

telephone and telegraph, \$6,000 for repairs and maintenance agreements, \$10,400 for the audit fee, and \$10,250 for the contingency reserve. Budgeted expenses for these items in 1995-96 were \$145,051, \$138,856, \$304,344, \$44,000, \$148,000, \$40,000, \$5,000, \$110,000, \$9,500, \$44,360, \$14,000, \$13,200, \$15,000, \$6,000, \$10,400, and \$4,789, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected receipts and acquisitions of farmers' stock peanuts. Farmers' stock peanuts received or acquired by non-signatory handlers and farmers' stock peanuts received or acquired by handlers signatory to the agreement, other than from those described in §§ 998.31(c) and (d), are subject to the assessments. Assessments are due on the 15th of the month following the month in which the farmers' stock peanuts are received or acquired. Peanut shipments for the year under the agreement are estimated at 1,465,000 tons, which should provide \$1,025,500 in assessment income. Approximately 95 percent of the domestically produced peanut crop is marketed by handlers who are signatory to the agreement.

Public Law 101-220 amended section 608b of the Act to require that all peanuts handled by persons who have not entered into the agreement (non-signers) be subject to quality and inspection requirements to the same extent and manner as are required under the Agreement. Approximately 5 percent of the U.S. peanut crop is marketed by non-signer handlers.

Public Law 103-66 (107 Stat. 312) provides for mandatory assessment of farmer's stock peanuts acquired by non-signatory peanut handlers. Under this law, paragraph (b) of section 1001, of the Agricultural Reconciliation Act of 1993, specifies that: (1) Any assessment (except indemnification assessments) imposed under the Agreement on signatory handlers also shall apply to non-signatory handlers, and (2) such assessment shall be paid to the Secretary.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers signatory to the agreement. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing agreement. This administrative assessment is required by law to be applied uniformly to all non-signatory handlers and should be of benefit to all. Therefore, the AMS has

determined that this rule will not have a significant economic impact on a substantial number of small entities.

The assessment rates established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although these assessment rates are effective for an indefinite period, the Committee will continue to meet prior to or during each crop year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1996-97 budget and those for subsequent crop years will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) Public Law 103-66 requires the Department to impose an administrative assessment on peanuts received or acquired for the account of non-signatory handlers; (3) the 1996-97 crop year begins on July 1, 1996, and the marketing agreement and Public Law 103-66 require that the rate of assessment for each crop year apply to all peanuts handled during such crop year; (4) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (5) this interim final rule

provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects

7 CFR Part 997

Food grades and standards, Peanuts, Reporting and recordkeeping requirements.

7 CFR Part 998

Marketing agreements, Peanuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 997 and 998 are amended as follows:

1. The authority citation for 7 CFR parts 997 and 998 continues to read as follows:

Authority: 7 U.S.C. 601-674.

Note: These amendments will appear in the Code of Federal Regulations.

PART 997—[AMENDED]

2. In part 997, a new undesignated center heading, Assessment Rates, and § 997.101 are added to read as follows:

Assessment Rates

§ 997.101 Assessment rate.

On and after July 1, 1996, an administrative assessment rate of \$0.70 per net ton of assessable farmers stock peanuts received or acquired by each non-signatory first handler is established for peanuts.

PART 998—[AMENDED]

3. In part 998, a new undesignated center heading, Assessment Rates, and § 998.409 are added to read as follows:

Subpart—Assessment Rates

§ 998.409 Assessment rate.

On and after July 1, 1996, an administrative assessment rate of \$0.70 per net ton of farmers' stock peanuts received or acquired other than from those described in §§ 998.31 (c) and (d) is established for handlers signatory to the agreement. Assessments are due on the 15th of the month following the month in which the farmers' stock peanuts are received or acquired.

Dated: June 28, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-17196 Filed 7-5-96; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Part 1106**[DA-96-05]****Milk in the Southwest Plains Marketing Area; Suspension of Certain Provisions of the Order****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Suspension of rule.

SUMMARY: This document suspends a portion of the supply plant shipping requirement and the touch-base requirement of the Southwest Plains Federal milk marketing order (Order 106) for the period of September 1996 through August 1998. The action was requested by Kraft Foods, Inc. (Kraft), which contends the suspension is necessary to prevent the uneconomical and inefficient movement of milk and to ensure that producers historically associated with the market will continue to have their milk pooled under Order 106.

