(iii) A recommended maximum daily rate not to exceed 300 percent of the maximum per diem rate prescribed for the area under § 301–7.3;

(iv) A description of the specific circumstances which justify the establishment of the recommended rate;

(v) An estimate of the cost impact of establishing a maximum daily rate for subsistence expenses above the maximum rate prescribed in paragraph (a) of this section; and

(vi) A recommended time period for effectiveness of the maximum daily rate requested to be established under this paragraph.

(4) *Extensions.* The Administrator may extend the period of effectiveness in increments of up to 30 days upon the request of the head of the agency originally requesting establishment of the higher rate.

* * * * *

Dated: August 15, 1994.

Julia M. Stasch,

Acting Administrator of General Services.

[FR Doc. 94–20731 Filed 8–23–94; 8:45am]

BILLING CODE 6820–24–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–3; RM–8384]

Radio Broadcasting Services; Silverton, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document deletes vacant and unapplied for Channel 257A at Silverton, Colorado, in response to a petition for rule making filed by Caren Lacy, permittee of Station KWXA (FM), Channel 259C2, Durango, Colorado, to accommodate her application at an electronics site designated by the Forest Service for communications installations. See 59 FR 7237, February 15, 1994. The Notice optionally proposed to allot Channel 224A as a substitute for Channel 257A at Silverton. However, no expressions of interest in retaining a Class A channel were received, and therefore, no substitution is made at that community.

With this action, the proceeding is terminated.

EFFECTIVE DATE: October 3, 1994.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 94–3, adopted Aug. 12, 1994, and released Aug. 19, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 257A at Silverton.

Federal Communications Commission.

John A. Karousos,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94–20702 Filed 8–23–94; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 662

[Docket No. 940825–4225; I.D. 072094B]

Northern Anchovy Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final quotas.

SUMMARY: NMFS announces the estimated spawning biomass and final harvest quotas for the northern anchovy fishery in the exclusive economic zone (EEZ) south of Point Reyes, CA, for the 1994–95 fishing season. These quotas may only be adjusted if inaccurate data were used or if errors were made in the calculations. Comments on these two points are invited. The intended effect of this action is to establish allowable harvest levels of Pacific anchovy.

DATES: Effective on August 1, 1994. Comments will be accepted until September 19, 1994.

ADDRESSES: Submit comments on the final quotas to Rodney McInnis, Acting Regional Director, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213. Administrative Report LJ–94–17 is available from this same address.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Southwest Region, NMFS, (310) 980–4036.

SUPPLEMENTARY INFORMATION: In consultation with the California Department of Fish and Game and the NMFS Southwest Fisheries Science Center, the Acting Director of the Southwest Region, NMFS, (Regional Director) has estimated that the 1994–95 spawning biomass of the central subpopulation of northern anchovy, *Engraulis mordax*, is 126,000 mt, less than 45 percent of the 1993–94 biomass estimate of 282,000 mt. The biomass estimate is derived from a stock assessment model using spawning biomass estimated by five indices of abundance. Documentation of the spawning biomass is contained in Administrative Report LJ-94-17, published by the Southwest Fisheries Science Center, NMFS (see **ADDRESSES**). This report and the determination of harvest quotas were provided to the Pacific Fishery Management Council (Council).

The Regional Director has made the following determinations for the 1994–95 fishing season by applying the formulas in the Northern Anchovy Fishery Management Plan (FMP) and in 50 CFR 662.20.

1. The total U.S. harvest quota for northern anchovy is 4,900 mt, plus an unspecified amount for use as live bait. The total U.S. harvest quota is equivalent to 70 percent of the overall optimum yield (OY) (70 percent of 7,000 mt) available for harvest by the United States and Mexico.

2. The total U.S. harvest quota for reduction purposes is zero. No reduction quota is permitted when the spawning biomass is 300,000 mt or less.

3. The U.S. harvest allocation for non-reduction fishing (i.e., fishing for anchovy for use as dead bait and human consumption) is 4,900 mt (as set by the Federal anchovy regulations at § 662.20).

