

hereinafter referred to as independent handlers.

Section 906.19 provides for a three-year term of office for committee members and their alternates. The terms of office of the committee are staggered so that one-third of the terms end every third year. Members and alternates serve in their designated positions during the portion of the term of office for which they are selected or until their respective successors are selected and have qualified.

Section 906.21 of the order authorizes the committee, with the Secretary's approval, to reapportion membership between cooperative producer and handler members and independent producer and handler members as necessary to assure equitable representation on the committee. Such changes are authorized in order to reflect structural changes within the industry and changes in the amount of fruit handled by cooperative handlers in relation to fruit handled by independent handlers.

On August 27, 1996, the committee met to discuss, among other issues, committee representation and to determine whether any changes were warranted to foster more equitable representation. Changes in the Texas citrus industry have resulted in a reduction of the number of cooperative handlers in that industry subsequently resulting in a decrease in the amount of fruit handled by cooperative handlers. According to the committee's records, there were four cooperative organizations operating until 1984, prior to a freeze in the production area. From 1985 to 1995, there were two cooperative organizations handling Texas citrus. Presently, only one cooperative handler remains in operation.

As the number of cooperative handlers has decreased, so has the volume of fresh fruit accounted for by cooperatives. At the time committee membership was last reapportioned in 1969, cooperatives accounted for about 30 percent of fresh fruit shipments and about 45 percent of fruit harvested (which includes processed citrus). The volume of fresh fruit shipments accounted for by cooperatives has declined since that time, particularly after the last two freezes.

The committee is concerned that the cooperative segment of the industry is currently over-represented on the committee and that committee representation no longer reflects the current structure of the industry. The present situation has recently made it difficult to acquire cooperative representation on the committee, which

could lead to potential problems in the future.

This final rule changes the composition of the committee by reducing cooperative producer positions on the committee from four to two, and increasing independent producer member positions from five to seven. In addition, cooperative handler representation will be reduced from two member positions to one, and independent handler positions will be increased from four to five. The change will bring committee representation more in line with the Texas citrus industry's current structure. This change was unanimously recommended by the committee at its August 27 meeting.

The committee further recommended that current committee members complete their current terms of office where possible and new members be nominated where applicable to provide for full three-year terms of office for unexpired terms. Presently, the term of office of one of the four cooperative producer members expires on July 31, 1997, and three expire on July 31, 1999. The 1997 position, in addition to one of the 1999 positions, will be relinquished to independent producers. Also, there are presently two cooperative handler members, one of whose terms expires on July 31, 1998, and the other on July 31, 1999. One of those positions will be relinquished to independent handlers. The three terms of office relinquished to the independents will terminate on July 31 of the appropriate term. Determination of which cooperative producer and handler members currently serving unexpired terms will remain in their respective positions will be made by lot at the committee's subsequent nomination meetings.

The Texas citrus industry has historically demonstrated a policy of maintaining equitable representation among cooperative and independent producers and handlers. When the order was promulgated in 1960, two of the nine producer member positions and one of the six handler positions were allocated to cooperative members. In 1969, committee membership was reallocated to the present apportionment to reflect changes in the composition of the industry.

Cooperative producer member positions were increased from two to four and cooperative handler representation was increased from one to two. The changes also provided for a reduction in the number of independent producer and handler positions. Following the two major freezes, only one cooperative handler remains in operation. The committee recommended

returning to the order's original apportionment to accommodate the shift in production. Reducing the total number of cooperative positions to three will bring representation closer in line with the proportion of fresh fruit shipments accounted for by the cooperative. Therefore, the committee's recommendation to revert to the committee's original apportionment will be achieved by removing § 906.122, which will result in reallocation of cooperative and independent producers and handlers to that reflected in § 906.18 of the order. Section 906.121, which provides that the production area be considered as one district for purposes of committee representation, will not be affected by this rule.

The proposed rule concerning this action was published in the January 2, 1997, Federal Register (62 FR 55), with a 30-day comment period ending February 3, 1997. No comments were received.

After consideration of all relevant matter presented, including the information and recommendations 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.

List of Subjects in 7 CFR Part 906

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 906 is amended as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

1. The authority citation for 7 CFR part 906 continues to read as follows:

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

§ 906.122 [Removed and reserved]

2. Section 906.122 is removed and reserved.

Dated: March 7, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97-6264 Filed 3-12-97; 8:45 am]

BILLING CODE 3410-02-P

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

Regulations Issued Under the Packers and Stockyards Act

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to a final regulation which was published July 10, 1996 (61 FR 36277). The regulation provides for maintenance of a bond equivalent in lieu of a required surety bond by packers, market agencies or dealers.

DATES: March 13, 1997.

FOR FURTHER INFORMATION CONTACT: Sharon Vassiliades, GIPSA, USDA, 1400 Independence Avenue, SW, Washington, D.C. 20250, (202) 720-1738.

