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Vol. 60, No. 55 Wednesday, March 22, 1995

DEPARTMENT OF AGRICULTURE Agricultural Marketing Service
7 CFR Part 1220

[No. LS–94–006] RIN 0581–AB30 Soybean Promotion and Research Program: Procedures for the Conduct of a Producer Poll AGENCY: Agricultural Marketing Service, USDA. ACTION: Final rule. SUMMARY: Pursuant to the Soybean

Promotion, Research, and Consumer
Information Act (Act), a poll will be
conducted among eligible soybean
producers to determine whether they
support the conduct of a refund

referendum on the continuance of the payment of refunds under the Soybean

Promotion and Research Order (Order). This final rule establishes the procedures for conducting the required

producer poll. EFFECTIVE DATE: March 22, 1995. FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service

(AMS), USDA, room 2624–S; PO Box

96456; Washington, DC 20090–6456. Telephone number 202/720–1115. SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Proposed Rule—Soybean Promotion and Research Program: Procedures for the Conduct of a Producer Poll published October 18, 1994 (59 FR 52475). Executive Orders 12866 and 12778 and Regulatory Flexibility Act The Department of Agriculture is

issuing this rule in conformance with

Executive Order 12866. This final rule has been reviewed
under Executive Order 12778, Civil

Justice Reform. It is not intended to have a retroactive effect. The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1971 of the Act, a person subject to the 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

requesting a modification of the Order or an exemption from the Order. The Act provides that a petitioner is to be

given the opportunity for a hearing on
the petition, and that the Secretary is to

rule on the petition after such hearing. The District Court of the United States
in any district in which the petitioner

resides or carries on business has

jurisdiction to review the Secretary’s

ruling if the petitioner files a complaint seeking review not later than 20 days after the date of the entry of the ruling. Section 1974 of the Act also provides, with certain exceptions, that nothing in

the Act may be construed to preempt or supersede any other program relating to
soybean promotion, research, consumer

information, or industry information

organized and operated under the laws of the United States or any State. One

exception concerns assessments collected by Qualified State Soybean Boards. To ensure adequate funding of
the operations of Qualified State Soybean Boards under the Act, no State

law or regulation may limit or have the

effect of limiting the full amount of assessments that a Qualified State Soybean Board in that State may collect and which is authorized to be credited

under the Act. Another exception
concerns certain referenda conducted by
a State during specified periods relating

to the continuation or termination of a Qualified State Soybean Board or State

soybean assessment. This final rule establishes procedures
for the conduct of a producer poll. It provides to all eligible soybean

producers the opportunity to request
that the Secretary conduct a refund

referendum on the continuance of the payment of refunds under the Order. Participation in the poll is voluntary. The Administrator of AMS has determined that this final rule will not have a significant economic impact on

a s u bstantial number of small business entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, the information
collection requirements contained in
this final rule have been approved by
the Office of Management and Budget
(OMB). They have been assigned OMB
control number 0581–0093. The
information collection requirements in

this final rule include the following: (a) In-person requests to conduct a

refund referendum: Each person who wants to request that the Secretary

conduct a refund referendum must ask
the appropriate county Consolidated
Farm Service Agency (CFSA) office to
enter his or her name and address on

Form LS–51, ‘‘Producer Poll on Refund Referendum Request List.’’ Each person must read the Certification Statement at

the top of the form and sign it certifying
that he or she meets the eligibility
requirements. The estimated average

time burden for completing the procedure is 5 minutes per person. (b) Absentee requests to conduct a
refund referendum: Each person who wants to request that the Secretary
conduct a refund referendum must write or go to the appropriate county CFSA

office and ask for Form LS–53. The CFSA office will provide the form by mail. The requester must then complete Form LS–53, ‘‘Producer Poll Refund Referendum—Absentee Request.’’ Form

