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Thursday, July 2, 1992

Presidential Documents

Title 3—

The President

Proclamation 6452 of June 30, 1992

National Spina Bifida Awareness Month, 1992

By the President of the United States of America

A Proclamation

Approximately one of every 1,000 newborns in the United States is affected by spina bifida, a serious and often debilitating neurological disorder. Spina bifida occurs when a baby's spinal cord develops abnormally while he or she is still in the womb, resulting in nerve damage that can lead to muscle paralysis, loss of sensation in the lower limbs, and bowel and bladder complications. The disorder is often accompanied by hydrocephalus, an excessive and potentially dangerous accumulation of fluid within the brain. While in the past the prognosis was grim for children with spina bifida, currently some 80–90 percent of affected children survive the disorder, thanks to advances in surgery and other forms of intervention and treatment. Heartened by the progress that we have made thus far, our Nation remains firmly committed to the fight against spina bifida.

Through the National Institute of Neurological Disorders and Stroke and through the National Institute of Child Health and Human Development, the Federal Government is working to find better treatments and, ultimately, a cure for spina bifida. Government researchers have been joined in their efforts by physicians and scientists throughout the private sector and by a number of voluntary health associations. In addition to supporting basic and clinical research, many of these associations also work to promote public awareness of spina bifida while providing assistance to patients and their families. This month, we recognize all of the dedicated professionals and volunteers who are striving to overcome spina bifida, and we reaffirm our support of their efforts.

The Congress, by House Joint Resolution 470, has designated September 1992 as "National Spina Bifida Awareness Month" and has requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 1992 as National Spina Bifida Awareness Month. I encourage all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

G Bush

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Rules and Regulations

Federal Register
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Thursday, July 2, 1992

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[CN-92-002]

Amendment to the Cotton Board Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule amends the Cotton Board Rules and Regulations so that the supplemental assessment rate is lowered from six-tenths of one percent of the value of a cotton bale or bale equivalent to five-tenths of one percent of the value of a cotton bale or bale equivalent. Beginning with the 1995–1996 marketing year, the agency intends to change the supplemental assessment rate back to six-tenths of one percent. This reduction in the supplemental assessment rate was recommended to the Department by the Cotton Board in accordance with provisions of the Cotton Research and Promotion Act.

DATES: Effective date July 31, 1992. Comments received by August 3, 1992.

ADDRESSES: Comments should be sent to Craig Shackelford, Research and Promotion Staff, Cotton Division, AMS, USDA, P. O. Box 96456, Washington, DC 20090–6456. All comments will be made available for public inspection at the office of the docket clerk during regular business hours. All comments should reference the date and page of the **Federal Register** publication.

FOR FURTHER INFORMATION CONTACT: Craig Shackelford (202) 720–2259.

SUPPLEMENTARY INFORMATION: This amendment to the Cotton Board Rules and Regulations has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a non-major rule under Executive Order 12291 since it does not meet the criteria for a major regulatory action contained in that Order.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under Section 12 of the Act, any person subject to an order file with the Secretary a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of the order or be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry or the ruling.

The Administrator, Agricultural Marketing Service (AMS), has considered the economic impact of this action on small entities pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

There are an estimated 210,000 producers and 650 collecting handlers who are presently subject to rules and regulations issued pursuant to the Cotton Research and Promotion Order. There are also an estimated 10,000 importers that would become subject to the rules and regulations. The majority of these producers, handlers and importers would be classified as small businesses under the criteria established by the Small Business Administration.

The Cotton Research and Promotion Act Amendments of 1990 enacted by Congress under subtitle G of title XIX of the Food, Agriculture, Conservation and Trade Act of 1990 on November 28, 1990, contained two provisions that authorized changes in the funding procedures for the Cotton Research and Promotion Program. These provisions are: (1) The assessment of imported cotton and cotton products; and (2) termination of the right of producers to demand a refund of assessments. An amended Cotton Research and Promotion Order was approved by producers and importers voting in a referendum held July 17–26, 1991. Proposed rules implementing the amended Order were published in the **Federal Register** on December 17, 1991, 56 FR 65450.

This rule reduces the supplemental assessment rate contained in the implementing regulations from six-tenths of one percent to five-tenths of one percent. Without a reduction in the supplemental assessment rate, average assessments per bale could be expected to be $2.60 to $2.80. Assessments on imported cotton and cotton-containing products would be expected to generate approximately $6.8 to $7.3 million annually. Termination of refunds to cotton producers are expected to generate approximately $14.6 to $15.7 million annually. Therefore, total collections under the program could be approximately $49.7 to $53.5 million annually.

Based on the estimated potential increase in revenue, the Cotton Board as reevaluated the current assessment rate level with the goal of balancing future revenues with anticipated budget requirements for Cotton Research and Promotion activities. The Board voted to recommend to the Department a reduction of the supplemental assessment rate from six-tenths of one percent of the value of each cotton bale assessed, to five-tenths of one percent of the value of each cotton bale assessed for both domestic and imported cotton. The Board further recommended that the supplemental assessment rate should return to six-tenths of one percent beginning with the 1995–96 marketing year.

The agency is implementing the recommendation of the Cotton Board by reducing the supplemental assessment rate from six tenths to five tenths in this rule. Further, the agency intends to implement the recommendation of the Cotton Board by amending the Cotton Board Rules and Regulations for the 1995–96 marketing year to increase the supplemental assessment rate back to six tenths of one percent of the value of the cotton.

The Cotton Board estimated that if implemented this reduction would result in a reduction of assessment per bale of approximately $0.30. The Board reports that the current average per bale assessment is $2.83. It is the view of the Board that as a result of its proposed reduction assessments would permit the Cotton Board to fund Cotton Research and Promotion activities in the range of $46 to $48 million annually beginning in 1993. Returning the supplemental assessment rate to six-tenths of one percent of the value of the cotton bale in the 1995–96 marketing year would allow an increase in revenues so that Cotton Research and Promotion activities could be funded at a range of $52 to $54 million.

Accordingly, the Administrator of the Agricultural marketing Service has determined that this amendment will not have a significant economic impact on a substantial number of small entities.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) the information collection and recordkeeping requirements contained in this subpart have been previously approved by OMB and assigned control number 0581–0093.

Pursuant to 5 U.S.C. 553, it is found and determined upon good cause that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for making this rule effective on the effective date of the amendments to the Cotton Board Rules and Regulations implementing the amended Cotton Research and Promotion Order because: (1) This rule reduces the rate of supplemental assessment imposed on both domestic and imported cotton; (2) It would be disruptive, costly, and inefficient to start the new assessments on imports using the supplemental rate of six-tenths of one percent and then to reduce such rate within a short period of time; and (3) This interim final rule provides for a comment period.

Paragraph (a)(1) of § 1205.510 is amended by replacing "six-tenths" with "five-tenths" in the last sentence. The dollar per bale figures in the assessment chart in paragraph (a)(1)(ii) of § 1205.510 is revised to reflect the lower assessment rate. Paragraph (b)(1) of § 1205.510 would be amended by replacing "six-tenths" with "five-tenths" in the second sentence. The cents per kilogram figures in the Import Assessment Table in paragraph (b)(3) is revised to reflect the lower assessment rate.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1205 is amended as follows.

PART 1205—COTTON RESEARCH AND PROMOTION

1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118.

2. Section 1205.510 "Levy of Assessments" is revised to read as follows:

§ 1205.510 Levy of assessments.

(a) *Producer assessments.* An assessment of $1 per bale for cotton research and promotion is hereby levied on each bale of Upland cotton that is produced from cotton harvested and ginned except cotton consumed by any governmental agency from its own production. Such assessment shall be payable and collected only once on each bale.

(1) A supplemental assessment for cotton research and promotion in addition to the $1 per bale assessment provided for in paragraph (a) of this section, is hereby levied on each bale of Upland cotton harvested and ginned except cotton consumed by any governmental agency from its own production. The supplemental assessment rate shall be levied at the rate of five-tenths of one percent of:

(i) The current value of the cotton multiplied by the number of pounds of lint cotton or;

(ii) The current value of the cotton converted to a fixed amount per bale as reflected in the following assessment chart:

ASSESSMENT CHART [1]

Current value (cents per pound)	Supplemental Assessment, dollars per bale
.00 to 9.99	0.15
10.00 to 19.99	.40
20.00 to 29.99	.65
30.00 to 39.99	.90
40.00 to 49.99	1.15
50.00 to 59.99	1.40
60.00 to 69.99	1.65
70.00 to 79.99	1.90
80.00 to 89.99	2.15
90.00 to 99.99	2.40
100.00 to 109.99	2.65
110.00 to 119.99	2.90

[1] Assessment is calculated on 5/10 of 1 percent of the midpoint of each 10¢ increment, based on a 500 lb. bale and converted to a fixed amount per bale.