SUPPLEMENTARY INFORMATION:**Background**

The final regulation that is the subject of this correction revised the introductory paragraph of § 201.27(b) applicable to packers, market agencies, and dealers subject to the Packers and Stockyards Act (7 U.S.C. 181, et seq.) and became effective on August 9, 1996.

Need for Correction

As published, the final regulation inadvertently omitted language which was set forth in the proposed rulemaking published August 21, 1995 (60 FR 43411). Language in the final regulation may be confusing and is in need of clarification.

List of Subjects in 9 CFR Part 201

Bonding, Dealer, Market agency, Packer, Registration.

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Accordingly, 9 CFR 201.27(b) is corrected by making the following correcting amendment:

1. The authority citation for Part 201 continues to read as follows:

Authority: 7 U.S.C. 204, 228; 7 CFR 2.17(e), 2.56.

2. In § 201.27, paragraph (b) is revised to read as follows:

§ 201.27 Underwriter: equivalent in lieu of bonds; standard forms.

* * * * *

(b) Any packer, market agency, or dealer required to maintain a surety bond under these regulations may elect to maintain, in whole or partial substitution for such surety bond, a bond equivalent as provided below. The total amount of any such surety bond, equivalent, or combination thereof, must be the total amount of the surety bond otherwise required under these regulations. Any such bond equivalent must be in the form of:

(1) * * *

* * * * *

Done at Washington, D.C. this 7th day of March 1997.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 97-6263 Filed 3-12-97; 8:45 am]

BILLING CODE 3410-EN-P

SMALL BUSINESS ADMINISTRATION**13 CFR Part 107****Small Business Investment Companies**

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) is amending Part 107 Section 710 and Part 107 Section 50 of its Small Business Investment Companies (SBIC) regulations by deleting the term "Smaller Business" and replacing it with the statutory term "Smaller Enterprise." These revisions to SBA's regulations are in accordance with Section 208 of the Small Business Programs Improvement Act of 1996 (SBPIAct).

EFFECTIVE DATE: March 13, 1997.

FOR FURTHER INFORMATION CONTACT: Gary M. Jackson, Assistant Administrator for Size Standards, 409 3rd Street, SW., Washington, DC 20416, (202)205-6618.

SUPPLEMENTARY INFORMATION: Division D of the Omnibus Consolidated Appropriations Act for Fiscal Year 1997 (Public Law 104-208) is the Small Business Programs Improvement Act of 1996 (SBPIAct), which amended the Small Business Investment Act of 1958 (SBIAct). Title II, Section 208 of the SBPIAct adds Section 103(12) to the SBIAct where it includes and defines the term "smaller enterprise." A "smaller enterprise" is a small business, including its affiliates, with net financial worth no greater than \$6 million and average net income of no more than \$2 million, or that meets the size standards established by SBA in 13 CFR Part 121.

Current regulations at 13 CFR § 107.710 require SBICs to make a certain proportion of their total financings into "smaller businesses," which are defined in § 107.710(a). Section 208 of the SBPIAct, however, established the same size criteria for an entity named "smaller enterprise" that SBA has in its regulations for a "smaller business." Therefore, SBA is changing the terminology of its regulations to require SBICs to finance smaller enterprises to be consistent with this legislation.

SBA is issuing a final rule because this constitutes only a change of terminology with no substantive effect upon current regulations. That is, SBA is merely adopting no more than a statutory change to a term. SBA is not modifying or otherwise changing its regulations in any way other than to the extent that the statute directs the Agency to do so.

Compliance With Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601, et seq.), and the Paperwork Reduction Act (44 U.S.C. Ch. 5)

Under the Regulatory Flexibility Act (RFA), SBA is not required to analyze the impact on small businesses of this revision of its SBIC Program regulations because: the RFA applies to federal rules that require public comment; and this is a final rule, incorporating into the Regulations the Congressionally mandated definition of a smaller enterprise. In any event, SBA does not believe this rule has a significant impact on small businesses, since the size applicable to a "smaller enterprise" remains unchanged from that for a "smaller business" which definition it replaces, and does not affect other SBA programs.

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA certifies that this final rule contains no new reporting or recordkeeping requirements. For purposes of Executive Order 12612, SBA certifies that this rule does not have federalism implications warranting the preparation of a Federalism Assessment. For purposes of Executive Order 12778, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 2 of that Order.

List of Subjects in 13 CFR Part 107

Investment companies, Loan Programs—business, reporting and recordkeeping requirements, Small businesses.

PART 107—[AMENDED]

1. The authority citation for 13 CFR part 107 is revised to read as follows:

Authority: 15 U.S.C. 662 (12).

2. Section 107.50 is amended by removing the definition for "Smaller Business" and by adding a new definition in alphabetical order to read as follows:

§ 107.50 Definition of terms.

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