4. There is no U.S. harvest limit for the live bait fishery.

5. The domestic annual processing capacity (DAP) is 4,202 mt. The FMP states that this amount is the maximum annual level of reduction plus non-

reduction processing during any one of the previous 3 years.

6. The amount allocated to joint venture processing (JVP) is zero because there is no history of, nor are there applications for, joint ventures.

7. Domestic annual harvest capacity (DAH) is 4,202 mt. DAH is the sum of DAP and JVP.

8. The total allowable level of foreign fishing (TALFF) is 474 mt. The TALFF in the EEZ is based on the U.S. portion of the OY (4,900 mt) minus the DAH (4,202 mt), minus the amount of the expected harvest in the Mexican fishery zone that is in excess of the amount recognized as Mexico's share under the FMP formula. The expected 1994–95 harvest in the Mexican fishery zone is 2,324 mt, which would be the largest Mexican harvest in the past 3 years. The amount recognized as Mexico's share under the FMP formula is 30 percent of the OY, which is 2,100 mt in 1994–95. Therefore, 224 mt must be subtracted from the difference between the U.S. OY and the estimated DAH.

TALFF = 4,900 - 4,202 - (2,324 - 2,100) = 474 mt.

The U.S. vessel operators are interested in having a small reduction fishery even in years when the biomass is below 300,000 mt. The FMP makes separate allocations to U.S. reduction and nonreduction fisheries and does not provide for a transfer between categories. The Council has been advised that if it intends for a small reduction quota to be allocated in years when the biomass is below 300,000 mt, the FMP must be amended. Without such an amendment, under this year's OY setting a TALFF is required by the FMP. In fact, NMFS expects no applications from foreign nations for this TALFF. Furthermore, Section 201 of the Magnuson Act would prevent the allocation of this TALFF if a foreign nation did apply.

These are the final northern anchovy quotas for the 1994–95 fishing season and will remain as such unless the Regional Director determines that a change in harvest quota is justified because inaccurate data were used or calculation errors were made. If changes are necessary, NMFS will publish a notice in the **Federal Register** notifying the public of the change and the reasons therefor.

Classification

This action is authorized by 50 CFR part 662 and is exempt from OMB review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 18, 1994.

Gary C. Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 94–20816 Filed 8–19–94; 2:07 pm]

BILLING CODE 3510–22–F

---

50 CFR Part 675

[Docket No. 931100–4043; I.D. 081994A]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Prohibition.

SUMMARY: NMFS is prohibiting fishing with trawl gear in the salmon savings area in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1994 limit of non-chinook salmon caught by vessels using trawl gear in the catcher vessel operational area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), August 20, 1994, until 12 noon, A.l.t., November 12, 1994.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The Director of the Alaska Region, NMFS, has determined, in accordance with § 675.22(h), that vessels using trawl gear in the catcher vessel operational area (which is defined at § 675.22(g)) have caught 42,000 non-chinook salmon. Therefore, NMFS is prohibiting fishing with trawl gear in the area defined by straight lines connecting the following coordinates in the order listed:

56°00′N., 167°00′W.;
56°00′N., 165°00′W.;
55°30′N., 165°00′W.;
55°30′N., 164°00′W.;
55°00′N., 164°00′W.;
55°00′N., 167°00′W.;
56°00′N., 167°00′W.

from 12 noon, A.l.t., August 20, 1994, until 12 noon, A.l.t., November 12, 1994.

Classification

This action is taken under § 675.22 and is exempt from OMB review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 19, 1994

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94–20819 Filed 8–19–94; 2:52 pm]

BILLING CODE 3510–22–F

---

50 CFR Part 676

[Docket No. 940546–4219; I.D. 060994B]

RIN 0648–AD19

Limited Access Management of Federal Fisheries In and Off of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement Amendment 30 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 34 to the FMP for Groundfish of the Gulf of Alaska (GOA), and to implement regulatory amendments affecting the Pacific halibut and sablefish fisheries in and off of the State of Alaska (Alaska or State). This action is necessary to raise the sablefish community development quota (CDQ) allocation limit for qualified applicants from 12 percent to 33 percent in order to allow total allocation of the sablefish CDQ reserve, and to expand the types of evidence that may be used to verify vessel leases for the Pacific halibut and sablefish individual fishing quota (IFQ) program.

