payments and encourage the timely payment of assessments by handlers.

This rule would provide incentive for handlers to remit assessments in a timely manner, with the intent of creating a fair and equitable process among all industry handlers. It would not impose any costs on handlers who pay their assessments on time, and should contribute to the efficient administration of the program.

Handlers who do not pay their assessments on time would be able to reap the benefits of Board programs at the expense of others. In addition, they would be able to utilize funds for their own use that should otherwise be paid to the Board to finance Board programs. In effect, this would provide handlers with an interest free loan.

Implementing interest and late payment charges would provide an incentive for handlers to pay assessments on time, which would improve compliance with the order. It would minimize actions taken against handlers who fail to pay assessments on time through administrative remedies or the Federal courts. These remedies, currently the only recourse against handlers who fail to pay assessments, can be costly and time consuming. This rule would remove any economic advantage gained by those handlers who do not pay on time, thus helping to ensure a program that is equitable to all. This is also consistent with standard business practices.

While this proposed rule would 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 would be offset by the benefits derived by the operation of the marketing order.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule. In addition, the Board's meeting was widely publicized throughout the tart cherry industry and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Committee meetings, the January 8 and 9, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on these issues. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this proposed action on small businesses.

The assessment rate, interest rate and late payment charge proposed to be established in this rule would 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 the assessment rate, interest rate and late payment charge would be effective for an indefinite period, the Board would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment and interest rates and late payment charge. 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 would evaluate Board recommendations and other available information to determine whether modification of the assessment or interest rates or late payment charge is needed. Further rulemaking would be undertaken as necessary. The Board's 1997–98 budget has already been approved by the Department to allow the Board to expend funds that they have borrowed. Budgets for subsequent fiscal periods would be reviewed and, as appropriate, approved by the Department.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 930

Marketing agreements, Tart cherries, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 930 is proposed to be amended as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

1. The authority citation for 7 CFR part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new subpart—Administrative Rules and Regulations and a new section 930.141 are added to read as follows:

Subpart—Administrative Rules and Regulations

§ 930.141 Delinquent assessments.

Pursuant to § 930.41, the Board shall impose an interest charge on any handler whose assessment payment has not been paid within 30 days from the due date of October 1 of each crop year. The interest rate shall be a rate of one percent per month and shall be applied to the unpaid assessment balance for the number of days all or any part of the unpaid balance is delinquent beyond the 30 day payment period. In addition to the interest charge, the Board shall impose a late payment charge on any handler whose payment has not been paid within 90 days from the due date of October 1. The late payment charge shall be 10 percent of the unpaid balance.

3. A new subpart—Assessment Rates and a new § 930.200 are added to read as follows:

Subpart—Assessment Rate

§ 930.200 Assessment rate.

On and after July 1, 1997, an assessment rate of $0.0025 per pound is established for tart cherries grown in the production area.

Dated: June 27, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–17507 Filed 7–2–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1011

[DA–97–09]

Milk in the Tennessee Valley Marketing Area; Proposed Termination of Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; termination.

SUMMARY: This document invites written comments on the proposed termination of the order regulating the handling of milk in the Tennessee Valley marketing area. A proposed amended Tennessee Valley order modifying interim transportation credit provisions failed to receive the required two-thirds approval in a recent polling of cooperatives in the marketing area. Since the Department has determined that the provisions of the proposed amended order are necessary to effectuate the declared policy of the applicable statutory authority, it is necessary to consider terminating the present Tennessee Valley order.

DATES: Comments must be submitted on or before July 10, 1997.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building,

P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456 (202) 690–1932, e-mail address Nicholas__Memoli@usda.gov.

SUPPLEMENTARY INFORMATION: The Department is issuing this proposed action in conformance with Executive Order 12866.

This proposed termination of a rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have a retroactive effect. If adopted, this proposed action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the action.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), 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 request modification or exemption from such order by filing 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 the law. A handler is afforded the opportunity for a hearing on the petition. After a 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 its 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.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this proposed action will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees. For the purposes of determining which dairy farms are ''small businesses,'' the $500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

During the representative month of February 1997, the milk of 1,469 producers was pooled on the Tennessee Valley order. Of these producers, 1,442 are considered as small businesses.