(2) Each marketing year the collecting handler must select one of the two options for collecting the supplemental assessment as provided in paragraph (a)(1) of this section. The handler shall notify the Cotton Board as to the method selected at the time the handler files the first handler report each marketing year.

(b) *Importer assessment.* An assessment for cotton research and promotion of $1 per bale is hereby levied on each bale of cotton, or the bale equivalent thereof for cotton in cotton-containing products identified in the HTS conversion factor table in paragraph (b)(3) of this section and imported into the United States on or after July 31, 1992. The $1 per bale assessment shall be converted to a fixed amount per kilogram to facilitate the U.S. Customs Service in collecting this assessment.

(1) A supplemental assessment for cotton research and promotion in addition to the $1 per bale assessment provided for in paragraph (b) of this section is hereby levied on each bale of cotton or bale equivalent of cotton in cotton-containing products, identified in this subpart, imported into the United States on or after July 31, 1992. The supplemental assessment shall be levied at the rate of five-tenths of one percent of the historical value of cotton as determined by the Secretary and expressed in paragraph (b)(2) of this section. The rate of the supplemental assessment on imported cotton will be the same as that levied on cotton produced within the United States. The supplemental assessment will be calculated as a fixed amount per kilogram and added to the $1 per bale or bale equivalent assessment to facilitate the Customs Service in collecting assessments.

(2) The average of monthly average prices received by U.S. farmers will be calculated annually. Such average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment for the period

January 1, 1992 through December 31, 1992 is $1.384 per kilogram.

(3) The following table contains Harmonized Tariff Schedule (HTS) classification numbers and corresponding conversion factors and assessments. The left column of the table indicates the HTS classifications of imported cotton and cotton-containing products subject to assessment. The center column indicates the conversion factor for determining the raw fiber content for each kilogram of the HTS classification. HTS numbers for raw cotton have no conversion factor in the table. The right column indicates the total assessment per kilogram of the article assessed. Any line item entry of cotton appearing on Customs entry documentation in which the value of the cotton contained therein is less than $220.99 will not be subject to assessments as described in this section.

IMPORT ASSESSMENT TABLE

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
5201001000		1.1332
5201002000		1.1332
5201002010		1.1332
5201002020		1.1332
5201002050		1.1332
5204110000	1.1111	1.2591
5204200000	1.1111	1.2591
5205111000	1.1111	1.2591
5205121000	1.1111	1.2591
5205122000	1.1111	1.2591
5205131000	1.1111	1.2591
5205141000	1.1111	1.2591
5205210000	1.1111	1.2591
5205220000	1.1111	1.2591
5205230000	1.1111	1.2591
5205240000	1.1111	1.2591
5205250000	1.1111	1.2591
5205310000	1.1111	1.2591
5205320000	1.1111	1.2591
5205330000	1.1111	1.2591
5205340000	1.1111	1.2591
5205410000	1.1111	1.2591
5205440000	1.1111	1.2591
5206120000	0.5556	0.6296
5206130000	0.5556	0.6296
5206140000	0.5556	0.6296
5206230000	0.5556	0.6296
5206240000	0.5556	0.6296
5206310000	0.5556	0.6296
5207100000	1.1111	1.2591
5208112020	1.1455	1.2981
5208112040	1.1455	1.2981
5208112090	1.1455	1.2981
5208114020	1.1455	1.2981
5208114060	1.1455	1.2981
5208114090	1.1455	1.2981
5208118090	1.1455	1.2981
5208124020	1.1455	1.2981
5208124040	1.1455	1.2981
5208124090	1.1455	1.2981
5208126020	1.1455	1.2981
5208126040	1.1455	1.2981
5208126060	1.1455	1.2981
5208126090	1.1455	1.2981
5208128020	1.1455	1.2981
5208128090	1.1455	1.2981
5208130000	1.1455	1.2981
5208192020	1.1455	1.2981

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
5208192090	1.1455	1.2981
5208194020	1.1455	1.2981
5208194090	1.1455	1.2981
5208196090	1.1455	1.2981
5208224040	1.1455	1.2981
5208224090	1.1455	1.2981
5208226020	1.1455	1.2981
5208226060	1.1455	1.2981
5208228020	1.1455	1.2981
5208230000	1.1455	1.2981
5208292020	1.1455	1.2981
5208292090	1.1455	1.2981
5208294090	1.1455	1.2981
5208296090	1.1455	1.2981
5208298020	1.1455	1.2981
5208312000	1.1455	1.2981
5208321000	1.1455	1.2981
5208323020	1.1455	1.2981
5208323040	1.1455	1.2981
5208323090	1.1455	1.2981
5208324020	1.1455	1.2981
5208324040	1.1455	1.2981
5208325020	1.1455	1.2981
5208330000	1.1455	1.2981
5208392020	1.1455	1.2981
5208392090	1.1455	1.2981
5208394090	1.1455	1.2981
5208396090	1.1455	1.2981
5208398020	1.1455	1.2981
5208412000	1.1455	1.2981
5208416000	1.1455	1.2981
5208418000	1.1455	1.2981
5208421000	1.1455	1.2981
5208423000	1.1455	1.2981
5208424000	1.1455	1.2981
5208425000	1.1455	1.2981
5208430000	1.1455	1.2981
5208492000	1.1455	1.2981
5208494020	1.1455	1.2981
5208494090	1.1455	1.2981
5208496010	1.1455	1.2981
5208496090	1.1455	1.2981
5208498090	1.1455	1.2981
5208516060	1.1455	1.2981
5208518090	1.1455	1.2981
5208523020	1.1455	1.2981
5208523040	1.1455	1.2981
5208523090	1.1455	1.2981
5208524020	1.1455	1.2981
5208524040	1.1455	1.2981
5208524060	1.1455	1.2981
5208525020	1.1455	1.2981
5208530000	1.1455	1.2981
5208592020	1.1455	1.2981
5208592090	1.1455	1.2981
5208594090	1.1455	1.2981
5208596090	1.1455	1.2981
5209110020	1.1455	1.2981
5209110030	1.1455	1.2981
5209110050	1.1455	1.2981
5209110090	1.1455	1.2981
5209120020	1.1455	1.2981
5209120040	1.1455	1.2981
5209190020	1.1455	1.2981
5209190040	1.1455	1.2981
5209190060	1.1455	1.2981
5209190090	1.1455	1.2981
5209210090	1.1455	1.2981
5209220020	1.1455	1.2981
5209290040	1.1455	1.2981
5209290090	1.1455	1.2981
5209313000	1.1455	1.2981
5209316030	1.1455	1.2981
5209316050	1.1455	1.2981
5209316090	1.1455	1.2981
5209320020	1.1455	1.2981
5209320040	1.1455	1.2981