EFFECTIVE DATE: September 1, 1996, through August 31, 1998.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 690-1932.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued April 9, 1996; published April 22, 1996 (61 FR 17588).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a rule on small entities. Pursuant to 5 U.S.C. 605(b), the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. This rule lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this final rule in conformance with Executive Order 12866.

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

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides that administrative proceedings must be

exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a 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 handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Southwest Plains marketing area.

Notice of proposed rulemaking was published in the Federal Register on April 22, 1996 (61 FR 17588) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. One comment supporting the proposed suspension was received.

After consideration of all relevant material, including the proposal in the notice, the comment received, and other available information, it is hereby found and determined that for the period of September 1996 through August 1998 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1106.6, the words "during the month".

In § 1106.7(b)(1), beginning with the words "of February through August" and continuing to the end of the paragraph.

In § 1106.13, paragraph (d)(1) in its entirety.

Statement of Consideration

This rule suspends the requirement that producers "touch-base" at a pool plant with at least one day's production during the month before their milk is eligible for diversion to a nonpool plant. By suspending the touch-base provision, producer milk will not be required to be delivered to pool plants before going to unregulated manufacturing plants.

The suspension will allow a supply plant that has been associated with the Southwest Plains order during the months of September 1995 through

January 1996 to qualify as a pool plant without shipping any milk to a pool distributing plant during the months of September 1996 through August 1998. Without the suspension, a supply plant would be required to ship 50 percent of its producer receipts to pool distributing plants during the months of September through January and 20 percent of its producer receipts to pool distributing plants during the months of February through August to qualify as a pool plant under the order.

According to Kraft's letter requesting the suspension, supplemental milk supplies will not be needed to meet the fluid needs of distributing plants. Kraft anticipates that there will be an adequate supply of direct-ship producer milk located in the general area of distributing plants available to meet the Class I needs of the market.

Consequently, it states, there is no need to require producers located some distance from pool distributing plants to touch-base when their milk can more economically be diverted directly to manufacturing plants in the production area.

One comment letter was received in support of the suspension request; none were received in opposition to it. A letter submitted by Associated Milk Producers, Inc. (AMPI), Southern Region, states that it supports continuation of the proposed suspension. AMPI agrees with Kraft that more than sufficient supplies of local milk are readily available to meet the fluid needs of the market.

The suspension is found to be necessary for the purpose of assuring that producers' milk will not have to be moved in an uneconomic and inefficient manner, and to assure that producers whose milk has long been associated with the Southwest Plains marketing area will continue to benefit from pooling and pricing under the order.

List of Subjects in 7 CFR Part 1106

Milk marketing orders.

For the reasons set forth in the preamble, 7 CFR Part 1106 is amended as follows:

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

1. The authority citation for 7 CFR Part 1106 continues to read as follows:

Authority: 7 U.S.C. 601-674.

§ 1106.6 [Suspended in part]

2. In § 1106.6, the words, "during the month" are suspended.

§ 1106.7 [Suspended in part]

3. In § 1106.7(b)(1), beginning with the words "of February through August" and continuing until the end of the paragraph are suspended.

§ 1106.13 [Suspended in part]

4. In § 1106.13, paragraph (d)(1) in its entirety is suspended.

Dated: June 28, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96-17198 Filed 7-5-96; 8:45 am]

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7 CFR Part 1230

[Docket No. LS-96-001]

Pork Promotion, Research, and Consumer Information Order—Increase in Importer Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; Correction.

SUMMARY: The Agricultural Marketing Service is correcting a final rule published on June 4, 1996, 61 FR 29002 concerning the Pork Promotion, Research, and Consumer Information Order (Order).

EFFECTIVE DATE: July 5, 1996.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

SUPPLEMENTARY INFORMATION:**Background**

Pursuant to the Pork Promotion, Research, and Consumer Information Act (Act) of 1985 (7 U.S.C. 4801-4819) and the Order (7 CFR Part 1230) issued thereunder, the final rule increased the amount of the assessment per pound due on imported pork and pork products to reflect an increase in the 1995 five-market average price for domestic barrows and gilts. This action brought the equivalent market value of the live animals from which such imported pork and pork products were derived in line with the market values of domestic porcine animals. These changes will facilitate the continued collection of assessments on imported porcine animals, pork, and pork products.