EFFECTIVE DATE: September 23, 1994.

ADDRESSES: Copies of Amendments 30 and 34 to the FMPs and the Regulatory Impact Review may be obtained from the North Pacific Fishery Management Council (Council), P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

The Pacific halibut and sablefish CDQ program was designed to promote the revitalization of rural communities in Western Alaska by providing those communities access to nearby fishery resources. The program was developed

under the authority of, and is consistent with, the management objectives of the Magnuson Fishery Conservation and Management Act and the Northern Pacific Halibut Act. This action implements Amendment 30 to the FMP for the BSAI, raising the sablefish CDQ allocation limit for a qualified applicant from 12 percent to 33 percent. Amendment 34 to the FMP for the GOA corrects the inadvertent inclusion of the CDQ program in that FMP by removing and reserving section 4.4.1.1.8.

This action will not change the amount of sablefish available for harvest by persons participating in the Pacific halibut and sablefish IFQ program. The sablefish CDQ reserve, 20 percent of the annual fixed-gear total allowable catch of sablefish for each management area in the BSAI, will be the same amount under this action as it was under the previous management program.

Inclusion of IPHC Area 4A as a Compensating Non-CDQ Area

Title 50 CFR 676.24(i)(1) has been amended to include regulatory area 4A, because no halibut quota from area 4A is being made available to the halibut CDQ program.

Vessel Lease Verification

Title 50 CFR 676.20(a)(1)(iii) has been amended to expand the types of evidence that can be submitted to verify a vessel lease. This implements the Council's intent to open the appeals process to persons who claim they had a lease, but who are unable to produce the specific evidence required under the previous regulatory language.

Further information on any of the aforementioned topics can be obtained from the preamble to the proposed rule published on May 31, 1994 (59 FR 28048).

Response to Comments

Six comments were received on Amendments 30 and 34. Five were from Federal agencies, and merely stated that the action was reviewed and no comments were forthcoming. The sixth comment was in support of raising the sablefish CDQ allocation from 12 to 33 percent because it would allow the entire amount of the CDQ sablefish reserve to be allocated.

The FMP amendatory language and implementing regulatory language of this action are identical to that in the proposed rule published on May 31, 1994 (59 FR 28048).

Classification

The Deputy General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant impact on a substantial number of small entities.

This final rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 676

Fisheries, Reporting and recordkeeping requirements.

Dated: August 18, 1994.

Gary C. Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 676 is amended as follows:

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

1. The authority citation for part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. Section 676.20(a)(1)(iii) is revised to read as follows:

§ 676.20 Individual allocations.

* * * * *

(a) * * *

(1) * * *

(iii) Conclusive evidence of a vessel lease will include a written vessel lease agreement or a notarized statement from the vessel owner and lease holder attesting to the existence of a vessel lease agreement at any time during the QS qualifying years. Conclusive evidence of a vessel lease must identify the leased vessel and indicate the name of the lease holder and the period of time during which the lease was in effect. Other evidence, which may not be conclusive, but may tend to support a vessel lease, may also be submitted.

* * * * *

3. Section 676.24 is amended by revising paragraphs (b), (e)(1) and (i)(1) to read as follows:

§ 676.24 Western Alaska Community Development Quota Program.

* * * * *

(b) *Sablefish CDQ Program.* In the proposed and final harvest limit specifications required under § 675.20(a) of this chapter, NMFS will specify 20 percent of the fixed gear allocations of sablefish in each Bering Sea and Aleutian Islands subarea, as provided under § 675.24(c) of this chapter, as a sablefish CDQ reserve, exclusive of issued QS. Portions of the CDQ reserve for each subarea may be allocated for the exclusive use of CDQ applicants in accordance with CDPs approved by the Governor in consultation with the Council and approved by the Secretary. NMFS will allocate no more than 33 percent of the total CDQ for all subareas combined to any one applicant with an approved CDQ application.