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
5209390020	1.1455	1.2981
5209390040	1.1455	1.2981
5209390060	1.1455	1.2981
5209390080	1.1455	1.2981
5209390090	1.1455	1.2981
5209413000	1.1455	1.2981
5209416020	1.1455	1.2981
5209420020	1.0309	1.1682
5209420040	1.0309	1.1682
5209430020	1.1455	1.2981
5209430040	1.1455	1.2981
5209490020	1.1455	1.2981
5209490090	1.1455	1.2981
5209516030	1.1455	1.2981
5209516050	1.1455	1.2981
5209520020	1.1455	1.2981
5209590020	1.1455	1.2981
5209590040	1.1455	1.2981
5209590090	1.1455	1.2981
5210114020	0.6873	0.7788
5210114040	0.6873	0.7788
5210114090	0.6873	0.7788
5210116020	0.6873	0.7788
5210116040	0.6873	0.7788
5210116060	0.6873	0.7788
5210120000	0.6873	0.7788
5210192090	0.6873	0.7788
5210214040	0.6873	0.7788
5210216020	0.6873	0.7788
5210216060	0.6873	0.7788
5210314020	0.6873	0.7788
5210314040	0.6873	0.7788
5210316020	0.6873	0.7788
5210318020	0.6873	0.7788
5210414000	0.6873	0.7788
5210416000	0.6873	0.7788
5210418000	0.6873	0.7788
5210498090	0.6873	0.7788
5210514040	0.6873	0.7788
5210516020	0.6873	0.7788
5210516040	0.6873	0.7788
5210516060	0.6873	0.7788
5211120020	0.6873	0.7788
5211190020	0.6873	0.7788
5211190060	0.6873	0.7788
5211210030	0.4165	0.4720
5211290090	0.6873	0.7788
5211320020	0.6873	0.7788
5211390040	0.6873	0.7788
5211390060	0.6873	0.7788
5211490020	0.6873	0.7788
5211490090	0.6873	0.7788
5211590020	0.6873	0.7788
5212116040	0.9164	1.0385
5212146090	0.9164	1.0385
5212216090	0.9164	1.0385
5212236060	0.9164	1.0385
5601101000	1.1455	1.2981
5601210010	1.1455	1.2981
5601210090	1.1455	1.2981
5601220090	1.0413	1.1800
5601300000	1.1455	1.2981
5602109090	0.5727	0.6490
5602290000	1.1455	1.2981
5602906000	0.5260	0.5961
5603009030	0.3124	0.3540
5603009070	0.3124	0.3540
5603009090	0.3124	0.3540
5604900000	0.5556	0.6296
5607100000	0.8791	0.9962
5607210000	0.8791	0.9962
5607290000	0.8791	0.9962
5607301000	0.8791	0.9962
5607302000	0.8791	0.9962
5607491000	0.8081	0.9157
5607902000	0.8889	1.0073
5608901000	1.1111	1.2591

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
5608902000	1.1111	1.2591
5609004000	0.5556	0.6296
5701102010	0.0556	0.0630
5701102090	0.1111	0.1259
5701901010	1.0444	1.1835
5701902010	0.9333	1.0576
5702109020	1.1000	1.2465
5702312000	0.0778	0.0882
5702411000	0.0722	0.0818
5702412000	0.0778	0.0882
5702421000	0.0778	0.0882
5702422090	0.0778	0.0882
5702491010	1.0333	1.1709
5702491090	1.0333	1.1709
5702913000	0.0889	0.1007
5702991010	1.1111	1.2591
5702991090	1.1111	1.2591
5703100000	0.6313	0.7154
5703202010	0.0337	0.0382
5703900000	0.4489	0.5087
5705002020	0.7071	0.8013
5705002030	0.0337	0.0382
5801220000	1.1455	1.2981
5801230000	1.1455	1.2981
5801250010	1.1455	1.2981
5801250020	1.1455	1.2981
5801260020	1.1455	1.2981
5802110000	1.1455	1.2981
5802190000	1.1455	1.2981
5802300030	0.5727	0.6490
5804290020	1.1455	1.2981
5806200000	0.3534	0.4005
5806310000	1.1455	1.2981
5806400000	0.4296	0.4868
5808103010	0.0527	0.6490
5808900010	0.5727	0.6490
5810100000	1.1455	1.2981
5810910020	1.1455	1.2981
5811002000	1.1455	1.2981
6001210000	0.8591	0.9735
6001220000	0.2864	0.3245
6001910010	0.8591	0.9735
6001910020	0.8591	0.9735
6001920020	0.2864	0.3245
6001920030	0.2864	0.3245
6001920040	0.2864	0.3245
6002203000	0.8681	0.9837
6002206000	0.2894	0.3279
6002302000	0.9996	1.1327
6002420000	0.8681	0.9837
6002430010	0.2894	0.3279
6002430080	0.2894	0.3279
6002920000	1.1574	1.3116
6002930040	0.1157	0.1311
6002930080	0.1157	0.1311
6101200010	1.0094	1.1439
6101302010	1.2235	1.3865
6102200010	1.0094	1.1439
6102200020	1.0094	1.1439
6102302010	1.2235	1.3865
6103421020	0.8806	0.9979
6103421040	0.8806	0.9979
6103421050	0.8806	0.9979
6103421070	0.8806	0.9979
6103431520	0.2516	0.2851
6103431540	0.2516	0.2851
6103431550	0.2516	0.2851
6104220040	0.9002	1.0201
6104220060	0.9002	1.0201
6104320000	0.9207	1.0433
6104420010	0.9002	1.0201
6104420020	0.9002	1.0201
6104520010	0.9312	1.0552
6104520020	0.9312	1.0552
6104822010	0.8806	0.9979
6104822015	0.8806	0.9979
6104822025	0.8806	0.9979
6104822030	0.8806	0.9979
6104822060	0.8806	0.9979
6104632010	0.3774	0.4277
6104632025	0.3774	0.4277
6104632030	0.3774	0.4277
6104632060	0.3774	0.4277
6105100010	0.9850	1.1162
6105100020	0.9850	1.1162
6105100030	0.9850	1.1162
6105202010	0.3078	0.3488
6105202030	0.3078	0.3488
6106100010	0.9850	1.1162
6106100020	0.9850	1.1162
6106100030	0.9850	1.1162
6106202010	0.3078	0.3488
6106202030	0.3078	0.3488
6107110010	1.1322	1.2830
6107110020	1.1322	1.2830
6107120010	0.5032	0.5702
6107210010	0.8806	0.9979
6107220025	0.3774	0.4277
6107910010	1.2581	1.4257
6107910040	1.2581	1.4257
6108210010	1.2445	1.4103
6108210020	1.2445	1.4103
6108220020	1.1314	1.2821
6108310010	1.1201	1.2693
6108320010	0.2489	0.2821
6108320015	0.2489	0.2821
6108320025	0.2489	0.2821
6108910015	1.2445	1.4103
6108910025	1.2445	1.4103
6108910030	1.2445	1.4103
6108920030	0.2489	0.2821
6109100005	0.9956	1.1282
6109100007	0.9956	1.1282
6109100009	0.9956	1.1282
6109100012	0.9956	1.1282
6109100014	0.9956	1.1282
6109100018	0.9956	1.1282
6109100023	0.9956	1.1282
6109100027	0.9956	1.1282
6109100037	0.9956	1.1282
6109100040	0.9956	1.1282
6109100045	0.9956	1.1282
6109100060	0.9956	1.1282
6109100065	0.9956	1.1282
6109100070	0.9956	1.1282
6109901007	0.3111	0.3525
6109901009	0.3111	0.3525
6109901025	0.3111	0.3525
6109901049	0.3111	0.3525
6109901050	0.3111	0.3525
6109901060	0.3111	0.3525
6109901065	0.3111	0.3525
6109901090	0.3111	0.3525
6110102010	0.8631	0.9781
6110102030	0.8631	0.9781
6110202005	1.1837	1.3414
6110202010	1.1837	1.3414
6110202015	1.1837	1.3414
6110202020	1.1837	1.3414
6110202025	1.1837	1.3414
6110202030	1.1837	1.3414
6110202035	1.1837	1.3414
6110202040	1.1574	1.3116
6110202045	1.1574	1.3116
6110202065	1.1574	1.3116
6110202075	1.1574	1.3116
6110303010	0.1850	0.2096
6110303020	0.1850	0.2096
6110303040	0.1850	0.2096
6110303050	0.1850	0.2096
6110303055	0.1850	0.2096
6110900022	0.2630	0.2980
6110900024	0.2630	0.2980
6110900040	0.2630	0.2980
6110900042	0.2630	0.2980
6110900090	0.2630	02980
6111201000	1.2581	1.4257
6111202000	1.2581	1.4257
6111203000	1.0064	1.1405
6111205000	1.0064	1.1405
6111206010	1.0064	1.1405
6111206020	1.0064	1.1405
6111206030	1.0064	1.1405
6111206040	1.0064	1.1405
6111304000	0.2516	0.2851
6111305010	0.2516	0.2851
6111305015	0.2516	0.2851
6111305020	0.2516	0.2851
6111305030	0.2516	0.2851
6111305040	0.2516	0.2851
6112110050	0.7548	0.8553
6112120010	0.2516	0.2851
6112120030	0.2516	0.2851
6112120040	0.2516	0.2851
6112120050	0.2516	0.2851
6112120060	0.2516	0.2851
6112390010	1.1322	1.2830
6112410010	0.1258	0.1426
6112490010	0.9435	1.0692
6114200005	0.9002	1.0201
6114200010	0.9002	1.0201
6114200015	0.9002	1.0201
6114200020	1.2860	1.4573
6114200040	0.9002	1.0201
6114200052	0.9002	1.0201
6114200060	0.9002	1.0201
6114301010	0.2572	0.2915
6114301020	0.2572	0.2915
6114303030	0.2572	0.2915
6114303050	0.2572	0.2915
6115110020	1.0522	1.1924
6115190010	1.0417	1.1805
6115922000	1.0417	1.1805
6115932000	0.2315	0.2623
6115932020	0.2315	0.2623
6116101510	0.3655	0.4142
6116101520	0.8528	0.9664
6116103510	0.8528	0.9664
6116922010	1.0965	1.2426
6116922020	1.0965	1.2426
6116922030	1.2183	1.3806
6116922040	1.0965	1.2426
6116922060	1.2183	1.3806
6116922070	1.0965	1.2426
6116923000	1.0965	1.2426
6116926020	1.0965	1.2426
6116926030	1.2183	1.3806
6116926040	1.0965	1.2426
6116929000	1.0965	1.2426
6116932010	0.1218	0.1380
6116932011	0.1218	0.1380
6116932020	0.1218	0.1380
6117800010	0.9747	1.1045
6117800035	0.3655	0.4142
6201121000	0.9480	1.0743
6201122010	0.8953	1.0146
6201122050	0.6847	0.7759
6201122060	0.6847	0.7759
6201134015	0.2107	0.2388
6201134030	0.2633	0.2984
6201921000	0.9267	1.0501
6201921500	1.1583	1.3126
6201922010	1.0296	1.1667
6201922020	1.2871	1.4585
6201922030	1.2871	1.4585
6201922040	1.2871	1.4585
6201922050	1.0296	1.1667
6201922060	1.0296	1.1667
6201931000	0.3089	0.3500
6201932020	0.2574	0.2917
6201933000	1.1700	1.3258

