

Indonesia Consumer Education, thus maintaining a presence in foreign markets. Unlike the 1994-95 crop year, the Board will not be receiving any funds through the marketing promotion program conducted by the Department's Foreign Agricultural Service for the 1995-96 crop year.

Items which have decreased compared to those budgeted for 1994-95 (in parentheses) are: Salaries, \$598,251 (\$795,318), employee benefits, \$37,391 (50,000), retirement benefits, \$44,869 (\$64,000), payroll taxes, \$45,766 (\$55,400), travel, \$75,000 (\$100,000), meetings, \$13,000 (\$35,000), office rent, \$70,000 (\$90,000), storage rent, \$4,000 (\$5,000), equipment rent, \$3,000 (\$5,000), security, \$1,000 (\$2,500), utilities, \$12,000 (\$13,500), alliances with other organizations to provide information on almonds to consumers, \$11,000 (\$20,000), econometric model and statistical analysis, \$10,000 (\$40,000), program accountability analyses to assess the effectiveness of the advertising and market development programs, \$100,000 (\$150,000), furniture and fixtures, \$0 (\$10,000), and computers and software, \$20,000 (\$25,000).

Budget items for 1995-96 which have increased compared to those budgeted for 1994-95 (in parentheses) are: Research conference, \$30,000 (\$25,000), contract labor and consultants, \$55,000 (\$30,000), compliance audits and analysis, \$95,000 (\$75,000), data processing, \$10,000 (\$6,000), postage and delivery, \$40,000 (\$32,000), office supplies, \$17,500 (\$15,000), printing, \$17,500 (\$12,000), repairs and maintenance, \$15,500 (\$12,500), publications, \$15,500 (\$3,500), dues, subscriptions, and registration fees, \$12,000 (\$7,500), newsletters and releases, \$45,000 (\$25,000), production research, \$512,650 (\$489,134), crop estimate, \$90,736 (\$85,600), acreage survey, \$37,429 (\$35,310), nutrition and issues research, \$175,000 (\$50,000), vehicles, \$20,000 (\$15,000), office equipment, \$20,000 (\$15,000), and the addition of \$25,000 for aflatoxin monitoring.

The Board also unanimously recommended an assessment rate of .75 cents per kernel pound, .50 cents higher than last year. Based on an initial May estimate of 412.8 million pounds of marketable almonds, revenue for the 1995-96 crop year from administrative assessments was expected to be \$3,096,000. However, the estimate for marketable almonds for the 1995-96 crop has decreased to 297.6 million pounds. Thus, estimated revenue from administrative assessments has decreased to \$2.232 million. Other

anticipated revenue includes \$100,000 from interest and \$16,000 from the almond industry conference, which brings the estimate for total revenue for the 1995-96 almond season to \$2,348,000. The Board plans on using money from its reserve to meet the estimated expenses of \$4,952,591 for the year. In addition, any unexpended funds from 1995-96 may be carried over to cover expenses during the first four months of the 1996-97 crop year.

An interim final rule regarding this action was published in the June 21, 1995, issue of the **Federal Register** (60 FR 32262). That rule provided for a 30-day comment period. No comments were received.

This action will impose an obligation on handlers to pay assessments. The assessments are uniform for all handlers. The assessment cost will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter 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 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 Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1995 crop year began on July 1, 1995, and the marketing order requires that the rate of assessment apply to all assessable almonds during the crop year; and (3) an interim final rule was published on this action and provided for a 30-day comment period; no comments were received.

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

Accordingly, the interim final rule amending 7 CFR part 981, authorizing expenditures and establishing an assessment rate under Marketing Order

981 for the 1995-96 crop year, which was published at 60 FR 32262 on June 21, 1995, is adopted as a final rule without change.

Dated: August 11, 1995.

Terry C. Long,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95-20354 Filed 8-16-95; 8:45 am]

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Grain Inspection, Packers and Stockyards Administration

9 CFR Parts 201 and 203

RIN 0580-AA43

Regulations and Statements of General Policy Issued Under the Packers and Stockyards Act: Definitions, Industry Rules, Schedules of Rates and Charges, Proceeds of Sales, Accounts and Records, Trade Practices, Stockyard Services, Brand Inspection, and Buyers Expenses

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

ACTION: Final rule.