* * * * *

(e) *Secretarial review and approval of CDPs.* (1) Upon receipt by the Secretary of the Governor's recommendation for approval of proposed CDPs, the Secretary will review the record to determine whether the CDQ applicant eligibility criteria and the evaluation criteria set forth in paragraph (f) of this section have been met. The Secretary will then approve or disapprove the Governor's recommendation within 45 days of its receipt. In the event of approval, the Secretary will notify the Governor and the Council in writing, including the Secretary's reasons for approval. The decision, including the percentage of the sablefish and halibut CDQ reserves allocated to each CDP and the availability of the findings, will be published in the **Federal Register**. NMFS will allocate no more than 33 percent of the sablefish CDQ reserve to any one applicant with an approved CDP. A CDQ applicant may not concurrently receive more than one halibut CDQ or more than one sablefish CDQ, and only one application for each type of CDP per CDQ applicant will be accepted.

* * * * *

(i) *Compensation for CDQ allocations.* (1) The Regional Director will compensate persons who receive a reduced halibut QS in IPHC regulatory areas 4B, 4C, 4D, or 4E because of the halibut CDQ program by adding halibut QS from IPHC regulatory areas 2C, 3A, 3B, and 4A. This compensation of halibut QS from areas 2C, 3A, 3B, and 4A will be allocated in proportion to the amount of halibut QS foregone due to the CDQ allocation authorized by this section.

* * * * *

[FR Doc. 94-20820 Filed 8-23-94; 8:45 am]

BILLING CODE 3510-22-W

Proposed Rules

Federal Register
Vol. 59, No. 163
Wednesday, August 24, 1994

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 792

Commodity Credit Corporation

7 CFR Part 1403

RIN 0560–AD78

Debt Settlement Policies and Procedures

AGENCIES: Agricultural Stabilization and Conservation Service and Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Commodity Credit Corporation's (CCC's) debt settlement policies and procedures to remove references to Internal Revenue Service Notices of Levy, except to exempt them from coverage, and to revise the rate of interest to be charged on delinquent debts. This proposed rule would also amend the Agricultural Stabilization and Conservation Service's (ASCS') and CCC's debt settlement policies and procedures to provide for offset of a debtor's pro rata share of payments due any entity which the debtor participates in, either directly or indirectly. This regulation is necessary to protect the financial integrity of many Federal agricultural programs by ensuring the Government will be able to collect, or otherwise settle, debts owed it by any person, organization, corporation, or other legal entity.

DATES: Comments must be received by September 23, 1994 in order to be assured of consideration.

ADDRESSES: Comments concerning this proposed rule should be addressed to Director, Financial Management Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013–2415. All comments submitted in response to this proposed rule will be available for public inspection in room 1206, Park Office Center, 3101 Park Center Drive, Alexandria, VA, between 8:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Paula Roney, Debt Management and Contract Procedures Branch, Financial Management Division, ASCS, at 703–305–1424.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been reviewed in conformance with Executive Order 12866 and has been determined to be a significant regulatory action.

Paperwork Reduction Act

This action will not increase the Federal paperwork burden for individuals, small businesses, and others and will not have a significant impact on a substantial number of small entities.

Regulatory Flexibility Act

Neither ASCS nor CCC is required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule. Therefore this action is exempt from the provision of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

Executive Order 12778

This proposed rule has been reviewed in accordance with Executive Order 12778. It is not retroactive and preempts State and local laws. Before any judicial action may be brought regarding the provisions of this rule, administrative appeal remedies set forth at 7 CFR parts 24 and 780 must be exhausted.

Executive Order 12372

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

Background

The Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 (31 U.S.C. 3711, et seq.), and the joint regulations promulgated thereunder by the Comptroller General and the Attorney General (4 CFR parts 101–105) provide minimum standards for the administrative collection of claims by the United States. The Act also provides that nothing therein shall diminish the existing authority of the head of an agency to settle, compromise, or close claims. The CCC Charter Act, as amended (15 U.S.C. 714, *et seq.*), provides that CCC shall have the authority to make final and conclusive settlement and adjustment of any claims by or against it irrespective of the amount at issue. CCC is, therefore, not subject to the provisions of the Federal Claims Collection Act of 1966 or its implementing regulations. However, it has been CCC policy to follow the Federal Claims Collection Standards (FCCS) to the maximum practicable extent. The FCCS require each Federal agency to take aggressive action to collect debts owed it.