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
6201933510	0.2574	0.2917
6201933520	0.2574	0.2917
6202121000	0.9372	1.0620
6202122010	1.1064	1.2538
6202122025	1.3017	1.4751
6202122050	0.8461	0.9588
6202122060	0.8461	0.9588
6202134005	0.2664	0.3019
6202134020	0.3330	0.3774
6202134030	0.3330	0.3774
6202921000	1.0413	1.1800
6202921500	1.0413	1.1800
6202922025	1.3017	1.4751
6202922060	1.0413	1.1800
6202922070	1.0413	1.1800
6202931000	0.3124	0.3540
6202934500	1.1833	1.3409
6202935010	0.2603	0.2950
6202935020	0.2603	0.2950
6202990060	0.2603	0.2950
6203122010	0.1302	0.1475
6203191010	1.0413	1.1800
6203221000	1.3017	1.4751
6203322010	1.2366	1.4013
6203322040	1.2366	1.4013
6203332010	0.1302	0.1475
6203392010	1.1715	1.3275
6203394060	0.2603	0.2950
6203422010	0.9961	1.1288
6203422025	0.9961	1.1288
6203422050	0.9961	1.1288
6203422090	0.9961	1.1288
6203424005	1.2451	1.4109
6203424010	1.2451	1.4109
6203424015	0.9961	1.1288
6203424020	1.2451	1.4109
6203424025	1.2451	1.4109
6203424030	1.2451	1.4109
6203424035	1.2451	1.4109
6203424040	0.9961	1.1288
6203424045	0.9961	1.1288
6203424050	0.9238	1.0469
6203424055	0.9238	1.0469
6203424060	0.9238	1.0469
6203431500	0.1245	0.1411
6203434010	0.1232	0.1396
6203434020	0.1232	0.1396
6203434030	0.1232	0.1396
6203434040	0.1232	0.1396
6203492010	0.1245	0.1411
6203492030	0.1245	0.1411
6203493045	0.2490	0.2822
6204132010	0.1302	0.1475
6204192000	0.1302	0.1475
6204193090	0.2603	0.2950
6204221000	1.3017	1.4751
6204223030	1.0413	1.1800
6204223040	1.0413	1.1800
6204223050	1.0413	1.1800
6204223060	1.0413	1.1800
6204223065	1.0413	1.1800
6204292015	0.3254	0.3687
6204292020	0.3254	0.3687
6204292040	0.3254	0.3687
6204322010	1.2366	1.4013
6204322030	1.0413	1.1800
6204322040	1.0413	1.1800
6204394060	0.2603	0.2950
6204423010	1.2728	1.4423
6204423030	0.9546	1.0818
6204423040	0.9546	1.0818
6204423050	0.9546	1.0818
6204423060	0.9546	1.0818
6204444010	0.4831	0.5474
6204490060	0.2603	0.2950
6204510010	0.0666	0.0755
6204522010	1.2654	1.4340

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
6204522030	1.2654	1.4340
6204522040	1.2654	1.4340
6204522070	1.0656	1.2075
6204522080	1.0656	1.2075
6204533010	0.2664	0.3019
6204594060	0.2664	0.3019
6204610010	0.0623	0.0706
6204622010	0.9961	1.1288
6204622025	0.9961	1.1288
6204622050	0.9961	1.1288
6204624005	1.2451	1.4109
6204624010	1.2451	1.4109
6204624020	0.9961	1.1288
6204624025	1.2451	1.4109
6204624030	1.2451	1.4109
6204624035	1.2451	1.4109
6204624040	1.2451	1.4109
6204624045	0.9961	1.1288
6204624050	0.9961	1.1288
6204624055	0.9854	1.1167
6204624060	0.9854	1.1167
6204624065	0.9854	1.1167
6204631200	0.1245	0.1411
6204633510	0.2546	0.2885
6204633530	0.2546	0.2885
6204633532	0.2437	0.2762
6204633540	0.2437	0.2762
6204692510	0.2490	0.2822
6204692530	0.2490	0.2822
6204692540	0.2437	0.2762
6204699040	0.2490	0.2822
6204699044	0.2490	0.2822
6205202015	0.9961	1.1288
6205202020	0.9961	1.1288
6205202025	0.9961	1.1288
6205202030	0.9961	1.1288
6205202035	1.1206	1.2699
6205202046	0.9961	1.1288
6205002050	0.9961	1.1288
6205202060	0.9961	1.1288
6205202065	0.9961	1.1288
6205202070	0.9961	1.1288
6205202075	0.9961	1.1288
6205302010	0.3113	0.3528
6205302040	0.3113	0.3528
6205302050	0.3113	0.3528
6205302070	0.3113	0.3528
6205302080	0.3113	0.3528
6205902040	0.1245	0.1411
6206100040	0.1245	0.1411
6206303010	0.9961	1.1288
6206303020	0.9961	1.1288
6206303030	0.9961	1.1288
6206303040	0.9961	1.1288
6206303050	0.9961	1.1288
6206303060	0.9961	1.1288
6206403010	0.3113	0.3528
6206403030	0.3113	0.3528
6206403050	0.3113	0.3528
6206900040	0.2490	0.2822
6207110000	1.0852	1.2297
6207190010	0.3617	0.4099
6207210010	1.1085	1.2562
6207210030	1.1085	1.2562
6207220000	0.3695	0.4187
6207911000	1.1455	1.2981
6207913000	1.1455	1.2981
6207913020	1.1455	1.2981
6208210010	1.0583	1.1993
6208210020	1.0583	1.1993
6208220000	0.1245	0.1411
6208911010	1.1455	1.2981
6208913010	1.1455	1.2981
6208920010	0.1273	0.1443
6208920030	0.1273	0.1443
6209201000	1.1577	1.3119
6209203000	0.9749	1.1048

