

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the grower price for the 1998-99 season could range between \$1.50 and \$2.00 per pound of almonds. Therefore, the estimated assessment revenue for the 1998-99 crop year as a percentage of total grower revenue could range between .97 and 1.3 percent.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform 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. In addition, the Board's meeting was widely publicized throughout the California almond industry, and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the June 4, 1998, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California almond handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1998-99 crop year begins on August 1, 1998, and the marketing order requires that the rate of assessment for each crop year apply to all assessable almonds handled in such crop year; and (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting.

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 proposed to be 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.

2. Section 981.343 is proposed to be revised to read as follows:

§ 981.343 Assessment rate.

On and after June 4, 1998, an assessment rate of \$0.025 per pound is established for California almonds. Of the \$0.025 assessment rate, \$0.0125 per assessable pound is available for handler credit-back.

Dated: July 21, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98-19888 Filed 7-23-98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 987

[Docket No. FV98-987-1 PR]

Domestic Dates Produced or Packed in Riverside County, CA; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate from \$0.0556 to \$0.10 per hundredweight established for the California Date Administrative Committee (Committee) under Marketing Order No. 987 for the 1998-99 and subsequent crop years. The Committee is responsible for local administration of the marketing order which regulates the handling of dates produced or packed in Riverside County, California. Authorization to assess date handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period begins October 1 and ends September 30. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by September 22, 1998.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; Fax: (202) 205-6632.

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:

Diane Purvis, Marketing Assistant, or Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey St., suite 102B, Fresno, CA 93721; telephone: (209) 487-5901; Fax: (209) 487-5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 205-6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 205-6632.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 987, both as amended (7 CFR part 987), regulating the handling of domestic dates produced or packed in Riverside County, California, hereinafter referred to as the "order." 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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California date 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 dates beginning on October 1, 1998, and continue 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.

This rule would increase the assessment rate established for the Committee for the 1998-99 and subsequent crop years from \$0.0556 per hundredweight to \$0.10 per hundredweight of assessable dates handled.

The California date 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 producer-handlers of California dates. They are familiar with the Committee's needs and with the costs for 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.

For the 1996-97 and subsequent crop years, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from crop year to crop year unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on June 4, 1998, and unanimously recommended 1998-99 expenditures of \$80,000 and an assessment rate of \$0.10 per hundredweight of dates handled. In comparison, last year's budgeted expenditures were \$60,000. The assessment rate of \$0.10 is \$0.0444 higher than the rate currently in effect.

The higher assessment rate is needed to offset an expected reduction in funds available to the Committee from the sale of cull dates. Proceeds from such sales are deposited into the surplus account for subsequent use by the Committee in covering the surplus pool share of the Committee's expenses. Handlers may also dispose of cull dates of their own production within their own livestock-

feeding operation; otherwise, such cull dates must be shipped or delivered to the Committee for sale to non-human food product outlets.

The Committee expects to apply \$40,000 of surplus account monies to cover surplus pool expenses during 1997-98. Based on a recent trend of declining sales of cull dates over the past few years, the Committee expects the surplus pool share of expenses during 1998-99 to be \$30,000, or \$10,000 less than expected during 1997-98. Hence, the revenue available from the surplus pool to cover Committee expenses during 1998-99 is expected to be 25 percent less than last year. To offset this reduction in income, the Committee recommended increasing the assessment rate and using \$20,000 from its administrative reserves to fund the 1998-99 budget.

The major expenditures recommended by the Committee for the 1998-99 year include \$32,100 in salaries and benefits, \$20,000 in office administration, and \$23,990 in office expenses. Office administration includes \$16,000 towards the salary for a new compliance officer position. Budgeted expenses for these items in 1997-98 were \$37,627 in salaries and benefits and \$18,507 in office expenses.

The assessment rate recommended by the Committee was derived from applying the following formula where:
 A = 1998-99 surplus account (\$30,000);
 B = amount taken from administrative reserves (\$20,000);
 C = 1998-99 expenses (\$80,000);
 D = 1998-99 expected shipments (300,000 hundredweight);
 $C - (A + B) \div D = \$0.10$ per hundredweight.

Estimated shipments should provide \$30,000 in assessment income. Income derived from handler assessments, the surplus account (which contains money from cull date sales), and the administrative reserves would be adequate to cover budgeted expenses. Funds in the reserve are expected to total about \$20,000 by September 30, 1998, and therefore would be less than the maximum permitted by the order (not to exceed 50% of the average of expenses incurred during the most recent five preceding crop years; §987.72(c)).