LS–53 is a self-mailer. The person making a request must read and sign the

form, fold the form so that the CFSA
address is visible, and tape the form

closed. The form may be returned by mail by affixing a stamp or may be

returned in person. The estimated

average time burden for completing the procedure is 5 minutes per person. (c) The final rule contains a

r equirement that the county CFSA office

list the names and addresses of each

person requesting Form LS–53
(Absentee Request), the date of the
r equest, and the date the completed

form was received by the CFSA office. The Department needs this information
in order to prepare a list of persons making a request in the producer poll and to make the list available to
interested parties. This information can
also be used to validate requests and to

challenge potentially ineligible persons. Each county CFSA office will fill out one or more Form LS–52 ‘‘Absentee Request List.’’ The estimated average

r eporting burden will depend on the

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number of requests. We estimate that 75,000 to 100,000 producers, including
in-person and absentee, will request that
the Secretary conduct a refund

referendum, with each producer making one request. Background The Act (7 U.S.C. 6301–6311) provides for the establishment of a

coor dinated program of promotion and
re search designed to strengthen the

soybean industry’s position in the marketplace, and to maintain and
expand domestic and foreign markets and uses for soybeans and soybean

products. The program is financed by an

ass essm e n t of 0.5 of one percent of the net market price of soybeans sold by producers. Pursuant to the Act, an Order was made effective July 9, 1991, and the

collection of assessments began

September 1, 1991. The Act requires that a referendum be
conducted no earlier than 18 months and no later than 36 months after the

issuance of the Order to determine whether the Order should be continued. The required initial referendum was conducted on February 9, 1994. Of the 85,606 valid ballots cast, 46,060 (53.8 percent) were in favor of continuing the Order, and the remaining 39,546 votes

(46.2 percent) were against continuing
the Order. The Act requires approval by
a simple majority for the Order to

continue. The Act also requires that within 18 months after the Secretary announces
the results of the referendum, the Secretary conduct a poll of producers to determine if producers support the

conducting of a referendum on the

continuance of the payment of refunds under the Order. The Secretary
announced the results of the referendum

on April 1, 1994. Therefore, the producer poll must be held before October 1, 1995. For purposes of the poll, the Secretary will use data from the 1992 Census of Agriculture to determine the total number of producers. The census shows

that 381,000 farms produce soybeans. Therefore, for purposes of the poll, the

total number of soybean producers will be 381,000. If, based on the poll, the Secretary determines that at least 20 percent (not

in excess of one-fifth of which may be producers in any one State) of the
approximately 381,000 producers nationwide support the conducting of a
refund referendum, the Secretary must conduct a refund referendum within 1

year of that determination. If, based on the poll, the Secretary determines that less than 20 percent

(not in excess of one-fifth of which may

be producers in any one State) of the

approximately 381,000 producers nationwide support the conducting of a
refund referendum, it will not be

conducted and refunds will be discontinued. The Act specifies that the producer poll shall be conducted for a period
established by the Secretary. Eligible persons must both certify that they were
engaged in the production of soybeans during a representative period specified

by the Secretary and indicate that they
support the conducting of a refund

referendum. The Secretary has determined that the producer poll shall be conducted on 1 day. That date will be announced in a Notice published in the Federal Register and as specified in § 1220.711. The Act also provides that producers may participate in the poll in person at county Extension (now Cooperative State Research, Education, and

Extension Service) offices or county Agricultural Stabilization and Conservation Service (now Consolidated

Farm Service Agency) offices or by mail-

in requests. Conducting the poll at county CFSA offices and providing for mail-in requests will provide the

greatest opportunity for those producers who wish to indicate that they support
the conducting of a refund referendum. On October 18, 1994, AMS published

in the Federal Register (59 FR 52475) a proposed rule setting forth the procedures to be followed in conducting
the producer poll under the Act. The proposed rule included provisions concerning definitions, supervision of

the producer poll, certification and

request procedures, reporting poll results, and disposition of records. It also proposed that CFSA of the Department coordinate State and county CFSA roles in conducting the poll. The proposed rule was published with a request for comments to be

submitted by November 17, 1994. The Department received nine written

comments. One from the United
Soybean Board, five from State soybean

organizations and three from individual soybean producers. The commenters generally supported the procedures for

the conduct of the poll with certain

qualifications. The changes suggested by

comm en ters are discussed below, together with a description of changes made by the Department upon review of

the proposed procedures for the conduct of a producer poll. The Department has made other minor changes of a nonsubstantive nature for clarity and

accuracy. Due to the recent reorganization of USDA, all references

in the proposed rule to ‘‘Agricultural

Stabilization and Conservation Service

(ASCS)’’ have been changed in this final rule and in the discussion below to
‘‘Consolidated Farm Service Agency