SUMMARY: Proposed amendments to rules issued under the Packers and Stockyards (P&S) Act (7 U.S.C. 181 *et seq.*) were published in the **Federal Register** (59 FR 26763) on May 24, 1994, and identified as Group I. This document adopts proposed changes which remove two regulations regarding posting and deposting of stockyards, amend one trade practice regulation and retain 14 regulations and 3 statements of general policy in their present form.

EFFECTIVE DATE: September 18, 1995.

FOR FURTHER INFORMATION CONTACT: Daniel Van Ackeren, Director, Livestock Marketing Division (202) 720-6951, or Tommy Morris, Director, Packer and Poultry Division (202) 720-7363.

In response to the proposed rule published in the **Federal Register** (59 FR 26763), the Agency received one comment from a livestock trade association, that commented on regulations § 201.5, § 201.6, and § 201.61 and statement of general policy § 203.5.

The commenter concurs with the deletion of § 201.5 which pertains to Agency procedures on posting a stockyard and § 201.6 which regards Agency deposting procedures. Both of these regulations involve procedural steps taken by the Agency in posting and deposting stockyards which are specified by the P&S Act. These two regulations are primarily informational

in nature and are not necessary in carrying out the provisions of the Act.

The commenter strongly supports modification of § 201.61(a). That subsection prohibits market agencies selling on commission from entering into arrangements with dealers and other buyers which would lessen their loyalty to their consignors or impair their selling services. In addition, the subsection specifically prohibits a market agency selling on commission from providing clearing services for an independent dealer purchasing livestock from consignments made to that market agency.

As proposed, § 201.61(a) will be amended by modifying the last sentence of the subsection to permit market agencies selling on commission to provide clearing services to independent dealers that purchase livestock from consignments to such market agencies selling on commission, provided that full disclosure of the clearing arrangement is noted on the accounting to the consignor. Full disclosure of the clearing arrangement will protect livestock consignors without unnecessarily restricting purchases from consignment and allow market agencies selling on commission greater flexibility in representing the interests of livestock sellers. Modifications to § 201.56 published in the **Federal Register** (58 FR 52884) October 13, 1993, make these recommended changes necessary and appropriate.

As proposed, each of the following regulations and statements of general policy will be retained in its present form:

- § 201.1 Meaning of words.
- § 201.2 Terms defined.
- § 201.3 Authority.
- § 201.4 Bylaws, rules and regulations, and requirements of exchanges, associations, or other organizations; applicability, establishment.
- § 201.17 Requirements for filing tariffs.
- § 201.39 Payment to be made to consignor or shipper by market agencies; exceptions.
- § 201.44 Market agencies to render prompt accounting for purchases on order.
- § 201.45 Market agencies to make records available for inspection by owners, consignors and purchasers.
- § 201.81 Suspended registrants.
- § 201.82 Care and promptness in weighing and handling livestock and live poultry.
- § 201.86 Brand inspection: Application for authorization, registration, and filing of schedules, reciprocal arrangements, and maintenance of identity of consignments.
- § 201.94 Information as to business; furnishing of by packers, live poultry dealers, stockyards owners, market agencies, and dealers.

§ 201.95 Inspection of business records and facilities.

§ 201.96 Unauthorized disclosure of business information prohibited.

§ 203.5 Statement with respect to market agencies paying the expenses of livestock buyers.

§ 203.12 Statement with respect to providing services and facilities at stockyards on a reasonable and nondiscriminatory basis.

§ 203.17 Statement of general policy with respect to rates and charges at posted stockyards.

In the process of reviewing these regulations, it was determined that they were necessary to the efficient and effective enforcement of the P&S Act and to the orderly conduct of the marketing system. The absence of any of the regulations would be detrimental to the industry and could result in increased litigation.