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
6209205030	0.9749	1.1048
6209205035	0.9749	1.1048
6209205040	1.2186	1.3809
6209205045	0.9749	1.1048
6209205050	0.9749	1.1048
6209303010	0.2463	0.2791
6219303020	0.2463	0.2791
6209303030	0.2463	0.2791
6209330340	0.2463	0.2791
6210104015	0.2291	0.2596
6210301020	0.0891	0.1010
6210401010	0.0391	0.0443
6210401020	0.4556	0.5163
6210401030	0.4556	0.5163
6210401050	0.4556	0.5163
6210501020	0.0911	0.1032
6211111010	0.1273	0.1443
6211111020	0.1273	0.1443
6211112010	1.1455	1.2981
6211112020	1.1455	1.2981
6211021535	0.2473	0.2802
6211201565	0.2473	0.2802
6211320003	0.6769	0.7671
6211320005	0.8461	0.9588
6211320007	0.8461	0.9588
6211320010	1.0413	1.1800
6211320015	1.0413	1.1800
6211320030	0.9763	1.1063
6211320060	0.9863	1.1063
6211320070	0.9763	1.1063
6211320080	0.9763	1.1063
6211330010	0.3254	0.3687
6211330030	0.3905	0.4425
6211330035	0.3905	0.4425
6211330040	0.3905	0.4425
6211330050	0.3905	0.4425
6211330060	0.3905	0.4425
6211420010	1.0413	1.1800
6211420020	1.0413	1.1800
6211420025	1.1715	1.3275
6211420050	1.1715	1.3275
6211420060	1.0413	1.1800
6211420070	1.1715	1.3275
6211420080	1.1715	1.3275
6211430010	0.2603	0.2950
6211430030	0.2603	0.2950
6211430050	0.2603	0.2950
6211430060	0.2603	0.2950
6211430070	0.2603	0.2950
6211430090	0.2603	0.2950
6211490020	0.2603	0.2950
6212101020	0.2412	0.2733
6212102010	0.9646	1.0931
6212102020	0.2412	0.2733
6212200020	0.3014	0.3415
6212900010	0.7717	0.8745
6212900030	0.1929	0.2186
6213201000	1.1809	1.3382
6213202000	1.0628	1.2044
6213901000	0.4724	0.5353
6214300000	0.1206	0.1367
6214400000	0.1206	0.1367
6214900010	0.9043	1.0248
6216001000	0.3617	0.4099
6216001510	0.3617	0.4099
6216002540	0.1743	0.1975
6216003810	1.2451	1.4109
6216003811	1.2451	1.4109
6216003820	1.2451	1.4109
6216003821	1.2451	1.4109
6216003910	1.2058	1.3664
6216003920	1.2058	1.3664
6217100010	1.0182	1.1538
6217100030	0.2546	0.2885
6217900075	1.0182	1.1538
6301300010	0.8766	0.9934
6301300020	0.8766	0.9934

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
6301400010	1.0626	1.2041
6302100010	1.1689	1.3246
6302211020	0.8182	0.9272
6302211040	0.8182	0.9272
6302212010	1.1689	1.3246
6302212020	0.8182	0.9272
6302212030	1.1689	1.3246
6302212040	0.8182	0.9272
6302212060	0.8182	0.9272
6302212090	0.8182	0.9272
6302222010	0.4091	0.4636
6302222020	0.4091	0.4636
6302311060	0.8182	0.9272
6302311090	0.8182	0.9272
6302312010	1.1689	1.3246
6302312020	0.8182	0.9272
6302312030	1.1689	1.3246
6302312040	0.8182	0.9272
6302312050	0.8182	0.9272
6302312055	0.8182	0.9272
6302312060	0.8182	0.9272
6302312090	0.8182	0.9272
6302322020	0.4091	0.4636
6302322030	0.5844	0.6622
6302322040	0.4091	0.4636
6302402010	0.9935	1.1258
6302511000	0.5844	0.6622
6302512000	0.8766	0.9934
6302513000	0.5844	0.6622
6302514000	0.8182	0.9272
6302600010	1.1689	1.3246
6302600020	1.0520	1.1921
6302600030	1.0520	1.1921
6302910005	1.0520	1.1921
6302910015	1.1689	1.3246
6302910025	1.0520	1.1921
6302910035	1.0520	1.1921
6302910045	1.0520	1.1921
6302910050	1.0520	1.1921
6302910060	1.0520	1.1921
6303110000	0.9448	1.0706
6303910000	0.6429	0.7285
6303920000	0.2922	0.3311
6304111000	1.0629	1.2045
6304190500	1.0520	1.1921
6304191000	1.1689	1.3246
6304191500	0.4091	0.4636
6304192000	0.4091	0.4636
6304910020	0.9351	1.0597
6304920000	0.9351	1.0597
6304930000	1.0626	1.2041

(4) Any entry of cotton that qualifies for informal entry according to regulations issued by the Customs Service will not be subject to the assessment.

(5) Imported textile articles assembled abroad in whole or in part of fabricated components, produced in the United States which;

(i) were exported from the U.S. in condition ready for assembly without further fabrication,

(ii) have not lost their physical identity in such articles by change in form, shape or otherwise, and

(iii) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process shall not be subject to assessments under this subpart. The specific HTS classifications affected under this paragraph are 9802.00.8010, 9802.00.8040, and 9802.00.8060.

(6) Imported cotton and products may be exempted by the Cotton Board from assessment under this paragraph. Such imported cotton and products may include, but are not limited to cotton and the cotton content of products which is U.S. produced cotton, or cotton other than Upland cotton.

(i) A request for such exemption must be submitted to the Cotton Board by the importer, prior to the importation of the cotton product. The Cotton Board will then issue, if deemed appropriate, a numbered exemption certificate valid for 120 days from the date of issue. The exemption number should be entered by the importer on the Customs entry documentation in the appropriate location as determined by the U.S. Customs Service.

(ii) The request for exemption should include:

(A) the name, address, and importer identification number for the importer;

(B) the HTS classification of the imported product;

(C) weight of the product for which the exemption is sought;

(D) estimated date of entry;

(E) commercial invoices of other such documentation indicating the origin or production or type of the cotton fiber used to produce the imported product;

(F) manufacture's description of the imported product.

(7) The exemption number "999999999" shall be entered on the Customs entry summary document, in the appropriate location as determined by the U.S. Customs Service, by the importer when, based on the importer's own determination, the imported product is identified by a Harmonized Tariff Schedule classification number which is subject to assessment but the particular article contains no cotton.

(8) Articles imported into the United States temporarily and under bond which are classified by the Harmonized Tariff Schedule heading which begins with "9813" shall not be subject to assessment.

(9) Articles imported into the U.S. after being exported from the U.S. for alterations and which are classified by the Harmonized Tariff Schedule subheadings 9802.00.40 and 9802.00.50 shall not be subject to assessment.

Dated: May 14, 1992.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 92-15354 Filed 6-29-92; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1220

[No. LS-91-005]

Soybean Promotion and Research; Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adopts with changes the interim final rule implementing the Soybean Promotion and Research Order, which established a national industry-funded soybean promotion and research program. This rule includes provisions: (1) Detailing the collection and remittance process, (2) establishing a form of certification for exempt transactions, (3) identifying the Qualified State Soybean Boards, (4) providing refund procedures, and (5) establishing procedures for collecting and remitting assessments on forfeited soybeans pledged as collateral for Commodity Credit Corporation loans.

EFFECTIVE DATE: This final rule is effective July 2, 1992.

ADDRESSES: 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: 202/720/1115).

SUPPLEMENTARY INFORMATION: Prior documents:

Final Rule—Soybean Promotion and Research Order published July 9, 1991 (56 FR 31043).

Interim Final Rule with request for comments published August 30, 1991 (56 FR 42921).

Interim Final Rule—Soybean Promotion and Research; Rules and Regulations published August 30, 1991 (56 FR 42923).

Regulatory Impact

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

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1971 of the Act, a person subject to the Soybean Promotion and Research Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The statute provides that the district court of the United States in any district in which the person who is a petitioner resides or carries on business has jurisdiction to review a ruling on the petition if a complaint for that purpose is filed not later than 20 days after the date of the entry of the ruling.

Further, section 1974 of the Act provides, with certain exceptions, that nothing in the Act may be construed to preempt or supersede any other program relating to soybean promotion, research, consumer information, or industry information organized and operated under the laws of the United States or any State. One exception in the Act concerns assessments collected by Qualified State Soybean Boards. The exception provides that to ensure adequate funding of the operations of Qualified State Soybean Boards under the Act, no State law or regulation may limit or have the effect of limiting the full amount of assessments that a Qualified State Soybean Board in that State may collect, and which is authorized to be credited under the Act.

This action was also reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.).

This rule includes provisions: (1) Detailing the collection and remittance process, (2) establishing a form of certification of exempt transactions, (3) identifying the Qualified State Soybean Boards, (4) providing refund procedures, and (5) establishing procedures for collecting and remitting assessments on forfeited soybeans pledged as collateral for a Commodity Credit Corporation loan.