There were 7 handlers operating 8 pool distributing plants regulated under the Tennessee Valley milk order for February 1997. Of these handlers, 3 are considered small businesses.

If the Tennessee Valley order is terminated, it is likely that all but 2 of the handlers currently regulated under the order will become regulated under the Carolina, Southeast, or Louisville-Lexington-Evansville Federal milk orders. The regulations under these other orders are, for the most part, comparable to those of the Tennessee Valley order, but each of these 4 orders has a different price structure and a unique uniform price to producers that is computed each month. The impact of these regulatory changes on producers will depend upon which order the former Tennessee Valley handlers become regulated under. In some cases, the uniform price paid to producers will be somewhat higher, but in other cases it will be a little lower.

Those handlers who will become regulated under other Federal orders will continue to be responsible for the recordkeeping, reporting, and compliance requirements.

Interested parties are invited to submit comments on the probable regulatory and informational impact of this proposed action on small entities. Also, parties may suggest modifications of this proposal for the purpose of tailoring their applicability to small businesses.

Proposed Termination of Rule

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act, the termination of the order regulating the handling of milk in the Tennessee Valley marketing area is being considered.

All persons who want to send written data, views, or arguments about the proposed termination should send two copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after the publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures before the requested termination is to be effective.

The comments that are received will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Preliminary Statement

Interested parties are invited to submit comments on all issues concerning the proposed termination of the Tennessee Valley milk order. In addition to commenting on the merits of terminating the order, interested parties should specifically address the handling of the disbursement of the current Tennessee Valley Transportation Credit Balancing Fund (TCBF).

If the Tennessee Valley order is terminated, it is likely that all but 2 of the handlers currently regulated under the order will become fully regulated handlers under the Carolina, Southeast, or Louisville-Lexington-Evansville milk orders. Since these orders, like the Tennessee Valley order, have provisions to reimburse handlers for the expense of transporting supplemental milk to the market (i.e., transportation credit provisions) and, consequently, maintain a transportation credit balancing fund (TCBF) for this purpose, a question arises concerning the disbursement of the balance in the Tennessee Valley TCBF.

All of the Tennessee Valley handlers who will become regulated under Orders 5, 7, or 46, will be eligible for transportation credits under the provisions of those orders. In view of this, it would be unfair to return the money that Tennessee Valley handlers have contributed to the Order 11 TCBF and then permit these handlers to draw credits out of the TCBF in Orders 5, 7, or 46 without ever having contributed to such funds. For this reason, the Department recommends that the funds accumulated in the Tennessee Valley TCBF be transferred prorata (based on each handler's contribution to the Order 11 TCBF) to each of the TCBFs of the respective orders where such handlers become regulated. This transfer of funds, the Department believes, is the most ''equitable'' means for disbursement of the TCBF in accordance with 7 CFR Part 1000, General Provisions of Federal Milk Marketing Orders. In the case of 2 Order 11 handlers who will likely not be regulated under any of the other 3

orders, the Department recommends returning these handlers' pro rata share of the TCBF to these handlers. The terms of 7 CFR 1000.4(d)(2) direct the market administrator or the ''liquidating agent'' to distribute outstanding funds connected with a terminated order to handlers ''in an equitable manner.'' The Department invites interested parties to comment on this proposal and/or to suggest any alternative way to dispose of these funds in an equitable manner.

At least one additional question arises with the possible termination of the Tennessee Valley order. The transportation credit provisions for Orders 5, 7, 11, and 46 were adopted simultaneously for these 4 orders. Because of the overlap in supply areas for these markets, producers in any of the marketing areas of the 4 orders are ineligible for transportation credits under any of the other 3 orders. With the possible termination of Order 11, a question may arise concerning the interpretation of Section 82(c)(2)(ii) in the interim amendments or Section 82(c)(2)(iii) in the final decision amendments as set forth in the **Federal Register** of May 20, 1997, at 62 FR 27525. In either case, the language of those paragraphs in Orders 5, 7, and 46 states that ''the farm on which the milk was produced is not located within the specified marketing areas of this order or the marketing areas of'' the other 3 orders involved in this proceeding. Thus, Orders 5, 7, and 46 refer to ''the Order 11 marketing area.''