One comment was received concerning § 203.5. This statement of general policy informs market agencies selling on commission that paying business expenses of buyers attending their livestock sales would be viewed as a violation of the P&S Act. The commenter disagreed with the Agency's proposal to retain § 203.5 in its present form, stating that such payment by market agencies selling on commission of certain minor business expenses of buyers is not in and of itself contrary to the intent of the Act. After considering the comment, the Agency has concluded this policy statement will be retained in its present form. The Agency believes that market agencies selling on commission paying the business expenses of buyers could lead to a method of competition between similarly engaged market agencies and result in undue and unreasonable cost burdens on such selling agencies and the livestock producers who sell their livestock through such market agencies. This statement of general policy correctly reflects the Agency's policy toward such activities and the legal effect of that policy, therefore, no changes are considered appropriate. No comments were received concerning any of the other regulations or statements of general policy.

The proposed change in § 201.61 does not impose or change any recordkeeping or information collection requirements. Existing requirements in this regulation have been previously approved by OMB under Control No. 0590-0001.

As provided by the Regulatory Flexibility Act, it is hereby certified that this amended rule will not have a significant economic impact on a substantial number of small entities and a statement explaining the reasons for the certification is set forth in the

following paragraph and is being provided to the Chief Counsel for Advocacy of the Small Business Administration.

While this amended rule impacts small entities, it will not have a significant economic impact on any entity, large or small. The primary effect of this rule is to remove restrictions on purchases by dealers from consignments of a market agency that provides clearing services to that dealer.

This amended rule has been determined to be not significant for purposes of E.O. 12866 and therefore, has not been reviewed by OMB.

This amendment does not impose any new paperwork requirement and does not have Federalism implications under the criteria of E.O. 12612.

This amendment has been reviewed under E.O. 12778, Civil Justice Reform, and is not intended to have retroactive effect. This amendment will not preempt State or local laws, regulations, or policies unless they present an irreconcilable conflict with this amendment. Prior to judicial challenge of the amendment to rule, a party must first be found by the Secretary to be in violation of the P&S Act and in violation of the accompanying regulation. Second, the party must appeal that finding and the validity of the regulation to the Secretary in the course of the administrative proceeding. Only after taking these steps, may the party challenge the regulation in a court of competent jurisdiction.

List of Subjects in 9 CFR Parts 201 and 203

Rates, Records, Stockyards, Tariffs, and Trade practices.

Done at Washington, DC, this 10th day of August.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

For the reasons set forth in the preamble, the Grain Inspection, Packers and Stockyards Administration will amend 9 CFR Part 201 as follows:

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.

PART 201—[AMENDED]

§ 201.5 [Removed]

2. Remove § 201.5.

§ 201.6 [Removed]

3. Remove § 201.6.

4. Revise § 201.61(a) to read as follows:

§ 201.61 Market agencies selling or purchasing livestock on commission; relationships with dealers.

(a) *Market agencies selling on commission.* No market agency selling consigned livestock shall enter into any agreement, relationship or association with dealers or other buyers which has a tendency to lessen the loyalty of the market agency to its consignors or impair the quality of the market agency's selling services. No market agency selling livestock on commission shall provide clearing services for any independent dealer who purchases livestock from consignment to such market agency without disclosing, on the account of sale to the consignor, the name of the buyer and the nature of the financial relationship between the buyer and the market agency.

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(Approved by the Office of Management and Budget under control number 0590-0001)

[FR Doc. 95-20350 Filed 8-16-95; 8:45 am]

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FEDERAL HOUSING FINANCE BOARD**12 CFR Part 934**

[95-17]

Procedures for Federal Home Loan Bank Access to Nonpublic Information of Federal Financial Regulatory Agencies

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is promulgating a final rule on the procedures by which the Federal Home Loan Banks (FHLBanks) request, receive and store sensitive, nonpublic financial data from the Department of the Treasury, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation and the National Credit Union Administration (federal financial regulatory agencies).

EFFECTIVE DATE: August 17, 1995.

FOR FURTHER INFORMATION CONTACT: David A. Guy, Associate General Counsel, Office of General Counsel, Federal Housing Finance Board, 1777 F Street NW., Washington, D.C. 20006, 202-408-2536.