The most recent available census of agricultural producers indicates that there are 439,093 soybean producers in the United States, an estimated 431,710 of whom would be classified as small businesses under the criteria established by the Small Business Administration (13 CFR 121.2). Soybean producers are required to pay an assessment of one-half of one percent of market value of soybeans marketed. In addition, an estimated 10,000 first purchasers of soybeans are required to collect and remit the assessments. Although the assessments are expected to total approximately $50–$60 million annually, the economic impact of a one-half of one percent of market value assessment on each individual producer, including small producers, will not be significant. Reporting and recordkeeping requirements are imposed on first purchasers of soybeans and on producers processing and marketing soybeans and soybean products of their own production. This burden should average less than 5 hours per year, so its economic impact will not be significant. In addition, the promotion and research program funded by the assessments is expected to benefit the producers and first purchasers by expanding and maintaining new and existing domestic and foreign markets and uses for soybeans and soybean products. Therefore, the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) the reporting and recordkeeping requirements included in Part 1220 were previously approved by the Office of Management and Budget (OMB) and were assigned OMB No. 0581–0093, except for Board member nominee information sheets which were assigned OMB No. 0505–0001. There are an estimated 439,093 soybean producers and an estimated 10,000 first purchasers. Information collection requirements contained in this action include a report by persons marketing soybeans, processed soybeans, or soybean products and persons collecting assessments on soybeans (an estimated 10,000 respondents with an estimated average reporting burden of one hour per response); a certification form to claim non-producer status (an estimated 2,000 respondents with an estimated average reporting burden of 0.03 hours per response); and an application for a refund of assessments (an estimated 30,000 respondents with an estimated average reporting burden of 0.08 hours per response).

Background

The Soybean Promotion, Research, and Consumer Information Act (Act) approved November 28, 1990, as Subtitle E of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 provides for the establishment of a national program of promotion, research, consumer information, and industry information designed to strengthen the soybean industry's position in the marketplace; to maintain and expand existing domestic and foreign markets and uses for soybeans and soybean products; and to develop new markets and uses for soybeans and soybean products. This program will be financed by assessments on soybeans. Pursuant to the Act, a Soybean Promotion and Research Order was issued and assessments began September 1, 1991. The Order requires that first purchasers of soybeans collect an assessment from producers and remit such assessments to the Qualified State Soybean Board in the first purchaser's State or if no Qualified State Soybean Board exists in the State, to the Board.

The Soybean Promotion, Research, and Consumer Information Act authorizes the establishment of a national soybean promotion, research, consumer information, and industry information program. The program will be funded by an assessment of 0.5 of one percent of the net market price of soybeans marketed by soybean producers.

The final Order establishing a soybean promotion and research program was published in the July 9, 1991, issue of the **Federal Register** (56 FR 31043). The Order requires that the first purchaser remit assessments to the Qualified State Soybean Board or to the Board if the State does not have a Qualified State Soybean Board. The Order further provides that producers participating in such Qualified State Soybean Promotion and Research programs shall be entitled to a credit of up to 0.25 of one percent of the net market value of soybeans marketed for participating in such a program. The remaining portion of the assessment will be forwarded to the Board to fund national promotion and other authorized activities while the portion credited to the Qualified State Soybean Boards will be used for comparable programs at the State level.

The program is administered by a United Soybean Board composed of soybean producers appointed by the Secretary from nominations submitted by industry organizations.

The Board reviewed 29 applications from State soybean promotion entities pursuant to § 1220.228 of the Order. These Qualified State Soybean Boards are listed in § 1220.312 of these rules and regulations. The address of the Board and the addresses of the Qualified State Soybean Boards were published in a separate notice on October 8, 1991 (56 FR 50705), and will be updated as necessary. First purchasers or producers responsible for remitting assessments in the 21 States which do not have Qualified State Soybean Boards are required by the Order to remit the assessments collected to the Board.

During its meeting on July 21–22, 1991, the Board recommended the adoption of rules and regulations to implement the collection of assessments pursuant to the Order.

The Board sought to clarify the collection of assessments in the marketing situation involving deliveries on futures contracts. In these transactions there could be confusion as to the person responsible for remitting assessments. The Board has determined that the collection and remittance process would be most effective and efficient if the producer is responsible for remitting the assessment.

In addition, these rules and regulations further specify responsibilities relating to assessments for purchases on a contract basis including soybeans purchased for seed stock. Section 1220.223(a)(2) of the Order specifies that "any producer marketing processed soybeans or soybean products of that person's own production shall remit to a Qualified State Soybean Board or to the Board an assessment on such soybeans or soybean products at a rate of one-half of one percent (0.5%) of the net market price of the soybeans involved or the equivalent thereof." The Order did not specify when this assessment obligation would be incurred. It was the intent of the Order that the assessment on such soybeans would be incurred at the time of sale of the processed soybeans or soybean products. The assessment on soybeans forfeited in lieu of repayment of a Commodity Credit Corporation loan shall attach at the time of loan settlement.

These regulations provide procedures for certification of non-producer status for subsequent sales of soybeans.

Producers may obtain refunds of assessments paid prior to the date the results of the continuance referendum as contemplated by the Act are announced. These rules and regulations contain procedures relating to this refund period. Also, a provision concerning the OMB control number is added to subpart B.

In response to a request for comments in an interim final rule published in the **Federal Register** on August 30, 1991 (56 FR 42923), the U.S. Department of Agriculture (USDA) received five written comments. Changes suggested by commenters are discussed below, together with a description of changes made by USDA upon review of the comments. For the reader's convenience, the discussion is organized by topic headings of the interim final rule.

Section 1220.311. Collection and Remittance of Assessments.

Regarding section 1220.311(a), one commenter suggested that USDA more clearly define "receipt" as used in the last sentence of the paragraph. The commenter also suggested listing the information that is required on a receipt and specifying that settlement sheets, or other comparable documentation commonly issued to producers by first purchasers as evidence of a transaction, suffice as a receipt. Accordingly, we have added a sentence at the end of the paragraph which describes what constitutes a receipt and referenced § 1220.314(a) of the rule which details the information required on a receipt.

Regarding § 1220.311(b), two commenters suggested that this paragraph be amended to apply only to contracts between producers and integrated livestock and poultry operations. The commenters felt that the use of the term "volume basis" could be misconstrued to apply to "forward contracts" or "price later contracts." It is not practical to specifically address all the different kinds of contracts that the industry utilizes to market soybeans. Therefore, this suggestion is not adopted. However, this section would apply to all contractual agreements including seed stock contracts contained in § 1220.311(c) of the interim rule. The language regarding the timing of collection of the assessments has been modified from "at the time of final settlement" to "at the time of payment to the producer" to reflect industry practice relating to interim payments. Assessments not previously collected would be collected at final settlement. It should be noted that if the net market price is not specified in a contract, the assessment would be based on fair market value as specified in § 1220.311(c).

Regarding § 1220.311(c) in the interim rule, two commenters suggested modification of this section as it relates to the method of calculating a price for soybeans used for seed stock. Most seed companies who contract with soybean growers to purchase soybeans for seed utilize price quotes from local markets within the area in which the soybeans are grown to establish a price. The highest surveyed price is then offered as an election price to the grower. This method of establishing a price appears to comply with provisions of the Act and Order, and it is possible to obtain local market prices for audit purposes. We agree with the intent of this suggestion and it is reflected in 1220.311(b). Section 1220.311(c), pertaining to seed stock, as contained in the interim rule, is deleted. All seed stock sold remains subject to assessment however.

Regarding § 1220.311(d) in the interim rule, one commenter observed that in many States, producers who sell soybeans for seed stock to other farmers remit the assessment to the Qualified State Soybean Board pursuant to the process described in this section. Section 1220.311(d) of the interim rule, now § 1220.311(c), pertains to processed soybeans or soybean products. The assessment on seed stock, like all soybeans sold in bean form, is to be collected by the first purchaser. However, this does not relieve the producer's obligation to remit assessments if the first purchaser fails to collect. Further §§ 1220.311(e), 1220.311(f), and 1220.311(g) have been renumbered as §§ 1220.311(d), 1220.311(e), and 1220.311(f) respectively.

Regarding § 1220.311(g) in interim rule, comments received on this section were generally supportive of the amendment to the Order concerning soybeans pledged as collateral for loans issued by the Commodity Credit Corporation and subsequently forfeited in lieu of loan repayment. Two commenters suggested changes in the billing procedure. These comments are not adopted because of the revision to the collection procedure as described below. One commenter suggested that the Commodity Credit Corporation as first purchaser collect and remit assessments on soybeans forfeited in lieu of loan repayment instead of billing the producer. We find this suggestion to have merit and therefore have decided to adopt it in the final rule to amend the Order. Therefore, this section is amended to conform with that decision.