If Order 11 is terminated, the question that arises is whether a producer located in the former Tennessee Valley marketing area is still ineligible for a transportation credit under Orders 5, 7, and 46. The Department maintains that the reference to the Order 11 marketing area was merely a convenient geographic reference used in lieu of repeating a lengthy list of counties and cities. Accordingly, the language referring to the marketing area of Federal Order 11 will continue to be interpreted as the territory defined in the Tennessee Valley order.

Interested parties are invited to submit comments on this proposed interpretation of the order as well as the other issues raised in this notice.

Statement of Consideration

The proposed action would terminate the order regulating the handling of milk in the Tennessee Valley marketing area. On May 12, 1997, the Department issued a partial final decision on proposed amendments to the Carolina, Southeast, Tennessee Valley, and Louisville-Lexington-Evansville milk orders which was published on May 20, 1997 (62 FR 27525). The final decision document contained proposed amended orders for the 4 southeast marketing areas, including the Tennessee Valley order, and directed the respective market administrators of the 4 orders to ascertain whether producers approved the issuance of the amended orders. The final decision concluded that amended orders were needed to effectuate the declared policy of the applicable statutory authority.

Less than two-thirds of the producers whose milk is pooled in the Tennessee Valley approved the issuance of the proposed amended order. In these circumstances, where it has been concluded that the order should be amended to effectuate the declared policy of the Act, and the Act requires two-thirds of the producers to vote affirmatively, it appears that continuation of the existing Tennessee Valley order would not be in conformity with the applicable statutory authority. Therefore, it is necessary to consider terminating the present order.

List of Subjects in 7 CFR Part 1011

Milk marketing orders.

The authority citation for 7 CFR Part 1011 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Dated: June 30, 1997.

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

[FR Doc. 97–17609 Filed 7–2–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE–RM–94–403]

RIN 1904–AA67

Energy Conservation Program for Consumer Products: Notice of Public Workshop on Clothes Washers Energy Efficiency Standards Rulemaking

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of Public Workshop.

SUMMARY: The Department of Energy (the Department or DOE) today gives notice that it will convene a public workshop to discuss the proposed analytical framework and tools for evaluating possible revisions to the clothes washer energy efficiency standards.

DATES: The public workshop will be held on Wednesday, July 23, 1997, from 9:00 a.m. to 4:00 p.m.

ADDRESSES: The workshop will be held at the U.S. Department of Energy, Room 1E–245, 1000 Independence Avenue, SW, Washington, DC 20585.

Copies of the transcript of the public workshop, public comments received, and this notice may be read at the Department of Energy, Freedom of Information Reading Room, U.S. DOE, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–6020, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Qonnie Laughlin, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–43, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–9632.

Ms. Sandy Beall, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, Mail Station EE–43, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–7574.

SUPPLEMENTARY INFORMATION: In continuing the work on possible revisions to energy efficiency standards on clothes washers, the Department is convening a workshop to present and receive public comments on the proposed analytical approach for evaluating the clothes washer standards. At this workshop the following will be discussed:

Preliminary Clothes Washers Rulemaking Schedule.

Review of the Rulemaking Framework: The Department will seek comment on the draft analytical framework for the clothes washers rulemaking.

Identification of Analytical Methods and Tools: The Department seeks input into the selection of engineering and economic analytical tools to be used during the rulemaking.

Engineering Analysis/Data Collection: The Department plans to collect data using the energy efficiency approach to derive a cost efficiency curve within a range for the engineering analysis. The Department will review the key issues surrounding data collection and the reporting of manufacturing costs for incorporation into the engineering analysis.

Price: The Department will lead a discussion on possible approaches to generating retail prices to be used in the consumer life-cycle-cost analysis.