Discussion of Proposed Rule

1. Impact of Interest Rate Change on ASCS and CCC and Affected Private Interests

This rule would amend 7 CFR part 1403 to change the rate of interest which CCC charges on its delinquent debts from a rate equal to that assessed under the Prompt Payment Act, to a rate equal to the higher of the Treasury Department's current value of funds rate or the rate of interest assessed under the Prompt Payment Act. CCC currently charges interest on delinquent debts at a rate equal to that charged under the Prompt Payment Act. That rate was chosen because it was generally a higher rate than the current value of funds rate required under the Debt Collection Act, and would ensure that CCC, at a minimum, would always recoup the cost of CCC borrowing. It was also believed to be equitable since it is the same rate which CCC is required to pay when its payments are late. This proposed rule would amend the rate which CCC charges on delinquent debts to the higher of the Treasury Department's current value of funds rate or the rate assessed under the Prompt Payment Act. Concerning the difference in interest rates, over the past 10 years the current value of funds rate was higher than the Prompt Payment Act rate for only one 6-month period. The economic effect of this proposed rate change is likely to be minimal. This change, however, would allow the late

payment interest rate assessed by CCC to conform to the late payment interest rate assessed by ASCS, as well as, conforming to the rate required by the Federal Claims Collection Act of 1966, as amended. As both CCC and ASCS programs are administered by the same offices, administrative costs should be reduced by having the same interest rates apply to both programs.

2. References to IRS Notices of Levy

This rule would also amend 7 CFR part 1403 regarding references to Internal Revenue Service (IRS) Notices of Levy. It was the past policy of CCC to treat IRS Notices of Levy the same as requests for administrative offset from other Federal agencies. This was agreed to in 1970 by CCC and IRS, and was documented in former regulations dealing with offset at 7 CFR part 13. However, due to a change in policy by IRS, changes in our previous regulations, certain court decisions, and advice from the Office of the General Counsel, it has been determined that IRS Notices of Levy can no longer be treated as offset requests, but should be honored only as required by statute, including taking priority over assignments of ASCS and CCC payments. Therefore, this proposed rule would amend the CCC debt settlement regulations to remove all references to IRS Notices of Levy, except to specifically exempt them from coverage in 7 CFR 1403.7. This change should create little cost or benefit to CCC.

3. Expanded Offset

Finally, this rule would amend 7 CFR parts 792 and 1403 to provide for an expanded ability to offset payments from debtors to collect delinquent debt. During 1993, ASCS and CCC collected approximately $76 million, of which $32 million or 42 percent of the total was through administrative offset. As such, it is the most effective debt collection tool. However, in the past debtors have avoided offset of their program payments by reorganizing their farming operations, changing the name of their operations, transferring ownership of their operations, receiving payments under more than one entity, or by changing the payee in some other manner. In order to increase ASCS' and CCC's ability to collect delinquent debts, without adversely affecting other non-debtors, the regulations would be amended to provide for offset of a debtor's pro rata share of payments due any entity which the debtor participates in, either directly or indirectly.

This rule would also provide for offset when ASCS or CCC determines that a debtor has established an entity, or transferred ownership of, reorganized, or changed in some other manner, his or her operations in order to avoid a debt. By allowing for this expanded ability to offset, ASCS and CCC should substantially increase their ability to collect delinquent debt in an efficient and effective manner. This would also help ensure that those owing delinquent debts are not continuing to receive government payments, without first satisfying their debts. While it is not feasible to estimate the exact amount by which ASCS and CCC collections would be increased, it is likely that these circumstances arise most often with debtors who have debts of $50,000 or more. Therefore, increased collections could be sizeable in relation to past collections. There should be no cost to the government created by this proposed change.