(CFSA),’’ and references to ‘‘Cooperative Extension Service (CES)’’ have been
changed to ‘‘Cooperative State Research, Education, and Extension Service

(CSREES).’’ For the reader’s convenience, the discussion is organized by the same topic headings in

the proposed rule. § 1220.717 General. Regarding § 1220.717(b), two

commenters suggested that the poll be

conducted at county Cooperative Extension Service (CES) Offices (now

Cooperative State Research, Education, and Extension Service (CSREES)) because the Act requires that referenda be conducted at CSREES offices and to do otherwise would tend to cause
confusion among producers. The poll is not a referendum. It is an opportunity
for producers to request a referendum, and only those producers who want to
r equest a refund referendum will participate in the poll. Therefore, we believe that the use of CFSA offices is
the most economical and efficient place

for conducting the poll. If the poll shows that producers favor a refund

r eferendum, it (as well as any future

r eferenda) will be conducted at county CSREES offices as provided in the Act. Accordingly, we have not adopted this
s u ggestion in this final rule. Regarding § 1220.717 (c) and (d), the

commenters suggested that, because the outcome of the poll is determined by 20 percent (not in excess of one-fifth of which may be producers in any one State) of all producers, the rule should

include the total number of soybean

producers that would be used to determine the outcome of the poll. This
is a valid suggestion. Accordingly, we have added subsection (e) as follows:

‘‘For purposes of subsections (c) and (d), the total number of producers is 381,000.’’ § 1220.720 Time and place for requesting a

refund referendum. Two commenters suggested extending

the in-person portion of the poll to three

cons e cu tive days and one commenter suggested extending it to two days. The

commenters believe that giving more
time for the in-person poll would

provide a greater opportunity for producers to participate in the poll. We

s hare the commenters’ concern that producers have ample opportunity to participate in the poll; however, we believe that the provision for a 4-week

absentee period will give all those who wish to participate in the poll a chance

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to do so. Therefore, this suggestion is not adopted. § 1220.723 Certification and request procedure. Regarding § 1220.723(b), two

commenters suggested that eligible producers be allowed to request Form
LS–53 (absentee request) by telephone. We have determined that restricting

requests to in-person and mail-in—

where the producer is required to write his or her name and address—lessens

the likelihood that a request would go unfilled because the required

information was not accurately recorded

by the person answering the telephone. Accordingly, this suggestion is not adopted. Regarding § 1220.723(b)(4), two

commenters wrote that the Act provides
that to be considered, absentee requests
(Forms LS–53) must be postmarked no
later than the end of the period

established under clause (i) for in- person requests. They assert that the postmark is the relevant date and
should be the end of the period for in- person requests. We agree that the postmark is the relevant date and that

the Act specifies that the date be no

later than the end of the period for in- person requests. The date can, however, be earlier, and we have required that absentee requests be postmarked no
later than the end of the period for absentee requests. This earlier cut-off date is necessary to ensure that county CFSA offices receive absentee requests

in time to allow those requesters’ names

to be posted for public viewing. Challenges to a person’s eligibility to make a request must be made no later

than the 2nd day after the in-person
polling date. Accordingly, we have
adopted a part of the suggestion and

amended this section to require that absentee requests be postmarked on or before the last day of the absentee polling period. § 1220.725 Challenge of eligibility. Regarding § 1220.725(e), two

com menters were concerned that there

is no provision for an appeal, by a person challenging a producer’s eligibility, of the county CFSA
com mittee’s determination that the producer is eligible. When a person
challenges another’s eligibility, the CFSA county committee, acting on
behalf of the Administrator of AMS for purposes of conducting the poll, determines whether the official records