Need for Correction

The final rule as published contains an error in the chart listing the cents per kilogram assessments for each of the 33 HTS numbers in the table listing assessments for imported pork and pork products. The proposed rule published

in the March 22, 1996, Federal Register (61 FR 11777) listed the cents per kilogram assessments correctly.

Correction of Publication

Accordingly, in FR Doc 96-13833, published June 4, 1996, on page 28003, in the second column, in § 1230.110, paragraph (b) is corrected to read as follows:

§ 1230.110 [Corrected]

* * * * *

(b) The following HTS categories of imported pork and pork products are subject to assessment at the rates specified.

Pork and pork products	Assessment	
	Cents/lb.	Cents/kg.
0203.11.0000 ....	.27	.595242
0203.12.1010 ....	.27	.595242
0203.12.1020 ....	.27	.595242
0203.12.9010 ....	.27	.595242
0203.12.9020 ....	.27	.595242
0203.19.2010 ....	.31	.683426
0203.19.2090 ....	.31	.683426
0203.19.4010 ....	.27	.595242
0203.19.4090 ....	.27	.595242
0203.21.0000 ....	.27	.595242
0203.22.1000 ....	.27	.595242
0203.22.9000 ....	.27	.595242
0203.29.2000 ....	.31	.683426
0203.29.4000 ....	.27	.595242
0206.30.0000 ....	.27	.595242
0206.41.0000 ....	.27	.595242
0206.49.0000 ....	.27	.595242
0210.11.0010 ....	.27	.595242
0210.11.0020 ....	.27	.595242
0210.12.0020 ....	.27	.595242
0210.12.0040 ....	.27	.595242
0210.19.0010 ....	.31	.683426
0210.19.0090 ....	.31	.683426
1601.00.2010 ....	.37	.815702
1601.00.2090 ....	.37	.815702
1602.41.2020 ....	.41	.903886
1602.41.2040 ....	.41	.903886
1602.41.9000 ....	.27	.595242
1602.42.2020 ....	.41	.903886
1602.42.2040 ....	.41	.903886
1602.42.4000 ....	.27	.595242
1602.49.2000 ....	.37	.815702
1602.49.4000 ....	.31	.683426

Dated: June 28, 1996.

Lon Hatamiya,

Administrator.

[FR Doc. 96-17199 Filed 7-5-96; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service****8 CFR Part 103**

[INS No. 1692-95]

RIN 1115-AD92

Fees Assessed for Defaulted Payments

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Immigration and Naturalization Service (Service) regulations to increase the fee imposed from \$5.00 to \$30.00 when a check submitted to the Service in payment of a fee is not honored by the bank upon which it is drawn. The purpose of this change is to enable the Service to recoup the administrative costs incurred in processing all returned checks and other defaulted payments. This action will result in the Service no longer losing money as a result of bad check activity.

EFFECTIVE DATE: August 7, 1996.

FOR FURTHER INFORMATION CONTACT:

Allen H. Sinsheimer, Systems Accountant, Debt Collection and Cash Management Branch, Office of Financial Management, Immigration and Naturalization Service, 425 I Street, NW., Room 6034, Washington, DC 20536, telephone (202) 616-7715.

SUPPLEMENTARY INFORMATION:**Introduction**

Changes in the current regulation are needed to make the bad check charge consistent with the actual costs incurred by the Service in processing returned checks and other defaulted payments. The current bad check charge is \$5.00.

The Service has studied the costs incurred by several Administrative Centers attributable to the return of a bad check from a financial institution. The Administrative Center, Dallas and the Administrative Center, Twin Cities were asked to identify each action that must be undertaken and quantify the time and costs involved in processing a bad check. Meaningful and reliable accumulations of the time and expense involved in the average costs of processing each bad check have been gathered by these centers since they process a substantial number of financial transactions each year. For example, three employees at the Administrative Center, Dallas each spend 38 hours each month processing bad checks. Over 900 bad checks are processed each year at the Administrative Center, Dallas. Data from