SUPPLEMENTARY INFORMATION: Pursuant to section 22 of the Federal Home Loan Bank Act (Bank Act), 12 U.S.C. 1442, the FHLBanks periodically request confidential financial data from the

federal financial regulatory agencies regarding FHLBank member institutions. On December 7, 1990, the Finance Board promulgated an interim final rule detailing the procedures by which the FHLBanks request, receive, and maintain this information. See 55 FR 50545 (Dec. 7, 1990). The interim final rule provided for a comment period. The Finance Board received just one comment letter from a savings bank, which objected to giving the FHLBanks access to nonpublic financial information about their members on the ground that such access gives the FHLBanks an unfair advantage over private enterprise competitors. However, Congress has specifically provided for the FHLBanks to have access to this information, see 12 U.S.C. 1442, and the final rule simply sets forth procedures for access and maintaining confidentiality. Further, the Finance Board believes that access to this information is necessary because it allows the FHLBanks to make credit and other decisions in a more safe and sound manner. Accordingly, the Finance Board is adopting the interim final rule as a final rule, without change.

Because this rule initially was published as an interim final rule and not as a proposed rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply. See *id.* § 603(a).

List of Subjects in 12 CFR Part 934

Federal home loan banks, Privacy, Securities, Surety bonds.

PART 934—OPERATIONS OF THE BANKS

Accordingly, the interim rule adding 12 CFR 934.15 which was published at 55 FR 50545 on December 7, 1990, is adopted as a final rule without change.

Dated: August 9, 1995.

By the Federal Housing Finance Board.

Bruce A. Morrison,
Chairman.

[FR Doc. 95-20218 Filed 8-16-95; 8:45 am]

BILLING CODE 6725-01-P

SMALL BUSINESS ADMINISTRATION**13 CFR Parts 120 and 122****Business Loan Policy and Business Loans; Facsimiles of SBA Forms**

AGENCY: Small Business Administration (SBA).

ACTION: Final rule.

SUMMARY: This final rule authorizes SBA participating lenders to use computer

generated facsimile exact copies of SBA application and closing forms in making SBA guaranteed loans. SBA lenders, under this final rule, agree to accept liability for a substantial SBA loss attributable to deficiencies in such forms. Under the final rule, SBA could deny liability to a lender which fails to use SBA provided forms or computerized facsimile exact copies of the SBA forms if this failure would contribute to a substantial loss by the SBA on the guaranteed loan.

EFFECTIVE DATE: This rule is effective August 17, 1995.

FOR FURTHER INFORMATION CONTACT: John R. Cox, 202/205-6490.

SUPPLEMENTARY INFORMATION: On March 3, 1995, SBA published in the **Federal Register** (42 FR 11941) a proposed rule which would authorize SBA participating lenders to use computerized exact replicas of SBA application and closing forms in making SBA guaranteed loans under section 7(a) of the Small Business Act (15 U.S.C. 636(a)). There were 46 public comments received in response to the publication and all favored the proposal. SBA will discuss the comments made in detail herein.

For many years, the SBA has required that its participating lenders use SBA provided application and closing forms in the SBA guaranteed business loan program. With advances in technology, SBA recognizes that these forms may be reproduced as mirror image facsimiles by computer and that permitting such reproductions to be used by participating lenders may be in the best interest of the SBA guaranteed loan program. Therefore, SBA proposed to permit SBA participating lenders to use computer generated facsimile exact copies of SBA application and closing forms in making SBA guaranteed loans. In this context, several commenters suggested that the SBA clarify what is meant by the term "exact computerized facsimile copies", as used in the proposed regulation. The Agency does not intend by this language that the type, font, line and spacing be exactly duplicated in an exact computer generated facsimile since variations in those aspects of a form do not affect the substantive nature of the documentation. The Agency is concerned with exact duplication of the language in the forms. In that regard, the regulation intends that the language represented on a permissible computer generated facsimile be exactly the same as that in the SBA form it is intended to portray. In order to avoid confusion as to which edition of a form is being reproduced, under the rule,