

and (3) and adding paragraph (4) to read as follows:

**§ 401.143 Florida citrus endorsement.**

\* \* \* \* \*

**9. Claim for Indemnity**

a. \* \* \*

(1) \* \* \*

(2) For limited and additional coverages, by multiplying the result in excess of 10 percent (e.g.,  $45\% - 10\% = 35\%$  payable), times the amount of insurance for the unit (the amount of insurance for the unit is determined by multiplying the insured acreage on the unit times the applicable amount of insurance per acre); or

(3) For catastrophic risk protection coverage, the result in excess of 50 percent divided by 50 percent (e.g. if the insured's average percent of damage is 75%; the percentage of the guarantee payable is 50 percent,  $(75\% - 50\%) \div 50\%$ ); if the insured's average percent of damage is 60 percent, the percentage of the guarantee payable is 20 percent,  $(60\% - 50\%) \div 50\%$  times the amount of insurance for the unit. The amount of insurance for the unit is determined by multiplying the insured acreage on the unit times the applicable amount of insurance per acre. For any average percentage of damage less than 50%, the insured is not eligible for an indemnity payment; and

(4) Multiplying the product obtained in (2) above for limited and additional coverage, or the product obtained in (3) above for catastrophic risk protection, by your share.

\* \* \* \* \*

Done in Washington DC, on May 24, 1995.

**Kenneth D. Ackerman,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 95-13747 Filed 6-5-95; 8:45 am]

BILLING CODE 3410-08-P

**Agricultural Marketing Service**

**7 CFR Part 947**

[Docket No. FV95-947-11FR]

**Oregon-California Potatoes; Expenses and Assessment Rate**

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

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

**SUMMARY:** This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 947 for the 1995-96 fiscal period. Authorization of this budget enables the Oregon-California Potato

Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

**DATES:** Effective July 1, 1995, through June 30, 1996. Comments received by July 6, 1995, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this interim final 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:** Martha Sue Clark, 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, or Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone 503-326-2724.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR part 947), regulating the handling of Irish potatoes grown in Oregon-California. The marketing agreement and order are 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 interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect Oregon-California potato handlers are subject to assessments. Funds to administer the Oregon-California potato order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes during the 1995-96 fiscal period, which begins July 1, 1995, and ends June 30, 1996. This interim final 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 8c(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 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.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of 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 550 producers of Oregon-California potatoes under this marketing order, and approximately 40 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of 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 Oregon-California potato producers and handlers may be classified as small entities.

The budget of expenses for the 1995-96 fiscal period was prepared by the Oregon-California Potato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Oregon-California potatoes. 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. The budget was formulated and

discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Oregon-California potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met on March 15, 1995, and unanimously recommended a budget of \$46,200, \$1,100 more than last season. Budget items for 1995-96 which have increased compared to those budgeted for 1994-95 (in parentheses) are: Annual report, \$1,500 (\$1,400), audit, \$1,000 (\$800), inspection fees, \$2,500 (\$2,000), and miscellaneous, \$600 (\$300). All other items are budgeted at last year's amounts.

The Committee also unanimously recommended an assessment rate of \$0.006 per hundredweight, the same as last season. This rate, when applied to anticipated shipments of 7,920,000 hundredweight, will yield \$47,520 in assessment income, which will be adequate to cover budgeted expenses. Funds in the reserve on June 30, 1995, estimated at \$27,000, will be within the maximum permitted by the order of one fiscal period's expenses.

While this action 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 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 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) the fiscal period begins on July

1, 1995, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable potatoes handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee 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 action.

#### List of Subjects in 7 CFR Part 947

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 947 is amended as follows:

#### PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

1. The authority citation for 7 CFR part 947 continues to read as follows:

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

2. A new § 947.246 is added to read as follows:

**Note:** This section will not appear in the Code of Federal Regulations.

#### § 947.246 Expenses and assessment rate.

Expenses of \$46,200 by the Oregon-California Potato Committee are authorized, and an assessment rate of \$0.006 per hundredweight of assessable potatoes is established for the fiscal period ending June 30, 1996. Unexpended funds may be carried over as a reserve.

Dated: May 31, 1995.

**Sharon Bomer Lauritsen,**

*Deputy Director, Fruit and Vegetable Division.*  
[FR Doc. 95-13792 Filed 6-5-95; 8:45 am]

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#### DEPARTMENT OF JUSTICE

#### Immigration and Naturalization Service

#### 8 CFR Part 204

[INS No. 1436-94]

RIN 1115-AC71

#### Immigrant Petitions; Religious Workers

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Immigration and Naturalization Service (Service) regulations by providing that all persons, other than ministers, immigrating to the United States as religious workers must immigrate or adjust status to permanent residence before October 1, 1997. This rule implements section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (Act) which provides that religious workers who have 2 years of membership and experience in a religious occupation or vocation qualify as special immigrant religious workers. By statute, this immigrant category for religious workers expires on October 1, 1997. This rule codifies, in regulatory form, the October 1, 1997, statutory deadline.

**EFFECTIVE DATE:** June 6, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Michael W. Straus, Senior Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514-3228.

**SUPPLEMENTARY INFORMATION:** Section 151(a) of the Immigration Act of 1990 (IMMACT), Public Law 101-649, dated November 29, 1990, created a new special immigrant category for religious workers and ministers by amending section 101(a)(27)(C) of the Act. In order to qualify as a minister, the applicant must be an ordained minister of a religious denomination and have carried on the vocation of minister during the 2 years immediately preceding the application for admission. Section 101(a)(27)(C) of the Act also provided special immigrant status for persons, other than ministers, who will work in a religious occupation or vocation for a religious organization in a professional or other capacity. Unlike the provision for ministers, which does not contain a sunset provision, section 101(a)(27)(C)(ii) (II) and (III) of the Act, as enacted by section 151(a) of IMMACT, provided that the other two types of religious workers must "seek to enter the United States \* \* \* before October 1, 1994." In October of 1994, the Immigration and Nationality Technical Corrections Act (INTCA), Pub. L. 103-416, extended the sunset date to October 1, 1997.

As originally promulgated, the regulations implementing IMMACT provided that petitions for professional religious workers and other religious workers must be filed on or before September 30, 1994. See 56 FR 60897-60913, dated November 29, 1991. The statute, however, requires that immigrant religious workers (with the