Section 1220.312. Remittance of Assessments and Submission of Reports to United Soybean Board or Qualified State Soybean Board.

Section 1220.312(c). One commenter suggested adding flexibility to this section by allowing first purchasers with multiple facilities to submit a consolidated report to the Qualified State Soybean Board in the State in which the first purchaser's headquarters office is located. Since a headquarters office could include more than one State, we believe that allowing consolidation of reports to include more than one State could cause confusion and make accountability and compliance efforts more difficult. Therefore, this suggestion is not adopted. The commenter also suggested adding, after the first sentence, another sentence which would read "The information required to be submitted on such forms shall not exceed the information required in § 1220.241." Section 1220.241 does not limit the amount of information that can be required. Therefore, this suggestion is not adopted. The commenter also suggested using the producer's mailing address to determine the State of origin of the soybeans, unless the first purchaser knows or has reason to believe otherwise; for example, soybeans sold in Iowa by a producer whose mailing address is California or in the case of adjoining States where the producer may farm or sell soybeans in more than one State. In these instances the first purchaser is expected to verify the State of origin of the soybeans by asking the producer. We believe that this procedure is consistent with § 1220.223 of the Order and therefore have not addressed it in this final rule.

Additionally, two commenters suggested revising the reporting form to allow first purchasers to provide "net market value of all soybeans purchased" in cases where computer systems are unable to report "number of bushels purchased." This suggested alternative method of reporting purchases appears to provide adequate information to spot check for compliance with reporting requirements of the Act and Order. Therefore, the reporting form will be modified as suggested. First purchasers who have the capability will report the "number of bushels purchased;" those who do not have the capability will report "net market value of all soybeans purchased." One commenter suggested that in rare cases where it is impossible for the first purchaser to provide either the net market value or the number of bushels purchased, the Board should be allowed to waive the monthly reporting requirement and implement a separate procedure. The commenter recommended a procedure in which the first purchaser would, through an independent certified public accountant, submit to the Board on a semiannual basis sufficient documentation that the accounting system utilized by the firm does not provide the information requested on the form. It would also certify that an independent certified public accountant had reviewed the books and records of the first purchaser and had established from that information that all assessments due pursuant to the Act and Order had been collected and remitted. This suggestion is not adopted. First purchasers are required to report either the number of bushels purchased or if they do not have the capability, the net market value of all soybeans purchased.

Section 1220.315. Certification of Non-Producer Status for Certain Transactions.

Two commenters suggested that first purchasers be allowed to file certification of non-producer status by sending a letter once each year to the Board. Under this procedure, the Board would be responsible for collecting the certifications, compiling them into an annual catalog or computer diskette and disseminating a list to all first purchasers requesting one. This is suggested as another alternative to the first purchaser completing the form on a transaction-by-transaction basis or annually. The rules already provide that a non-producer status certification form may be used to cover transactions for a period of up to 12 months if approved by the Board. Another commenter wrote that there are State laws or regulations which require grain dealers to either register or become licensed pursuant to procedures within the particular State. The commenter suggested that the rules and regulations provide, as an option to the non-producer status form, a provision to allow Qualified State Soybean Boards to utilize these registration to licensing provisions as evidence of non-producer status. The rules and regulations provide that the Board may approve other methods upon individual request. Therefore, Qualified State Soybean Boards may request the Board to authorize the use of registration or licensing lists. Therefore, this suggestion is not adopted.

Miscellaneous

Miscellaneous, nonsubstantive changes have been made for clarity. Two commenters suggested modification to the paperwork burden for first purchasers as reported in the Order and the rules and regulations, asserting that the time reported for recordkeeping is underestimated. We believe that our estimates regarding the paperwork burden under the Order and regulations are correct. The Board and the Department have and will continue to make every effort to minimize the burden imposed herein.

Effective Date

Pursuant to 5 U.S.C. 553 it is found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication of this rule in the Federal Register. This rule implements the assessment provisions of the Soybean Promotion and Research Order which have been in effect since September 1, 1991, and should become effective as soon as possible in order to facilitate the collection of assessments.

List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Soybeans and soybean products, Reporting and recordkeeping requirements.

Accordingly, 7 CFR Part 1220 is amended by revising Subpart B to read as follows:

PART 1220—SOYBEAN PROMOTION AND RESEARCH

1. The authority citation for part 1220 continues to read as follows:

Authority: Title XIX, Public Law 101-624, 104 Stat. 3359, 3881 (7 U.S.C. 6301-6311).

2. Subpart B is revised to read as follows:

Subpart B—Rules and Regulations

Subpart B—Rules and Regulations

Definitions

§ 1220.301 Terms defined.

As used throughout this subpart, unless the context otherwise requires, terms shall have the same meaning as the definition of such terms as appears in subpart A of this part.

Assessments

§ 1220.310 Assessments.

(a) A 0.5 percent of the net market price per bushel assessment on soybeans marketed shall be paid by the producer of the soybeans in the manner designated in § 1220.311.

(b) If more than one producer shares the proceeds received for the soybeans marketed, each such producer is obligated to pay that portion of the assessments which is equivalent to each producer's proportionate share of the proceeds.

(c) Failure of the first purchaser to collect the assessment on each bushel of soybeans marketed as designated in § 1220.311 shall not relieve the producer of the producer's obligation to pay the assessment to the appropriate Qualified State Soybean Board or the United Soybean Board as required in § 1220.312.

§ 1220.311 Collection and remittance of assessments.

(a) Except as otherwise provided in this section, each first purchaser making payment to a producer for soybeans marketed by a producer shall collect from that producer at the time of settlement of that producer's account an assessment at the rate of 0.5 percent of the net market price per bushel of soybeans marketed and shall be responsible for remitting the assessment to the Qualified State Soybean Board or the United Soybean Board as provided in § 1220.312. The first purchaser shall give to the producer a receipt indicating payment of the assessment. The receipt shall be any document issued by the first purchaser that contains the information requested in § 1220.314(a).

(b) A first purchaser who purchases soybeans pursuant to a contract with a producer, either on a volume basis or on a per acre basis, shall be responsible for remitting the assessment due on soybeans purchased as required in § 1220.312. Such assessment shall be based upon 0.5 percent of the net market price specified or established in the contract and shall be collected at the time of payment to the producer. If the net market price is not specified or established in the contract the assessment shall be based on fair market value as specified in paragraph (c) of this section below.

(c) Any producer marketing processed soybeans or soybean products of that producer's own production either directly or through retail or wholesale outlets shall be responsible for remitting to the Qualified State Soybean Board or the United Soybean Board pursuant to § 1220.312, an assessment on the number of bushels of soybeans processed or manufactured into soybean products at the rate 0.5 percent of the net market price of the soybeans involved or the equivalent thereof. The assessment shall attach upon date of sale of the processed soybeans or soybean products and shall be based upon the posted county price for soybeans on the date of the sale as posted at the local ASCS office for the county in which the soybeans are grown. The producer shall remit the assessment in the manner provided in § 1220.312.

(d) Any producer marketing processed soybeans or soybean products of that producer's own production shall be responsible for remitting to the Qualified State Soybean Board or the United Soybean Board pursuant to § 1220.312, an assessment on the number of bushels of soybeans processed or manufactured into soybean products at the rate of 0.5 percent of the net market price of the soybeans involved or the equivalent thereof. The assessment shall attach upon the date of final settlement for such processed soybeans or soybean products and shall be based upon the posted county price for soybeans on the date of final settlement as posted at the local ASCS office for the county in which the soybeans are grown. The producer shall remit the assessment in the manner provided in § 1220.312.

(e) A producer delivering soybeans of the producer's own production against a soybean futures contract shall be responsible for remitting an assessment at the rate of 0.5 percent of net market price as specified in settlement documents. The assessment shall attach at the time of delivery and the producer shall remit the assessment due in accordance with § 1220.312.

(f) A producer who forfeits soybeans of that producer's own production which were pledged as collateral on a loan issued by Commodity Credit Corporation shall pay an assessment. The assessment shall attach upon the date the settlement statement is prepared and issued to the producer by the Commodity Credit Corporation and shall be 0.5 percent of the principal amount of the loan for the soybeans as specified by Commodity Credit Corporation in the settlement statement. The Commodity Credit Corporation shall collect the assessment and then remit the assessment due in accordance with § 1220.312.