This regulation is necessary to protect the financial integrity of many Federal agricultural programs by ensuring the Government will be able to collect, or otherwise settle, debts owed it by any person, organization, corporation, or other legal entity.

List of Subjects

7 CFR Part 792

Claims, Income taxes.

7 CFR Part 1403

Claims, Income taxes, Loan programs-agriculture.

Accordingly, 7 CFR parts 792 and 1403 are amended as follows:

PART 792—DEBT SETTLEMENT POLICIES AND PROCEDURES

1. The authority citation for 7 CFR part 792 continues to read as follows:

Authority: 31 U.S.C. 3701, 3711, 3716–3719, 3728; 4 CFR Parts 101–105; 7 CFR 3.21(b).

2. Section 792.7(l) is revised to read as follows:

§ 792.7 Collection by administrative offset.

* * * * *

(l) Any action authorized by the provisions of this section may be taken:

(1) Against a debtor's pro rata share of payments due any entity which the debtor participates in, either directly or indirectly, as determined by ASCS.

(2) When ASCS determines that the debtor has established an entity, or reorganized, transferred ownership of, or changed in some other manner, their operation, for the purpose of avoiding the payment of the claim or debt.

* * * * *

PART 1403—DEBT SETTLEMENT POLICIES AND PROCEDURES

3. The authority citation for 7 CFR part 1403 continues to read as follows:

Authority: 7 U.S.C. 1445b–2(b); 15 U.S.C. 714b and 714c.

4. Section 1403.7 is amended by:

A. Removing the word "and" at the end of paragraph (a)(3),

B. Removing the period at the end of paragraph (a)(4) and inserting a semicolon in its place and adding the word "and",

C. Adding paragraph (a)(5),

D. Removing paragraph (m)(4),

E. Redesignating paragraphs (m)(5) and (m)(6) as paragraphs (m)(4) and (m)(5), respectively, and

F. Revising paragraph (q) to read as follows:

§ 1403.7 Collection by administrative offset.

(a) * * *

(5) IRS Notices of Levy which shall be honored in accordance with IRS statutes and regulations.

* * * * *

(q) Any action authorized by the provisions of this section may be taken:

(1) Against a debtor's pro rata share of payments due any entity which the debtor participates in, either directly or indirectly, as determined by CCC.

(2) When CCC determines that the debtor has established an entity, or reorganized, transferred ownership of, or changed in some other manner, their operation, for the purpose of avoiding the payment of the claim or debt.

* * * * *

5. Section 1403.9(c) is revised to read as follows:

§ 1403.9 Late payment interest and administrative charges.

* * * * *

(c) The late payment interest shall be expressed as an annual rate of interest which CCC charges on delinquent debts. The late payment interest rate shall be equal to the higher of the Treasury Department's current value of funds rate or the rate of interest assessed under the Prompt Payment Act, determined as of the date specified in paragraphs (d)(1) and (d)(2) of this section. The rate of interest assessed under the Prompt Payment Act was chosen as an alternative rate to ensure that the Government would recoup interest at a rate which was at least as high as that which it pays for late payments.

* * * * *

Signed at Washington, DC, on August 11, 1994.

Bruce R. Weber,

Administrator, Agricultural Stabilization and Conservation Service, Executive Vice President, Commodity Credit Corporation.

[FR Doc. 94–20780 Filed 8–23–94; 8:45 am]

BILLING CODE 3410–05–P

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 93–006–2]

Importation of Certain Cattle From Mexico; Identification Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal and reproposal.

SUMMARY: We are proposing to amend the animal importation regulations to require that certain spayed heifers imported into the United States from Mexico be marked with a permanent, legible "M_X" on the right hip. We are also proposing to require that certain steers imported into the United States from Mexico be marked with a permanent, legible "M" on the right hip, rather than on the jaw, as is currently required. These proposals replace a previously published proposed rule, which we are withdrawing as part of this document, that would have required certain spayed heifers and intact cattle to be branded with an "M" on the jaw with a hot iron. The proposed marking requirements are necessary to ensure that all steers and spayed heifers imported into the United States from Mexico, except those imported directly to slaughter or in-bond for feeding and return to Mexico, are clearly identifiable as being of Mexican origin. The proposed marking requirements would facilitate the disease surveillance and traceback activities conducted in the United States under the National Cooperative State-Federal Bovine Tuberculosis Eradication Program.

