

Proposed Rules

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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 Marketing Service

7 CFR Part 1220

[No. LS-98-001]

Soybean Promotion and Research Program: Procedures To Request a Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule establishes procedures for soybean producers to request a referendum on the Soybean Promotion and Research Order (Order) as authorized under the Soybean Promotion, Research, and Consumer Information Act (Act). The Act provides that the Secretary, 5 years after the conduct of the initial referendum, will give soybean producers the opportunity to request an additional referendum on the Order. Individual producers and other producer entities would be provided the opportunity to request a referendum during a specified period announced by the Secretary of Agriculture (Secretary), at the county Farm Service Agency (FSA) office where FSA maintains and processes the producer's administrative farm records. For the producer not participating in FSA programs, the opportunity to request a referendum would be provided at the county FSA office serving the county where the producer owns or rents land.

DATES: Written comments must be received by October 5, 1998.

ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Program, Agricultural Marketing Service (AMS), USDA; STOP-0251; 14th and Independence Avenue, SW.; Washington, DC 20250-0251. Comments will be available for public inspection during regular business hours in room 2606; South Agriculture Building; 14th and

Independence Avenue, SW., Washington, DC. Comments on the information collection requirements contained in this proposed rule may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attention: Desk Officer for AMS, USDA.

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

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

Executive Order 12866 and 12988 and the Regulatory Flexibility Act and the Paperwork Reduction Act

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. This rule would not preempt 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 § 1971 of the Act, a person subject to the 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 will rule on the petition. The statute provides that the district court of the United States in any district in which the petitioner resides or carries on business has jurisdiction to review the Secretary's decision if a complaint for that purpose is filed not later than 20 days after the date of the entry of the Secretary's decision.

Further, § 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 the Qualified

State Soybean Boards (QSSBs). The exception provides that to ensure adequate funding of the operations of QSSBs under the Act, no State law or regulation may limit or have the effect of limiting the full amount of assessments that a QSSB in that State may collect, and which is authorized to be credited under the Act. Another exception concerns certain referendums conducted during specified periods by a State relating to the continuation or termination of a QSSB or State soybean assessment.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA)(5 United States Code (U.S.C.) 601 et seq), the Administrator of AMS has considered the economic effect of this action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small business entities.

According to the most recent data available from the Department's National Agricultural Statistics Service (NASS), based on the 1992 Census of Agriculture, there are approximately 381,000 farms that grow soybeans that may be eligible to request a referendum. The majority of producers subject to the Order are small businesses under the criteria established by the Small Business Administration.

The requirements set forth in this rule are substantially similar to the rules that established the eligibility and participation requirements for a July 26, 1995, soybean producer poll published as a final rule on March 22, 1995 (60 FR 15027), in the **Federal Register**.

The procedures to request a referendum would not impose a substantial burden or have a significant impact on persons subject to the Order. Further, participation is not mandatory. Not all persons subject to the Order are expected to participate. The Department would determine producer eligibility.

In compliance with OMB regulations [5 CFR Part 1320] which implements the Paperwork Reduction Act (PRA)[44 U.S.C. 3501 et seq], the information collection requirements contained in this proposed rule have been previously approved by OMB and were assigned OMB control number 0581-0093. The information collection requirements in this proposed rule include the following:

(1) Any eligible person who requests a referendum must legibly print his/her

name, or if applicable, the producer entity represented, address, telephone number, and county on the "Request for a Soybean Referendum" form (Form LS-51-1). Each person must read the Certification Statement on the form and sign it certifying that he/she or the producer entity represented meets the eligibility requirements. Form LS-51-1 shall be obtained in person, by mail, telephone or facsimile from the county FSA office where FSA maintains and processes the producer's administrative farm records or at the county FSA office serving the county where the producer owns or rents land. Form LS-51-1 may be returned by mail, by facsimile, or in person to the same county FSA office where the form was obtained. A producer or producer entity representative who obtains Form LS-51-1 in person during the Request for Referendum period from the appropriate county FSA office may complete Form LS-51-1 at that time. The estimated average time burden for completing the procedure is 5 minutes per person.

(2) Using information from each returned Form LS-51-1, county FSA personnel shall enter the producer's name, and if applicable, producer entity representative and the date received (and the postmarked date for mailed requests), and the method the form was received on the "List of Soybean Producers Requesting a Referendum" (Form LS-51-2). This information may be used for the purpose of challenging the eligibility of producers. Many county FSA offices will use more than one Form LS-51-2 depending on the number of producers requesting a referendum. Because only county FSA office personnel would be required to complete Form LS-51-2, the time required to complete this form is not included in the estimated average reporting burden for a producer.

Background

The Act (7 U.S.C. 6301-6311) provides for the establishment of a coordinated program of promotion and research designed to strengthen the soybean industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for soybeans and soybean products. The program is financed by an assessment of 0.5 of one percent of the net market price of soybeans sold by producers. Pursuant to the Act, an Order was made effective July 9, 1991, and the collection of assessments began September 1, 1991.

The Act required that an initial referendum be conducted no earlier than 18 months and no later than 36 months after the issuance of the Order

to determine whether the Order should be continued.

The initial referendum was conducted on February 9, 1994. On April 1, 1994, the Secretary announced that of the 85,606 valid ballots cast, 46,060 (53.8 percent) were in favor of continuing the Order and the remaining 39,546 votes (46.2 percent) were against continuing the Order. The Act required approval by a simple majority for the Order to continue.

The Act also required that within 18 months after the Secretary announced the results of the initial referendum, the Secretary would conduct a poll among producers to determine if producers favored a referendum on the continuance of the payment of refunds under the Order.

A July 25, 1995, nationwide poll of soybean producers did not generate sufficient support for a refund referendum to be held. A refund referendum would have been held if at least 20 percent (not in excess of one-fifth of which may be producers in any one State) of the 381,000 producers (76,200) nationwide requested it. Only 48,782 soybean producers participated in the poll. Consequently, refunds were discontinued on October 1, 1995.

The Act also specifies that the Secretary shall, 5 years after the conduct of the initial referendum and every 5 years thereafter, provide soybean producers an opportunity to request a referendum on the Order.

For all such referendums, if the Secretary determines that at least 10 percent of the U.S. producers engaged in growing soybeans (not in excess of one-fifth of which may be producers in any one State) support the conduct of a referendum, the Secretary must conduct a referendum within 1 year of that determination. If these requirements are not met, no referendum would be conducted.

For the purposes of the Request for Referendum, the Secretary would use the latest official numbers of U.S. soybean farms as reported by NASS as representing the total number of producers. The latest official data reported by NASS based on the 1992 Census of Agriculture shows that 381,000 farms produce soybeans.

The Act provides that producers shall have an opportunity to request a referendum during a period established by the Secretary. Eligible persons must certify on an official form that they were engaged in the growing of soybeans during a representative period specified by the Secretary, and indicate that they favor the conduct of a referendum. The Department proposes that the Request for Referendum period would be a 4-

week period announced by the Secretary and that the representative period for which a producer was engaged in the growing of soybeans would be January 1, 1996, to December 31, 1998. The Act also provides that a Request for Referendum may be made in person or by mail-in request at county Cooperative Extension Service offices or county FSA offices. Providing producers an opportunity to request a referendum at county FSA offices will give producers the greatest opportunity to request a referendum.

The proposed rule sets forth procedures for producers to request a referendum as authorized under the Act, including definitions, eligibility, certification and request procedure, reporting results, and disposition of the forms and records. It is proposed that FSA of the Department would coordinate State and county FSA roles in conducting the Request for Referendum by (1) determining producer eligibility, (2) canvassing and counting requests, and (3) reporting the results.

A 30-day comment period is provided for interested persons to comment on this proposed rule. This comment period is deemed appropriate because the Act provides that the Secretary, 5 years after the conduct of the initial referendum, will give soybean producers the opportunity to request an additional referendum on the Order. A 30-day comment period will assist in timely implementation of this rule consistent with the provisions of the Act.

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.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 1220 be amended as follows:

PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

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

Authority: 7 U.S.C. 6301-6311.

2. In part 1220, subpart F is added to read as follows:

Subpart F—Procedures To Request a Referendum

Definitions

Sec.
1220.10 Act.
1220.11 Administrator, AMS.

- 1220.12 Administrator, FSA.
- 1220.13 Department.
- 1220.14 Farm Service Agency.
- 1220.15 Farm Service Agency County Committee.
- 1220.16 Farm Service Agency County Executive Director.
- 1220.17 Order.
- 1220.18 Person.
- 1220.19 Producer.
- 1220.20 Public notice.
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- 1220.22 Secretary.
- 1220.23 Soybeans.
- 1220.24 State and United States.

Procedures

- 1220.30 General.
- 1220.31 Supervision of the process for requesting a referendum.
- 1220.32 Eligibility.
- 1220.33 Time and place for requesting a referendum.
- 1220.34 Facilities.
- 1220.35 Certification and request form.
- 1220.36 Certification and request procedure.
- 1220.37 List of producers requesting a referendum.
- 1220.38 Challenge of eligibility.
- 1220.39 Canvassing.
- 1220.40 Counting requests.
- 1220.41 Public review.
- 1220.42 FSA county office report.
- 1220.43 FSA State office report.
- 1220.44 Reporting results.
- 1220.45 Disposition of records.
- 1220.46 Instructions and forms.

Definitions

§ 1220.10 Act.

The term Act means the Soybean, Promotion, Research, and Consumer Information Act set forth in title XIX, subtitle E of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624), and any amendments thereto.

§ 1220.11 Administrator, AMS.

The term Administrator, AMS means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Department to whom there has been delegated or may be delegated the authority to act in the Administrator's stead.

§ 1220.12 Administrator, FSA.

The term Administrator, FSA means the Administrator, of the Farm Service Agency, or any officer or employee of the Department to whom there has been delegated or may be delegated the authority to act in the Administrator's stead.

§ 1220.13 Department.

The term Department means the United States Department of Agriculture.

§ 1220.14 Farm Service Agency.

The term Farm Service Agency, also referred to as "FSA," means the Farm Service Agency of the Department.

§ 1220.15 Farm Service Agency County Committee.

The term Farm Service Agency County Committee, also referred to as "FSA County Committee or COC," means the group of persons within a county who are elected to act as the Farm Service Agency County Committee.

§ 1220.16 Farm Service Agency County Executive Director.

The term Farm Service Agency County Executive Director, also referred to as "CED," means the person employed by the FSA County Committee to execute the policies of the FSA County Committee and to be responsible for the day-to-day operation of the FSA county office, or the person acting in such capacity.

§ 1220.17 Order.

The term Order means the Soybean Promotion and Research Order.

§ 1220.18 Person.

The term Person means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

§ 1220.19 Producer.

The term Producer means any person engaged in the growing of soybeans in the United States who owns, or shares the ownership and risk of loss of such soybeans.

§ 1220.20 Public notice.

The term Public Notice means a notice published in the **Federal Register**, not later than 60 days prior to the last day of the Request for Referendum period that provides information regarding the Request for Referendum period. Such notification shall include, but not be limited to, explanation of producers' rights; procedures to request a referendum, the purpose, dates of the Request for Referendum period, place for requesting a referendum, and eligibility requirements. Additionally, the Board is required to provide producers, in writing, the same information during the same time period. Other pertinent information shall also be provided, without advertising expense, through press releases by State and county FSA offices and other appropriate Government offices, by means of newspapers, electronic media, county newsletter, and the like.

§ 1220.21 Representative period.

The term Representative period means the period designated by the Secretary pursuant to section 1970 of the Act.

§ 1220.22 Secretary.

The term Secretary means the Secretary of Agriculture of the United States Department of Agriculture or any other officer or employee of the Department to whom there has been delegated or to whom there may be delegated the authority to act in the Secretary's stead.

§ 1220.23 Soybeans.

The term Soybeans means all varieties of Glycine max or Glycine soja.

§ 1220.24 State and United States.

The terms State and United States include the 50 States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

Procedures

§ 1220.30 General.

An opportunity to request a referendum shall be provided to U.S. soybean producers to determine whether eligible producers favor the conduct of a referendum and the Request for Referendum shall be carried out in accordance with this subpart.

(a) The opportunity to request a referendum shall be provided at the county FSA offices.

(b) If the Secretary determines, based on results of the Request for Referendum, that no less than 10 percent (not in excess of one-fifth of which may be producers in any one State) of all producers have requested a referendum on the Order, a referendum would be held within 1 year of that determination.

(c) If the Secretary determines, based on the results of the Request for Referendum, that the requirements in paragraph (b) of this section were not met, a referendum would not be conducted.

(d) For purposes of paragraphs (b) and (c) of this section, the Department would use the latest official numbers of U.S. soybean farms as reported by the Department's National Agricultural Statistics Service as the total number of producers.

§ 1220.31 Supervision of the process for requesting a referendum.

The Administrator, AMS shall be responsible for supervising the process of permitting producers to request a referendum in accordance with this subpart.

§ 1220.32 Eligibility.

(a) *Eligible producers.* Each person who was a producer during the representative period is provided the opportunity to request a referendum. Each producer entity is entitled to only one request.

(b) *Proxy registration.* Proxy registration is not authorized except that an officer or employee of a corporate producer, or any guardian, administrator, executor, or trustee of a producer's estate, or an authorized representative of any eligible producer entity (other than an individual producer), such as a corporation or partnership, may request a referendum on behalf of that entity. Any individual who requests a referendum on behalf of any producer entity, shall certify that he/she is authorized by such entity to take such action.

(c) *Joint and group interest.* A group of individuals, such as members of a family, joint tenants, tenants in common, a partnership, owners of community property, or a corporation engaged in the production of soybeans as a producer entity shall be entitled to make only one request for a referendum; provided, however, that any individual member of a group who is an eligible producer separate from the group may request a referendum separately.

§ 1220.33 Time and place for requesting a referendum.

The opportunity to request a referendum shall be provided during a four (4) week period beginning and ending on a date determined by the Secretary. Eligible persons shall have the opportunity to request a referendum by following the procedures in § 1220.36 during the normal business hours of each county FSA office.

§ 1220.34 Facilities

Each county FSA office shall provide adequate facilities and space to permit producers to complete Form LS-51-1.

§ 1220.35 Certification and request form.

Form LS-51-1 shall be used to request a referendum and certify producer eligibility. The form does not require a "yes" or "no." Individual producers and representatives of other producer entities should read the form carefully. By completing and signing the form, the individual simultaneously registers, certifies eligibility and requests that a referendum be conducted.

§ 1220.36 Certification and request procedure.

(a) To request that a referendum be conducted, each eligible producer shall, during the *Request for Referendum*

period, be provided the opportunity to request a referendum during a specified period announced by the Secretary, at the county FSA office where FSA maintains and processes the producer's administrative farm records. For the producer not participating in FSA programs, the opportunity to request a referendum would be provided at the county FSA office serving the county where the producer owns or rents land. Each eligible producer shall be required to complete Form LS-51-1 in its entirety and sign it. The producer must legibly print his/her name and, if applicable, the producer entity represented, address, county, and telephone number. The producer must read the certification statement on Form LS-51-1 and sign it certifying that he/she or the producer entity represented was a producer of soybeans during the representative period and is requesting a referendum. Only a completed and signed Form LS-51-1 shall be considered a valid request for a referendum.

(b) To request a referendum eligible producers may obtain Form LS-51-1 in person; by mail; by telephone; or by facsimile during the Request for Referendum period from the county FSA office where FSA maintains and processes the producer's administrative farm records. For the producer not participating in FSA programs, the opportunity to request a referendum would be provided at the county FSA office serving the county where the producer owns or rents land. Producers or producer entities may return Form LS-51-1 in person, by mail or facsimile. Form's LS-51-1 returned in person or by facsimile, must be received in the appropriate county FSA office no later than the last business day of the *Request for Referendum* period to be considered a valid request. However, Form's LS-51-1 mailed to the county FSA office must be postmarked no later than the last business day of the Request for Referendum period and be received in the county FSA office no later than ten business days after the last business day of the Request for Referendum period to be considered a valid request for a referendum.

(c) Eligible participants who obtain form LS-51-1 in person at the appropriate county office may complete, and return by hand the form the same day.

§ 1220.37 List of producers requesting a referendum.

(a) The county FSA personnel shall enter on the "List of Soybean Producers Requesting a Referendum" form (Form LS-51-2), the following information for

each returned Form LS-51-1: name of individual soybean producer or other producer entity; name of producer entity representative; postmarked date of a mailed Form LS-51-1 and the date it was received in the county FSA office where FSA maintains and processes the producer's administrative farm records or at the county FSA office serving the county where the producer owns or rents land; and the date Form LS-51-1 was received by facsimile or in person in the county FSA office where FSA maintains and processes the producer's administrative farm records or at the county FSA office serving the county where the producer owns or rents land. For any challenges of a producer's or producer entities' eligibility, the county FSA personnel would make a "check mark" in the space provided on Form LS-51-2 indicating a producer's or producer entities' eligibility has been challenged. After the challenge is resolved "eligible" or "ineligible" would be entered in the space provided on Form LS-51-2.

(b) County FSA offices shall, at all times, maintain control of the master (original) copy of Forms LS-51-1 and LS-51-2. A copy of each Form LS-51-2 shall be posted and made available for public inspection each day beginning on the first business day of the *Request for Referendum* period through the 11th business day following the last business day of the Request for Referendum period. Form LS-51-2 shall be posted in the county FSA office during normal business office hours in a conspicuous location.

§ 1220.38 Challenge of eligibility.

(a) *Who may challenge.* Any person may challenge a producer's or producer entity's eligibility to request a referendum. Each challenge must be in writing; include the full name of the individual or other producer entity being challenged; be made on a separate piece of paper; and be signed by the challenger. The Secretary may issue other guidelines as the Secretary deems necessary.

(b) *Challenge period.* A challenge of a person's eligibility to request a referendum may be made on any business day during the 4-week Request for Referendum period through the 11th business day after the Request for Referendum period.

(c) *Challenged names.* Producers whose eligibility is challenged shall be so noted with a "checkmark" in the space provided on Form LS-51-2.

(d) *Determination of challenges.* The FSA County Committee (COC) or designee, acting on behalf of the Administrator, AMS, shall make a

determination concerning the challenge and shall notify challenged producers as soon as practicable, but no later than the 14th business day after the end of the request for referendum period. If the COC or designee is unable to determine whether a person was a producer during the representative period, the COC or designee may require the person challenged to submit records such as sales documents or similar documents to verify producer status during the representative period.

(e) *Appeal.* A person declared to be ineligible by the COC or designee, acting on behalf of the Administrator, AMS, may file an appeal at the county FSA office within three business days after notification by the county FSA office of its decision. Such person may be required to provide documentation such as sales documents or similar documents in order to demonstrate eligibility. An appeal shall be determined by the COC or designee as soon as practicable, but in all cases not later than the 18th business day after the last day of the Request for Referendum period. The determination of the COC or designee on an appeal shall be final.

(f) *Resolved challenges.* A challenge shall be determined to have been resolved if the determination of the COC or designee, acting on behalf of the Administrator, AMS, is not appealed within the time allowed for appeal or there has been a determination by the COC or designee after an appeal. After the challenge has been resolved, the county FSA office shall write either "eligible" or "ineligible" in the space provided on Form LS-51-2.

§ 1220.39 Canvassing.

Canvassing of Forms LS-51-1 and LS-51-2 shall take place as soon as possible after the opening of county FSA offices on the 19th business day following the Request for Referendum period. Such canvassing shall be under the supervision of the CED or designee, acting on behalf of the Administrator, AMS, who shall make a determination as to the number of valid or invalid requests for a referendum.

(a) *Invalid requests for a referendum.* An invalid request for a referendum may include the following:

(1) Form LS-51-1 is not signed and/or all required information has not been provided;

(2) Form LS-51-1 returned in person or by facsimile was not received by the last business day of the *Request for Referendum* period;

(3) Form LS-51-1 returned by mail was not postmarked by the last business day of the *Request for Referendum* period;

(4) Form LS-51-1 returned by mail was not received in the county FSA office by the 10th business day after the *Request for Referendum* period;

(5) Form LS-51-1 is mutilated or marked in such a way that any required information on the form is illegible; and/or

(6) Form LS-51-1 not returned to the appropriate county FSA office.

(b) Any Form LS-51-1 determined invalid shall not be considered as a request for a referendum.

§ 1220.40 Counting requests.

The requests for a referendum shall be counted by the COC or designee on the 19th business day after the last business day of the *Request for Referendum* period. Requests for a referendum shall be counted as follows:

(a) Total number of producers registering to request a referendum;

(b) Number of eligible producers requesting a referendum;

(c) Number of challenged producers deemed ineligible;

(d) Number of challenged producers; and

(e) Number of invalid requests for a referendum.

§ 1220.41 Public review.

The public may witness the counting from an area designated by the CED or designee, acting on behalf of the Administrator, AMS, but may not interfere with the process.

§ 1220.42 FSA county office report.

The county FSA office report shall be certified as accurate and complete by the CED or designee, acting on behalf of the Administrator, AMS. Such report shall include, the information listed in § 1220.39 and § 1220.40. The county FSA office shall notify the FSA State office of the results of the *Request for Referendum* on a form provided by the Administrator, FSA. Each county FSA office shall transmit the results in its county to the FSA State office. The results in each county may be made available to the public upon notification by the Administrator, FSA, that the final results have been released by the Secretary. A copy of the report shall be posted for 30 days following the date of notification by the Administrator, FSA, in the county FSA office in a conspicuous place accessible to the public. One copy shall be kept on file in the county FSA office for a period of at least 12 months after notification by FSA that the final results have been released by the Secretary.

§ 1220.43 FSA State office report.

Each FSA State office shall transmit to the Administrator, FSA, a report

summarizing the data contained in each of the reports from the county FSA office on a State report form provided by the Administrator, FSA. The State FSA office shall maintain one copy of the summary where it shall be available for public inspection upon request for a period of not less than 12 months after the results have been released.

§ 1220.44 Reporting results.

(a) The Administrator, FSA, shall submit to the Administrator, AMS, the reports from all State FSA offices. The Administrator, AMS, shall tabulate the results of the *Request for Referendum*. The Department will issue an official press release announcing the results of the *Request for Referendum* and publish the same results in the **Federal Register**. Subsequently, State reports and related papers shall be available for public inspection upon request during normal business hours in the Marketing Programs Branch office, Livestock and Seed Program, AMS, USDA, Room 2606 South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC.

(b) If the Secretary deems necessary, a State report or county report shall be reexamined and checked by such persons who may be designated by the Secretary.

§ 1220.45 Disposition of records.

Forms LS-51-1 and LS-51-2 and county reports shall be placed in sealed containers under the supervision of the CED or designee, acting on behalf of the Administrator, AMS, and such container shall be marked with "Request for Soybean Referendum." Such records shall remain in the secured custody of the CED or designee for a period of not less than 12 months after the date of notification by the Administrator, FSA, that the final results have been announced by the Secretary. If the county FSA office receives no notice to the contrary from the Administrator, FSA, by the end of the 12 month period, the CED or designee shall destroy the records.

§ 1220.46 Instructions and forms.

The Administrator, AMS is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart.

Dated: September 1, 1998.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 98-23904 Filed 9-3-98; 8:45 am]

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