indicate that the challenged person is eligible. If the records so indicate, the CFSA county committee resolves the

challenge in favor of eligibility. If the
re c o rds do not so indicate, the

challenged person is notified of his or her right of appeal and to provide proof of eligibility to the CFSA county

committee. Since the CFSA county
committee’s determination is based on

official records, this suggestion is not adopted. § 1220.726 Canvassing request lists. Regarding § 1220.726, two

commenters were concerned that the
canvassing procedures in this
subsection do not conform with the
canvassing procedures set out for the
initial referendum. The canvassing

referred to in the initial referendum rule pertained to the county CSREES offices

transferring ballots to the county CFSA
offices and verifying that each ballot

transferred was recorded on the list of voters. The canvassing referred to in this

rule pertains to the review and

tabulation of the poll results, which would take place on the 10th business day following the in-person polling date. The commenters’ concern that eligibility be determined in a timely manner is addressed in § 1220.725 and will be addressed in the detailed

instructions provided to the county CFSA offices. All properly completed

requests are deemed valid until challenged. The commenters also

suggested that the rule contain a definition of ‘‘invalid requests.’’ This is a valid suggestion and we have described that term in § 1220.726(b). Section 1220.726(b) in the proposed

rule is renumbered § 1220.726(c) in this

final rule. Miscellaneous Two commenters recommended that a new section be included to address the
requirement in the Act that the Secretary publish a notice in the Federal Register and that the Board
notify producers in writing, within 60 days of the end of the polling period, of
their opportunity to request a refund

referendum. This is a valid suggestion; however, rather than add a new section, we have expanded the definition of Public Notice in § 1220.711 to include
the commenters’ suggestions. Effective Date Pursuant to 5 U.S.C. 553 it is found

and determined that good cause exists
for not postponing the effective date of

the action until 30 days after publication of this rule in the Federal Register. This rule establishes the procedures for conducting a producer poll required by the Act and should

become effective as soon as possible in
order to begin preparations for the poll.

List of Subjects in 7 CFR Part 1220 Agricultural research, Reporting and

recordkeeping requirements, Soybeans. For the reasons set forth in the preamble, 7 CFR part 1220 is amended

as follows: PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER

INFORMATION

1. The authority citation for part 1220

continues to read as follows: Authority: 7 U.S.C. 6301–6311. 2. In part 1220, a new subpart F is added to read as follows: Subpart F—Procedures for the Conduct of a Producer Poll Sec. Definitions 1220.701 Act. 1220.702 Administrator. 1220.703 Consolidated Farm Service Agency County Committee. 1220.704 Consolidated Farm Service Agency. 1220.705 Consolidated Farm Service Agency County Executive Director. 1220.706 Department. 1220.707 Deputy Administrator. 1220.708 Order. 1220.709 Person. 1220.710 Producer. 1220.711 Public notice. 1220.712 Refund referendum. 1220.713 Representative period. 1220.714 Secretary. 1220.715 Soybeans. 1220.716 State and United States. Producer Poll 1220.717 General. 1220.718 Supervision of poll. 1220.719 Eligibility. 1220.720 Time and place for requesting a
refund referendum. 1220.721 Facilities for conducting poll. 1220.722 Certification and request forms. 1220.723 Certification and request procedure. 1220.724 Lists of registered producers. 1220.725 Challenge of eligibility. 1220.726 Canvassing request lists. 1220.727 CFSA county office report. 1220.728 CFSA State office report. 1220.729 Results of the poll. 1220.730 Disposition of records. 1220.731 Instructions and forms. Subpart F—Procedures for the Conduct of a Producer Poll Definitions § 1220.701 Act. The term Act means the Soybean, Promotion, Research, and Consumer

Information Act set forth in title XIX, subtitle E of the Food, Agriculture, Conservation, and Trade Act of 1990

(Pub. L. 101–624), and any amendments

thereto.