DATES: Consideration will be given only to comments received on or before October 24, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–006–2. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Samuel Richeson, Senior Staff Veterinarian, Import-Export Animals Staff, National Center for Import-Export, Veterinary Services, APHIS, USDA, room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 92 prohibit or restrict the importation of certain animals into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart D of part 92 (§§ 92.400 through 92.435), referred to below as the regulations, pertains to the importation of ruminants. Sections 92.424 through 92.429 of the regulations contain specific provisions regarding the importation of ruminants, including cattle, from Mexico.

One of the diseases addressed by the regulations is bovine tuberculosis (referred to below as tuberculosis). Tuberculosis is a serious communicable disease of cattle, bison, and other species, including humans, caused by *Mycobacterium bovis*. Tuberculosis in animals causes weight loss, general debilitation, and sometimes death.

Each year, approximately 1 million cattle are imported into the United States from Mexico. The vast majority of those cattle—about 99 percent—are young steers; the remaining 1 percent consists of spayed heifers and intact cattle (i.e., calves, bulls, and unspayed females). The steers and spayed heifers are, with few exceptions, consigned to pastures or feedlots for finish feeding prior to slaughter. Most intact cattle are integrated into herds in the United States for breeding purposes.

The period between 1982 and 1992 saw a significant increase in the number of Mexican-origin cattle found at slaughter in the United States to be infected with tuberculosis. In 1982, 78 samples submitted from slaughtered Mexican-origin cattle showed evidence of tuberculosis; that number rose to 613 in 1992. In 1982, 33 percent of the tuberculosis investigations at slaughter involved Mexican origin cattle; in 1992, that number rose to 81 percent.

That increase in the incidence of tuberculosis in Mexican-origin cattle led the Animal and Plant Health Inspection Service (APHIS) to publish in the **Federal Register** on November 12, 1993 (58 FR 59963–59965, Docket No. 93–006–1), a proposed rule to amend the regulations to require that spayed heifers and intact cattle (i.e., calves, bulls, and unspayed female cattle) imported into the United States from Mexico be branded with an "M" on the jaw using a hot iron, which is the same requirement that currently applies to most steers imported from Mexico. The proposal was based on APHIS' belief that M-branding on the jaw, which provides a distinct and permanent means of identifying an animal as having originated in Mexico, should be required for spayed heifers and intact cattle in order to facilitate the disease surveillance and traceback activities conducted in the United States under the National Cooperative State-Federal Bovine Tuberculosis Eradication Program.

We solicited comments concerning our proposal for a 60-day comment period ending January 11, 1994. We received 29 comments by that date. They were from a cattle industry association, private citizens, a Federal veterinarian, humane groups, a farm bureau federation, State departments of agriculture, and a veterinary medical association. Eight of the commenters supported the proposed rule as a means of identifying Mexican-origin spayed heifers and intact cattle. The remaining 21 commenters opposed the proposal on the grounds that face branding was unnecessary and that alternative means of identifying cattle from Mexico were available.

APHIS seriously considered all of the comments received. Based on the comments of those who opposed the proposal, and due to increasing public concern that branding on the jaw causes unnecessary distress to cattle, we are withdrawing the November 12, 1993, proposed rule referenced above and are replacing it with an alternative proposal. The alternative proposal is explained below.

New Proposal

As stated above, the period between 1982 and 1992 saw a significant increase in the number of Mexican-origin cattle found at slaughter in the United States to be infected with tuberculosis. Although recent collaborative efforts between U.S. and Mexican animal health authorities and trade associations have brought about a reduction in the number of tuberculosis infected Mexican-origin cattle found at slaughter in the United States, APHIS continues to believe that the monitoring of Mexican-origin cattle imported into