submitting such nominations. Information collection requirements as required by this action and necessary for implementation of these procedures include submission by State promotion organizations of a written statement ("Verification of Compliance With Definition of Qualified State Soybean Board") attesting to their eligibility as a Qualified State Soybean Board to nominate producer members to the initial United Soybean Board and submission of nominations on official nomination forms. The estimated number of responding organizations is 29, with one response estimated per organization of establishing eligibility and one response per nomination, with

an estimated average burden of 0.5 hours and 0.5 hours, respectively.

In addition, each producer nominee for membership on the initial Board is required to submit a membership background information sheet. This information sheet has been previously approved by the Office of Management and Budget and has been assigned OMB No. 0505-011. The estimated number of respondents is 130, with one response per nominee and with an estimated average burden of 0.5 hours.

The Soybean Promotion, Research, and Consumer Information Act of 1990, enacted November 28, 1990 (Act), authorizes the establishment of a national soybean promotion, research, and consumer information program. This program will be funded by assessments paid by domestic soybean producers. The program will be governed by a soybean promotion, research, and consumer information order issued by the Secretary. A proposed rule for such an order was published at 56 FR L7597 (February 25, 1991).

Any final order will be issued after an opportunity for public comment. The proposed order would provide for the establishment of a Board to administer the program. To enable the Secretary to implement any order that may be adopted, it is necessary to establish procedures for the nomination and appointment of Board members.

The Board will be composed of 60 soybean producers not including any temporary membership, appointed by the Secretary from nominations submitted by the Qualified State Soybean Boards.

Under this rule, to ensure that nominees represent the interests of soybean producers, State soybean organizations, which meet criteria specified in section 1969(b)(3) of the Act and in § 1220.520 of this rule, may nominate candidates for appointment to the Board. To be eligible to nominate candidates, organizations must either: (1) Be organized and operating under the laws of the State or (2) be organized and operating within a State, receive voluntary contributions, conduct soybean promotion, research, consumer information, or industry information programs, and represent the soybean producers of the State.

The rule requires an organization to furnish the Secretary with a written statement signed by an official of that organization attesting to the specific eligibility requirements and any other information deemed relevant by the Secretary. If such organizations do not exist in a State or combined unit which is eligible for representation on the