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§ 1220.702 Administrator. The term Administrator means the Administrator of AMS, or any officer or employee of the Department to whom

there has been delegated or may be delegated the authority to act in the Administrator’s stead. § 1220.703 Consolidated Farm Service Agency County Committee. The term Consolidated Farm Service Agency County Committee, also referred

to as CFSA County Committee, means

the group of persons within a county who are elected to act as the Consolidated Farm Service Agency County Committee. § 1220.704 Consolidated Farm Service Agency. The term Consolidated Farm Service Agency, also referred to as CFSA, means

the Consolidated Farm Service Agency

of the Department. § 1220.705 Consolidated Farm Service Agency County Executive Director. The term Consolidated Farm Service Agency County Executive Director, also

referred to as CED, means the person

employed by the CFSA County Committee to execute the policies of the CFSA County Committee and to be

responsible for the day-to-day operation
of the CFSA county office, or the person

acting in such capacity. § 1220.706 Department. The term Department means the United States Department of Agriculture. § 1220.707 Deputy Administrator. The term Deputy Administrator means the Deputy or Acting Deputy Administrator, Program Delivery and

Field Operations, Consolidated Farm

Service Agency, U.S. Department of Agriculture. § 1220.708 Order. The term Order means the Soybean
Promotion and Research Order. § 1220.709 Person. The term Person means any

individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity. § 1220.710 Producer. The term Producer means any person

engaged in the growing of soybeans in
the United States who owns, or shares
the ownership and risk of loss of such

soybeans. § 1220.711 Public notice. The term Public notice means a notice published in the Federal Register, not

later than 60 days prior to the last day

of the polling period which provides

information regarding the producer poll. Such notification shall include, but not be limited to explanation of producers—

rights; the opportunity to request a
refund referendum by participating in

the producer poll; the purpose of the poll, dates during which the producer poll will be conducted; where it will be
conducted, and eligibility requirements. Additionally, the Board is required to provide producers, in writing, the same
information during the same time period. Other pertinent information will also be provided, without advertising

expense, through press releases by State

and county CFSA offices and other appropriate Government offices, by means of newspapers, electronic media, county newsletter, and the like. § 1220.712 Refund referendum. The term Refund referendum means a

referendum conducted pursuant to
§ 1969(1)(2)(F)(iv) of the Act relating to
continuance of authority for producers

to receive refunds of assessments. § 1220.713 Representative period. The term Representative period means the period designated by the Secretary pursuant to § 1970 of the Act. § 1220.714 Secretary. The term Secretary means the Secretary of Agriculture of the United
States or any other officer or employee of the Department to whom there has been delegated or to whom there may be delegated the authority to act in the Secretary’s stead. § 1220.715 Soybeans. The term Soybeans means all varieties of Glycine max or Glycine soja. § 1220.716 State and United States. The terms State and United States

include the 50 States of the United

States of America, the District of Columbia, and the Commonwealth of Puerto Rico. Producer Poll § 1220.717 General. (a) A poll to determine whether eligible producers favor the conduct of a refund referendum on the continuance of the payment of refunds under the Order shall be conducted in accordance with this subpart. (b) The poll shall be conducted at the

coun ty offices of CFSA. (c) If the Secretary determines, based

on the poll results, that at least 20 percent (not in excess of one-fifth of which may be producers in any one State) of all producers support the

conducting of a refund referendum to

determine whether such producers favor

the continuation of the payment of refunds under the Order, a refund
referendum will be held within 1 year

from that determination. (d) If the Secretary determines, based

on the poll results, that less than 20 percent (not in excess of one-fifth of which may be producers in any one State) of all producers favor the conduct of a refund referendum, a refund
r eferendum will not be held and refunds will be discontinued. (e) For purposes of paragraphs (c) and