§ 1220.312 Remittance of assessments and submission of reports to United Soybean Board or Qualified State Soybean Board.

(a) Each first purchaser and each producer responsible for the remittance of assessments shall remit assessments and submit a report of assessments to the Qualified State Soybean Board in the State in which each first purchaser or each producer responsible for the remittance of assessments is located or if there is no Qualified State Soybean Board in such State, then to the United Soybean Board as provided in this section.

(b) First purchasers and producers responsible for remitting assessments shall remit assessments and reports on a monthly or quarterly basis depending on the State or region in which the first purchasers or producers are located. The reporting period for each State and region shall be as follows:

Monthly	Quarterly
Arkansas	Alabama
Delaware	Florida
Iowa	Georgia
Kansas	Illinois
Kentucky	Indiana
Louisiana	Maryland
Michigan	North Dakota
Minnesota	Nebraska
Missouri	New Jersey
Mississippi	Ohio
North Carolina	Oklahoma
South Carolina	Pennsylvania
Tennessee	South Dakota
Texas	
Virginia	
Wisconsin	
Eastern Region	
Western Region	

(c) *Reports.* Each first purchaser or producer responsible for remitting assessments shall make reports on forms made available by the United Soybean Board or on Qualified State Soybean Board forms which contain the information required in § 1220.241 and are approved by the Board. A first purchaser with multiple facilities or purchasing locations within a State shall have the option to submit a single, consolidated report specifying the combined volume of soybeans purchased or the net market value of all soybeans purchased from the producers in the State. Reports shall be submitted with assessments due in accordance with the provisions of paragraph (d) of this section.

(d) *Remittances.* Each first purchaser or producer responsible for remitting assessments shall remit all assessments to the Qualified State Soybean Board, its designee, or the United Soybean Board. All assessments shall be remitted in the form of a check or money order payable to the order of the applicable. Qualified State Soybean Board or the United Soybean Board and shall be sent to the designated address not later than the 15th day of the month following the month or quarter in which the soybeans, processed soybeans, or soybean products were marketed and shall be accompanied by the reports required by paragraph (c) of this section. All remittances shall be received subject to collection and payment at par.

(e) *Receipt of Reports and Remittances.* The timeliness of receipt of reports and assessments by the Board or Qualified State Soybean Board shall be based on the applicable postmark date or the date actually received by the Board or the Qualified State Soybean Board whichever is earlier.

§ 1220.313 Qualified State Soybean Boards.

The following State soybean promotion organizations shall be Qualified State Soybean Boards. First purchasers and producers responsible for remitting assessments located in States which have a Qualified State Soybean Board shall remit assessments accompanied by the required reports to the Qualified State Soybean Board in the State in which the first purchaser or producer responsible for remitting assessments is located.

(1) Alabama Soybean Producers Board
(2) Arkansas Soybean Promotion Board
(3) Delaware Soybean Board
(4) Florida Soybean Advisory Council
(5) Georgia Agricultural Commodity Commission for Soybeans
(6) Illinois Soybean Program Operating Board
(7) Iowa Soybean Promotion Board
(8) Indiana Soybean Development Council, Inc.
(9) Kansas Soybean Commission
(10) Kentucky Soybean Promotion Board
(11) Louisiana Soybean Promotion Board
(12) Maryland Soybean Board
(13) Soybean promotion Committee of Michigan
(14) Minnesota Soybean Research and Promotion Council
(15) Mississippi Soybean Promotion Board
(16) Missouri Soybean Merchandising Council
(17) Nebraska Soybean Development, Utilization, and Marketing Board
(18) New Jersey Soybean Board
(19) North Carolina Soybean Producers Association
(20) North Dakota Soybean Council
(21) Ohio Soybean Council Board of Trustees
(22) Oklahoma Soybean Commission
(23) Pennsylvania Soybean Board
(24) South Carolina Soybean BoardI25(25) South Dakota Soybean Research and Promotion Council
(26) Tennessee Soybean Promotion Board
(27) Texas Soybean Producers Board
(28) Virginia Soybean Board
(29) Wisconsin Soybean Marketing Board, Inc.

§ 1220.314 Document evidencing payment of assessments.

(a) Each first purchaser responsible for remitting an assessment to a Qualified State Soybean Board or the United Soybean Board is required to give to the producer from whom the first purchaser collected an assessment written evidence of payment of the assessment containing the following information:

(1) Name and address of the first purchaser.

(2) Name of producer who paid assessment.

(3) Number of bushels sold.

(4) Net market price.

(5) Total assessments paid by the producer.

(6) Date.

(7) State in which soybeans were grown.

(b) [Reserved.]

§ 1220.315 Certification of non-producer status for certain transactions.

(a) A person marketing soybeans, processed soybeans, or soybean products on which an assessment has been collected may claim non-producer status and shall not be required to pay an assessment if such person certifies to the purchaser that the assessment has been collected and remitted or will be remitted in a timely fashion.

(b) Each person claiming nonproducer status pursuant to this subpart shall provide purchasers with a Statement of Certification of Nonproducer Status on a form approved by the Board and the Secretary. A Statement of Certification of Non-Producer Status form shall be required for each transaction except that one such form, if approved by the Board, may be used to cover all transactions during a specified period not to exceed 12 consecutive months. The Board is authorized to approve a stamp process for providing such certification on invoices or other methods of such certification upon individual written requests. Forms and information on requirements for stamps and other methods of certification can be obtained from the Board.

(c) A copy of the Statement of certification of Non-Producer Status shall be forwarded, upon request, by the subsequent purchasers to the Qualified State Soybean Board or the Board.

Refund of Assessments

§ 1220.330 Producer refund of assessments.

(a) *Assessments paid prior to continuance referendum.* (1) Any producer from whom an assessment is collected prior to the date the continuance referendum results are announced and remitted to a Qualified State Soybean Board or the United Soybean Board, or who pays an assessment to a Qualified State Soybean Board or to the United Soybean Board, and who is not in favor of supporting the promotion and research program as provided for in this part shall have the right to demand and receive from the Qualified State Soybean Board to which the assessment was paid subject to paragraph (a)(2) of this section, or the Board, a refund of such assessment upon submission of proof satisfactory to the Qualified State Soybean Board or Board that the producer paid the assessment for which a refund is sought.

(2) Contributions by a producer to a Qualified State Soybean Board for which the producer has received credit pursuant to § 1220.223(a)(3) of this part shall not be refunded by a Qualified State Soybean Board unless:

(i) The Qualified State Soybean Board is authorized or required to pay refunds; and

(ii) The producer has requested a refund from the Qualified State Soybean Board in compliance with the State's procedure for refunds.

(3) Producers shall submit refund requests to the Qualified State Soybean Board in the State in which the soybeans were grown. If there is not a Qualified State Soybean Board operating in such State, the producer shall submit refund requests to the United Soybean Board.

(b) *Assessments paid after the conduct of the continuance referendum.* [Reserved.]

§ 1220.331 Procedure for obtaining a refund.

(a) Any producer requesting a refund shall mail an application on the prescribed form to the Qualified State Soybean Board in the State in which the soybeans were grown or if there is no qualified State Soybean Board in the State, to the Board within ninety (90) days from the date the assessments were due from such producer.

(b) In order to receive a refund pursuant to this subpart, a producer must attach to the refund application a copy of the document evidencing payment provided by the first purchaser to the producer as required by § 1220.314. Such refund request must be submitted pursuant to §§ 1220.224 and 1220.225 of this part.

(c) In those States in which a Qualified State Soybean Board operates and is required to pay refunds pursuant to State law such refunds will be paid pursuant to such State law. In those States in which refunds are not required by State law, refund requests shall be paid by the qualified State Soybean Board or the United Soybean Board within sixty (60) days of receipt of the refund request by the Qualified State Soybean Board or the United Soybean Board. Refunds shall be paid in a manner consistent with § 1220.224 of this part.

§ 1220.332 OMB control numbers.

The control number assigned to the information collection requirements by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980, Public Law 96–511, is OMB number 0581–0093, except Board member nominee information sheets are assigned OMB Number 0505–0001.

Done at Washington, DC, June 25, 1992.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 92–15552 Filed 7–1–92; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 26901; Amdt. No. 1497]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather. Issued in Washington, DC on June 19, 1992.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standards Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows: