

and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of California almonds. They are familiar with the Board's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The Board met on May 10, 1996, and unanimously recommended 1996-97 crop year expenditures of \$6,426,500 and an assessment rate of \$0.01 per pound of almonds. In comparison, last year's budgeted expenditures were \$4,952,591 with the assessment rate of \$0.75 per pound. Major expenditures recommended by the Board for the 1996-97 crop year include \$3,333,500 for information and research, \$731,534 for salaries, \$660,500 for international programs, \$558,131, production research, \$97,470 for travel, and \$91,160 for crop estimate.

Of the \$3,333,500 budgeted for information and research, the Board allotted \$1.553 million for a "coupon" promotion project to be conducted on a national scale. In the 1995-96 crop year, \$250,000 was budgeted for a similar project on a smaller scale. The Board will only conduct the 1996-97 budgeted project if the 1995-96 smaller scale project proves to be beneficial to the industry. The success of this program will be determined after the 1995-96 crop year is completed. In the event the Board decides not to undertake this project, appropriate adjustments will be made when billing handlers.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected receipts of California almonds. Almond shipments for the year are estimated at 504.4 million pounds which should provide \$5.044 million in assessment income. Income derived from handler assessments, interest, a production research conference, Market Access Program, along with funds derived from the Board's authorized reserve will be adequate to cover budgeted expenses. Any unexpended funds from the 1996-97 crop year may be carried over to cover expenses during the first four months of the 1997-98 crop year.

While this rule may impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the AMS

has determined that this rule will not have a significant economic impact on a substantial number of small entities. Interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

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

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

After consideration of all relevant material presented, including the information and recommendations submitted by the Board 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 Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the crop year began on July 1, 1996, and the marketing order requires that the rate of assessment for the crop year apply to all assessable California almonds handled during the crop year; (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and is similar to other budget actions issued in past years; and (4) 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 in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

#### **PART 981—ALMONDS GROWN IN CALIFORNIA**

1. The authority citation for 7 CFR part 981 continues to read as follows:

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

Note: This section will appear in the Code of Federal Regulations.

2. In part 981, a new subpart is added consisting of section 981.343 to read as follows:

#### **Subpart—Assessment rates.**

##### **§ 981.343 Assessment rate.**

On and after July 1, 1996, an assessment rate of \$0.01 cent per pound of assessable almonds is established for California almonds.

Dated: July 25, 1996.

Sharon Bomer Lauritsen,

*Acting Director, Fruit and Vegetable Division.*

[FR Doc. 96-19377 Filed 7-30-96; 8:45 am]

BILLING CODE 3410-02-P

#### **7 CFR Part 993**

[Docket No. FV96-993-1 IFR]

#### **Dried Prunes Produced in California; Assessment Rate**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule establishes an assessment rate for the Prune Marketing Committee (Committee) under Marketing Order No. 993 for the 1996-97 and subsequent crop years. The Committee is responsible for local administration of the marketing order which regulates the handling of dried prunes produced in California. Authorization to assess prune handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program.

**DATES:** Effective on August 1, 1996. Comments received by August 30, 1996, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments

concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, FAX 202-720-5698. Comments should reference the docket number and the date and page number of this issue of the Federal Register and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:**

Mary Kate Nelson, Marketing Assistant, Marketing Order Administration Branch, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, suite 102B, 2202 Monterey Street, Fresno, California 93721, telephone 209-487-5901, FAX 209-487-5906, or Martha Sue Clark, Program Assistant, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918, FAX 202-720-5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-2491, FAX 202-720-5698.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 993, both as amended (7 CFR part 993), regulating the handling of dried prunes produced in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California prune handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable prunes beginning August 1, 1996, and continuing until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any

handler subject to an 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 request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,400 producers of dried prunes in the production area and approximately 21 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. The majority of California dried prune producers and handlers may be classified as small entities.

The California prune marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of California dried prunes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Committee met on June 27, 1996, and unanimously recommended 1996-97 expenditures of \$283,500 and an assessment rate of \$1.50 per salable ton of dried prunes. In comparison, last year's budgeted expenditures were \$275,280. The assessment rate of \$1.50 per salable ton is \$0.05 lower than last year's established rate. Major expenditures recommended by the Committee for the 1996-97 crop year include \$142,120 for salaries and wages, \$30,000 for research and development, \$22,000 for office rent, \$20,000 for travel, \$11,000 for an acreage survey, \$8,430 for the reserve for contingency, and \$6,500 each for office supplies and data processing. Budgeted expenses for these items in 1995-96 were \$131,320, \$30,000, \$22,000, \$20,000, \$10,500, \$19,310, \$5,000, and \$3,500, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of California dried prunes. Dried prune shipments for the year are estimated at 189,000 salable tons which should provide \$283,500 in assessment income. Income derived from handler assessments will be adequate to cover budgeted expenses. Any funds not expended by the Committee during a crop year may be used, pursuant to § 993.81(c), for a period of five months subsequent to that crop year. At the end of such period, the excess funds are returned or credited to handlers.

This action will reduce the assessment obligation imposed on handlers. While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities. Interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

The assessment rate 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 this assessment rate is 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 material 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 rule 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) the 1996-97 crop year begins on August 1, 1996, and the marketing order requires that the rate of assessment for each crop year apply to all assessable dried prunes handled during such crop year; (3) 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 (4) 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 in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

#### **PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA**

1. The authority citation for 7 CFR part 993 continues to read as follows:

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

Note: This section will appear in the Code of Federal Regulations.

2. A new Subpart—Assessment Rates and a new § 993.347 are added to read as follows:

#### **Subpart—Assessment Rates**

##### **§ 993.347 Assessment rate.**

On and after August 1, 1996, an assessment rate of \$1.50 per salable ton is established for California dried prunes.

Dated: July 25, 1996.

Sharon Bomer Lauritsen,

*Acting Director, Fruit and Vegetable Division.*

[FR Doc. 96-19376 Filed 7-30-96; 8:45 am]

BILLING CODE 3410-02-P

#### **Rural Utilities Service**

##### **7 CFR Part 1770**

RIN 0572-AB10

#### **Accounting Requirements for RUS Telecommunications Borrowers**

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Rural Utilities Service (RUS) is amending its regulations on accounting policies and procedures for RUS telecommunications borrowers as set forth in RUS's regulations concerning Accounting System Requirements for RUS Telecommunications Borrowers. This rule establishes an accounting interpretation for postretirement benefits that addresses both the requirements of the Financial Accounting Standards Board (FASB) and the Federal Communications Commission (FCC). It also sets forth accounting interpretations that establish uniform accounting procedures for Rural Telephone Bank (RTB) stock, cushion of credit investments, Rural Economic Development loans and grants, and satellite or cable television service investments.

**EFFECTIVE DATE:** This rule is effective August 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. Roberta D. Purcell, Director, Program Accounting Services Division, Rural Utilities Service, STOP 1523, room 2221, South Building, U.S. Department of Agriculture, Washington, DC 20250-1523, telephone number (202) 720-9450.

#### **SUPPLEMENTARY INFORMATION:**

Executive Order 12866

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and therefore

has not been reviewed by the Office of Management and Budget (OMB).

#### **Regulatory Flexibility Act Certification**

The Administrator of RUS has determined that the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) does not apply to this final rule.

#### **Information Collection and Recordkeeping Requirements**

The information collection and recordkeeping requirements contained in this rule have been approved by OMB under control number 0572-0003 pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended.) Comments regarding these requirements may be sent to Roberta D. Purcell, Director, Program Accounting Services Division, Rural Utilities Service, STOP 1523, Washington, DC 20250-1523.

#### **National Environmental Policy Act Certification**

The Administrator, RUS, has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Therefore, this action does not require an environmental impact statement or assessment.

#### **Catalog of Federal Domestic Assistance**

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance Program under numbers 10.851—Rural Telephone Loans and Loan Guarantees and 10.852—Rural Telephone Bank loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402.

#### **Executive Order 12372**

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation. A Notice of Final Rule entitled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts RUS and RTB loans and loan guarantees, and RTB loans, to governmental and nongovernmental entities from coverage under this order.

#### **Executive Order 12778**

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This final rule: (1) Will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with