(d) of this section, the total number of producers is 381,000 as reported in the 1992 Census of Agriculture. § 1220.718 Supervision of poll. The Administrator shall be

responsible for conducting the poll in

accordance with this subpart. § 1220.719 Eligibility.
(a) Eligible producers. Each person who was a producer during the

representative period is entitled to
request a refund referendum. Each
producer entity is entitled to only one

request. (b) Participation in the poll by proxy
is not authorized. (c) An officer or employee of a

corporate producer, or any guardian, administrator, executor, or trustee of a producer’s estate, or an authorized

representative of any eligible producer entity (other than an individual producer), such as a corporation or partnership, may register and request a
refund referendum on behalf of that entity. Such individual must certify that he/she is authorized by such entity to
take such action. (d) Joint and group interest. A group

of individuals, such as members of a
family, joint tenants, tenants in

common, a partnership, owners of community property, or a corporation

engaged in the production of soybeans as a producer entity will be entitled to make only one request; provided, however, that any individual member of a group who is an eligible producer separate from the group may register and make a request as a producer. § 1220.720 Time and place for requesting a

refund referendum. A poll will be conducted for one day
on a date to be determined by the Secretary. Eligible persons shall make

their requests following the procedures
in § 1220.723. Except for absentee

r equests, the polling will take place during the business hours of each

county CFSA office.

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§ 1220.721 Facilities for conducting poll. Each county CFSA office shall provide adequate facilities and space to permit producers to register and to sign

Form LS–51 indicating that they are
requesting that a refund referendum be

conducted. § 1220.722 Certification and request forms. A single sheet (Form LS–51) shall be used for certifying eligibility and for

re questing a refund referendum. The

county CFSA office, at the request of the producer, will fill out the form, including the producer’s name and
address. The county CFSA office will require the producer to read the
cer tification statement and to sign his or her name. The form does not require a

‘‘yes’’ or ‘‘no.’’ Completing and signing

the Form LS–51 will be considered a

re quest to the Secretary to conduct a

re fund referendum. A combined

re gistration, certification, and request

form (Form LS–53) shall be used for absentee requests. The producer must read and sign the form simultaneously

re gistering, certifying eligibility, and
re questing that a refund referendum be

conducted. § 1220.723 Certification and request procedure. (a) In-person. Each producer who wants to request that a refund

referendum be conducted shall, during

the period to be specified by the Secretary, request that the county CFSA

office in, or serving, the county in which the producer resides, enter his or her name and address on Form LS–51. Each producer entity shall make its

request at the county CFSA office in the

county in which its headquarters office or business is located or at the county

office serving the county in which the
entity’s headquarters office or business

is located. Producers will be required to provide their names and addresses to

the county CFSA office and to read the
certification statement before signing

the form. By signing the form, producers certify that they or the entity they

represent were producers during the
specified representative period. A
producer who is requesting a refund
referendum on behalf of an entity
referred to in § 1220.719 certifies by

signing the form that he or she is authorized to do so. (b) Absentee requests. Individual eligible producers may request and

obtain a combined registration, certification, and request form (Form
LS–53) from the county CFSA office in, or serving, the county in which they

re side. Eligible producer entities may

re quest Form LS–53 from the county CFSA office in, or serving, the county in

which their main office is located. Only
one Form LS–53 shall be provided to
each eligible producer. Form LS–53 may

be requested in person or in writing during a specified period which will be

announced by the Secretary. The county ASCS office shall enter on Form LS–52,
‘‘Absentee Request List,’’ the name and
address of each person or entity
requesting Form LS–53 and the date the

form was mailed. (1) To register, eligible producers must complete and sign Form LS–53, and certify that: (i) They or the entity

they represent were producers during
the specified representative period; and
(ii) If requesting a refund referendum
on behalf of an entity referred to in

§ 1220.719 they are authorized to do so. (2) After completing Form LS–53, a producer must fold the self-mailer so
that the CFSA county office address is properly displayed, and mail or deliver

the form to the address shown. (3) Completed absentee requests must be postmarked no later than the last day

of the absentee polling period. § 1220.724 Lists of registered producers. Maintaining security of Forms LS–51

and LS–52. County CFSA offices shall at all times maintain control of the master
(original) Forms LS–51 and LS–52. A
copy of Form LS–52 will be posted and
available for public inspection each day
beginning on the first day of the
absentee polling period through the

second business day following the in- person poll. Copies of Form LS–51 will be posted and available for public

inspection on the date of the in-person

poll and for 2 business days thereafter. The forms will be posted during regular office hours in a conspicuous public

location. § 1220.725 Challenge of eligibility. (a) Who may challenge. A person’s eligibility to request a refund
referendum may be challenged by any person. (b) Challenge period. A challenge of a person’s eligibility to request a refund

referendum may be made at any time during the polling period, but no later

than the close of business on the 2nd

day after the date of the in-person poll. (c) Determination of challenges. The CFSA County Committee or its designee, acting on behalf of the Administrator, shall make a determination concerning the eligibility

of a producer who has been challenged
and notify challenged producers as soon
as practicable, but not later than 5

business days after the date of the in- person poll. (d) Challenged names. The names of producers whose eligibility is

challenged shall be so noted. The notation ‘‘challenged’’ shall be made next to the name on the Form LS–51 or Form LS–52. After the challenge has been resolved, the county CFSA office

shall write either ‘‘eligible’’ or

‘‘ineligible’’ next to the name on the Form LS–51 or Form LS–52. A

challenge shall be determined to have been resolved if the determination of the CFSA County Committee or its designee

is not appealed within the time allowed

for appeal or there has been a determination by the CFSA County Committee after an appeal. (e) Appeal. A person declared to be

ineligible to request a refund

referendum by the CFSA County Committee or its designee may file an
appeal at the county CFSA office within

3 business days after notification of such decision. Such person may be
required to provide documentation such

as sales documents or similar documents in order to demonstrate his or her eligibility. An appeal shall be determined by the CFSA County Committee, or its designee, acting on

behalf of the Administrator, as soon as practicable, but in all cases not later

than the 9th business day after the last day of the polling period. The CFSA

County Committee or its designee’s determination on an appeal is final. § 1220.726 Canvassing request lists. (a) Canvassing procedure. Canvassing of Forms LS–51, LS–52, and LS–53 shall
take place as soon as possible after the opening of county CFSA offices on the 10th business day following the in- person polling date. Such canvassing

s hall be in the presence of at least two CFSA employees. CED or designee shall supervise the canvassing process and make a determination as to: (1) The number of producers signing Forms LS–51 and LS–53 and found to

be eligible to request a refund
referendum, and

(2) The number of producers signing Forms LS–51 and LS–53 found to be
ineligible to request a refund

referendum. (b) Requests shall be declared invalid
if a producer has failed to provide all
information required and/or has failed

to properly sign Forms LS–51, LS–52, or LS–53. (c) The public may witness the review
and tabulation of Forms LS–51, LS–52, and LS–53, but may not interfere with

the process. § 1220.727 CFSA county office report. The CFSA county report shall be
ce rtified as complete by the CED or designee. CFSA county office shall notify CFSA State office of the results of

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1Commenters included 39 financial institutions, six trade associations, five Federal Reserve Banks, and two law firms. No consumer groups commented on the interim rule.

the poll. Each CFSA county office shall

transmit the results of the poll in its county to the CFSA State office. Such
report shall include, but not be limited
to, the number of producers registering

to request a refund referendum; the number of requests declared invalid; the number of requests declared ineligible; and the total number of requests declared eligible to conduct a

referendum. The results of the poll in
each county may be made available to
the public after the county has reported

to the State office. A copy of the report of results shall be posted for 30 days in CFSA county office in a conspicuous place accessible to the public, and a

copy shall be kept on file in CFSA

county office for a period of at least 12 months. § 1220.728 CFSA State office report. Each CFSA State office shall transmit
to the Deputy Administrator, CFSA, a written summary of the results of the poll received from all CFSA county

offices within the State. The summary

shall include the information on the poll results contained in the reports

from all county offices within each State

and be certified by the CFSA State Executive Director. The State CFSA

office shall maintain a copy of the

summary where it shall be available for public inspection for a period of not less

that 12 months. § 1220.729 Results of the poll. (a) The Deputy Administrator, CFSA, shall submit to the Administrator, AMS, the results of the poll. The Administrator, AMS, shall prepare and

submit to the Secretary a report of the

results of the poll. The results of the poll shall be issued by the Department
in an official press release and
published in the Federal Register. State
reports and related papers shall be