The proposed assessment rate would 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 would be in effect for an indefinite period, the Committee would 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 would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 1998-99 budget and those for subsequent crop years would be reviewed and, as appropriate, approved by the Department.

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. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

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 135 producers of dates in the production area and approximately 20 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 of less than \$500,000, and small agricultural service firms are defined as those having annual receipts of less than \$5,000,000. The majority of California date producers and handlers may be classified as small entities.

This rule would increase the assessment rate established for the Committee and collected from handlers for the 1998-99 and subsequent crop years from \$0.0556 per hundredweight to \$0.10 per hundredweight of assessable dates handled. The Committee unanimously recommended 1998-99 expenditures of \$80,000 and an assessment rate of \$0.10 per hundredweight. The proposed assessment rate of \$0.10 is \$0.0444 higher than the 1997-98 rate. The quantity of assessable dates for the 1998-99 crop year is estimated at 300,000 hundredweight. Thus, the \$0.10

rate should provide \$30,000 in assessment income and, in conjunction with other funds available to the Committee, be adequate to meet this year's expenses. Funds available to the Committee include income derived from assessments, the surplus account (which contains money from cull date sales), and the administrative reserves.

The higher assessment rate is needed to offset an expected reduction in funds available to the Committee from the sale of cull dates to non-human food product outlets. Proceeds from such sales are deposited into the surplus account for subsequent use by the Committee. Last year, the Committee applied \$40,000 to the budget from the sale of cull dates as the surplus account's share of Committee expenses. Based on a trend of declining sales of cull dates over the past few years, this year the Committee expects to only be able to apply \$30,000 (25 percent less) to the budget from the sale of cull dates.

The Committee reviewed and unanimously recommended 1998-99 expenditures of \$80,000 which included increases in salaries and benefits and administrative expenses. Prior to arriving at this budget, the Committee considered alternative expenditure levels, including a proposal to not fund a compliance officer position, but determined that expenditures for the position were necessary to promote compliance with program requirements. The assessment rate of \$0.10 per hundredweight of assessable dates was then determined by applying the following formula where:

A = 1998-99 surplus account (\$30,000);
 B = amount taken from administrative reserves (\$20,000);
 C = 1998-99 expenses (\$80,000);
 D = 1998-99 expected shipments (300,000 hundredweight);
 $(C - (A + B)) \div D = \$0.10$ per hundredweight.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the grower price for the 1998-99 season could range between \$30 and \$75 per hundredweight of dates. Therefore, the estimated assessment revenue for the 1998-99 crop year as a percentage of total grower revenue would be less than one percent.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform 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. In addition, the Committee's meeting was widely publicized throughout the California date industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 4, 1998, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California date handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A 60-day comment period is provided to allow interested persons to respond to this proposed rule.

List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 987 is proposed to be amended as follows:

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

1. The authority citation for 7 CFR part 987 continues to read as follows:

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

2. Section 987.339 is proposed to be revised to read as follows:

§ 987.339 Assessment rate.

On and after October 1, 1998, an assessment rate of \$0.10 per hundredweight is established for California dates.

Dated: July 21, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98-19887 Filed 7-23-98; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 236

[INS No. 1906-98]

RIN 1115-AFO5

Processing, Detention, and Release of Juveniles

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the Immigration and Naturalization (Service) regulations by establishing the procedures for processing juveniles in Service custody. The new rule sets guidelines for the release of juveniles from custody and the detention of unreleased juveniles in state-licensed programs and detention facilities. The rule also governs the transportation and transfer of juveniles in Service custody.

DATES: Written comments must be submitted on or before September 22, 1998.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS No. 1906-98 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514-3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT:

John J. Pogash, Headquarters Juvenile Coordinator, Immigration and Naturalization Service, 425 I Street, NW., Room 3008, Washington, DC 20536, telephone (202) 514-1970.

SUPPLEMENTARY INFORMATION:

Background

What is the basis for the proposed rule?

The Service has settled *Flores v. Reno*, the class-action lawsuit filed as a challenge to the Service's policies on the detention, processing, and release of juveniles. Although certain aspects of the lawsuit were won previously by either the plaintiffs or the Service, the parties resolved the remaining aspects in a comprehensive settlement that addressed juvenile processing, transport, release, and detention. The substantive terms of the settlement form the basis for the proposed rule.