Agricultural Marketing Service

7 CFR Part 906

[Docket No. FV96–906–4PR]

Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Reapportionment of Membership on the Texas Valley Citrus Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would reapportion the membership of the 15-member Texas Valley Citrus Committee (committee) established under the Federal marketing order regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This action would provide for more equitable representation between cooperative and independent producers and handlers. This reapportionment would reduce the number of cooperative producer member positions from four to two and provide independent producers with those two positions, thus, increasing independent producer membership to seven positions. In addition, the number of cooperative handler member positions would be reduced from two to one, thereby increasing independent handler membership to five positions.

DATES: Comments must be received by February 3, 1997.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, Fax # (202) 720–5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Belinda G. Garza, McAllen Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, 1313 E. Hackberry, McAllen, Texas 78501; telephone: (210) 682–2833, Fax # (210) 682–5942; or Charles L. Rush, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 690–3670, 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 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax # (202) 720–5698.

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Agreement and Order No. 906 (7 CFR Part 906), as amended, regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, hereinafter referred to as the ''order.'' This 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 proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. If adopted, this proposal 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. A 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 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 action 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 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 17 handlers of oranges and grapefruit who are subject to regulation under the order and approximately 2,000 orange and grapefruit producers in the regulated area. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. The majority of handlers and producers of Texas oranges and grapefruit may be classified as small entities.

This proposed rule would reapportion the membership of the committee. This action is intended to provide for equitable and balanced representation between cooperative and independent producers and handlers and would not impose additional costs or burdens on producers and handlers.

Therefore, the AMS has determined that this proposed rule would 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.

Pursuant to section 906.18 of the order, the committee consists of 15 members. Each member has an alternate. Nine of the members are producers and six are handlers. Section 906.122 of the order's rules and regulations provides that the nine producer representatives be allocated so that four members represent cooperative marketing organizations, hereinafter referred to as cooperative producers, and five members represent independent marketing organizations, hereinafter referred to as independent producers. Section 906.122 further provides that the six handler representatives on the committee be allocated so that two members represent cooperative marketing organizations, hereinafter referred to as cooperative handlers, and four represent independent marketing organizations, 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 proposed rule would change 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 would be reduced from two member positions to one, and independent handler positions would be increased from four to five. The proposed change would 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, would 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 would be relinquished to independent handlers. The three terms of office relinquished to the independents would terminate on July 31 of the appropriate term. Determination of which cooperative producer and handler members currently serving unexpired terms would remain in their respective positions would 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 would 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 would be achieved by removing § 906.122, which would result in reallocation of cooperative and independent producers and handlers to that reflected in § 906.18 of the order. Section 906.122, which provides that the production area be considered as one district for purposes of committee representation, would not be affected by this rule.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments received within the comment period will be considered prior to finalization of this rule.

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 proposed to be amended as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE 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.

2. Section 906.122 is removed.

Dated: December 26, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–33328 Filed 12–31–96; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Regulation B; Docket No. R–0955]

Equal Credit Opportunity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is publishing for comment proposed revisions to Regulation B (Equal Credit Opportunity). The revisions would implement recent amendments to the Equal Credit Opportunity Act (ECOA). These amendments create a legal privilege for information developed by creditors as a result of ''self-tests'' that they voluntarily conduct to determine the level of their compliance with the ECOA. The Department of Housing and Urban Development will be publishing for comment a substantially similar proposal to revise the regulations implementing the Fair Housing Act.

DATES: Comments must be received on or before January 31, 1997.

ADDRESSES: Comments should refer to Docket No. R–0955, and may be mailed