available for public inspection in the office of the Marketing Programs Branch, Livestock and Seed Division, AMS, USDA, room 2624 South Agriculture Building, 14th and
Independence Avenue SW, Washington, DC.(b) If the Secretary deems it necessary, the report of any State or county will be

reexamined and checked by such

persons who may be designated by the Deputy Administrator, CFSA, or the Secretary. § 1220.730 Disposition of records. Each CFSA CED shall place in sealed

containers marked with the

identification of the soybean producer poll, the request lists and county

sum maries. Such records shall be

sec u red in the custody of the CFSA CED

for a period of not less than 12 months after the poll. If no notice to the contrary

is received from the Deputy Administrator, CFSA, by the end of such time, the records shall be destroyed. § 1220.731 Instructions and forms. The Administrator is hereby

authorized to prescribe additional

instructions and forms not inconsistent with the provisions of this subpart to

govern the conduct of the producer poll. Dated: March 15, 1995. Lon Hatamiya, Administrator. [FR Doc. 95–6910 Filed 3–21–95; 8:45 am] BILLING CODE 3410–02–P

FEDERAL RESERVE SYSTEM
12 CFR Part 205

[Regulation E; Docket No. R–0859] Electronic Fund Transfers AGENCY: Board of Governors of the Federal Reserve System. ACTION: Final rule. SUMMARY: The Board is publishing a

final rule amending Regulation E
(Electronic Fund Transfers). The
amendment eliminates the requirement

that an electronic terminal receipt disclose a number or code that uniquely
identifies the consumer, the consumer’s account, or the access device. This

requirement posed a significant security
risk to consumers and financial
institutions by making information

accessible to criminals that could be used to make fraudulent fund withdrawals. To address this problem, the Board adopted an interim rule

effective December 1, 1994. The Board
also sought comments on the interim
rule and is amending the rule to address

the comments received. EFFECTIVE DATE: April 24, 1995. FOR FURTHER INFORMATION CONTACT: Jane

Jensen Gell, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–2412 or (202) 452–3667. For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf
(TDD), at (202) 452–3544. SUPPLEMENTARY INFORMATION: I. Background The Board’s Regulation E implements

the Electronic Fund Transfer Act

(EFTA). The EFTA provides a basic
framework establishing the rights,

liabilities, and responsibilities of participants in electronic fund transfer
(EFT) systems. Types of transfers covered by the act and regulation
include transfers initiated through an

automated teller machine (ATM), point- of-sale terminal, automated

clearinghouse, telephone bill-payment system, or home banking program. Regulation E establishes restrictions on
the unsolicited issuance of ATM cards and other access devices; requires disclosure of terms and conditions of an
EFT service; calls for documentation of EFTs through terminal receipts and

periodic account statements; provides

limitations on consumer liability for unauthorized transfers; and establishes procedures for error resolution.

II. Summary of Amendment
In December 1994, the Board adopted
an interim rule amending Regulation E

(59 FR 61787, December 2, 1994). Comment was solicited on making the
rule final; approximately 65 comments were received. All commenters strongly

supported the Board’s proposal.1 Commenters believed that the change would not significantly reduce the level of information provided to consumers

regarding their ATM transactions and would continue to provide enough

information for the consumer (and the
financial institution) to identify the

transaction. Based on the comments received and
further analysis, the Board is adopting

final amendments to Regulation E. Under the final rule, the card or account number identification on the receipt no

longer has to be ‘‘unique’’ among the

institution’s customers and need not exceed four digits or letters. The number or code still has to distinguish the

consumer’s account(s) from other accounts of the same consumer at the
institution, and to distinguish the access device from other access devices of the

same consumer at the institution. Section 205.9—Documentation of Transfers Paragraph (a)—Receipts at Electronic Terminals Under the EFTA, when a consumer

initiates a transfer at an electronic

terminal, the financial institution must make a written receipt available to the
consumer, identifying the consumer’s account with the financial institution

from which or to which funds are

transferred. Under the regulation, institutions can comply with this