

All other items are budgeted at last year's amounts.

The Committee also unanimously recommended an assessment rate of \$0.10 per hundredweight, the same as last season. This rate, when applied to anticipated shipments of 8,800,000 hundredweight, will yield \$880,000 in assessment income. This, along with \$45,000 in interest income and \$186,447 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve at the end of the 1994-95 fiscal period, estimated at \$921,500, were within the maximum permitted by the order of one fiscal period's expenses.

An interim final rule was published in the **Federal Register** on May 9, 1995 (60 FR 24539). That interim final rule added § 958.239 to authorize expenses and establish an assessment rate for the Committee. That rule provided that interested persons could file comments through June 8, 1995. No comments were received.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1995-96 fiscal period began on July 1, 1995. The marketing order requires that the rate of assessment for the fiscal period apply to all assessable onions handled during the fiscal period. In addition, handlers are aware of this rule which was recommended by the Committee at a public meeting and published in the **Federal Register** as an interim final rule.

#### List of Subjects in 7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 958 is amended as follows:

#### PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

Accordingly, the interim final rule adding § 958.239 which was published at 60 FR 24539, May 9, 1995, is adopted as a final rule without change.

Dated: June 27, 1995.

**Sharon Bomer Lauritsen,**

*Deputy Director, Fruit and Vegetable Division.*

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#### Rural Housing and Community Development Service

#### Rural Business and Cooperative Development Service

#### Rural Utilities Service

#### Consolidated Farm Service Agency

#### 7 CFR Part 1955

#### Acquired Property Records

**AGENCIES:** Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, Rural Utilities Service, Consolidated Farm Service Agency.

**ACTION:** Final rule.

**SUMMARY:** The issuing agencies amend their property management regulations to remove solely internal procedures and to make several nomenclature changes.

**EFFECTIVE DATE:** July 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ron Gianella, Staff Accountant, Accounting Policy and Procedures Section I, Rural Housing and Community Development Service, USDA, Finance Office, 1520 Market Street, St. Louis, Missouri 63103, Telephone 314-539-6024.

**SUPPLEMENTARY INFORMATION:** Since this action has no impact on the public and involves only internal Agency management, it has been determined to be exempt from the requirements of Executive Order 12866.

#### Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, Environmental Program. The issuing agencies have determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969,

Public Law 91-190, an environmental impact statement is not required.

#### Intergovernmental Consultation

These programs/activities are listed in the Catalog of Federal Domestic Assistance under numbers:

- 10.404 Emergency Loans
- 10.405 Farm Labor Housing Loans and Grants
- 10.406 Farm Operating Loans
- 10.407 Farm Ownership Loans
- 10.410 Very Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.415 Rural Rental Housing Loans
- 10.416 Soil and Water Loans
- 10.421 Indian Tribes and Tribal Corporation Loans
- 10.434 Nonprofit National Corporations Loan and Grant Program
- 10.760 Water and Waste Disposal Loan and Grant Program
- 10.764 Resource Conservation and Development Loans
- 10.765 Watershed Protection and Flood Prevention Loans
- 10.766 Community Facilities Loans
- 10.767 Intermediary Relending Program
- 10.768 Business and Industrial Loans

This internal management regulation does not directly affect these programs or activities; therefore, the intergovernmental consultation requirement of Executive Order No. 12372 does not apply.

#### Paperwork Reduction Act

The information collection requirements contained in these regulations have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control numbers 0575-0109 and 0575-0110 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). The final rule does not revise or impose any new information collection or recordkeeping requirement from those approved by OMB.

#### Discussion of Final Rule

The issuing agencies are amending their property management regulations to remove solely administrative procedures in an effort to reduce federal agencies regulation. The procedures will remain in internal agency instructions. References to Farmers Home Administration ("FmHA") and "County Committee" have been removed to reflect changes made by sections 226 and 227 of the Department of Agriculture Reorganization Act of 1994. Due to the reorganization of USDA, FmHA Farmer Programs now are being

administered as Farm Credit Programs by the Consolidated Farm Service Agency (CFSA). FmHA Rural Housing loans and Community Facilities loans now are administered by the Rural Housing and Community Development Service (RHCD). Water and Waste facility loans are administered by the Rural Utilities Service (RUS), and Business and Industrial loans are handled by the Rural Business and Cooperative Development Service (RBCDS). The affected agencies are jointly issuing this final rule.

#### List of Subjects in 7 CFR Part 1955

Government property management.

Accordingly, part 1955, chapter XVIII, title 7, of the CFR, is amended as follows:

#### PART 1955—PROPERTY MANAGEMENT

1. The authority citation for part 1955 continues to read as follows:

**Authority:** 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

#### Subpart A—Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property

2. Section 1955.18 is amended by removing and reserving paragraphs (a) through (d) and (f) through (l).

#### Subpart B—Management of Property

3. Section 1955.63 is amended by revising the reference to "County Committee" in the third sentence of the introductory text to read "Agency;" by revising the references to "FmHA or its successor agency under Public Law 103-354" in paragraph (c) introductory text and paragraph (c)(3) to read "the Agency;" by removing and reserving paragraph (d); and by revising paragraphs (a) and (b) to read as follows:

#### § 1955.63 Suitability determination.

\* \* \* \* \*

(a) *Property other than housing.* Property which secured loans or was acquired under the CONACT will be classified as suitable or surplus by the Agency. CONACT property originally classified as suitable may be reclassified as surplus because of physical damage such as fire, flood, sheet erosion or falling water table; or change in economic conditions such as the rising cost of production inputs, viable market outlets and obsolescence, which affect its suitability for program purposes. In addition, suitable farm property that is not sold to a family-size farm operator, including beginning farmers or

ranchers, within 12 months from the date of the first advertisement pursuant to § 1955.107(a) of subpart C of this part will be reclassified surplus. If the property is offered for sale as surplus and the purchaser is eligible for Agency assistance, it may be reclassified by the Agency as suitable, if it is in fact suitable for program purposes.

(b) Grouping and subdividing farm properties larger than family-size. The Agency will subdivide farm properties larger than family-size whenever possible into parcels for the purpose of creating one or more suitable farm properties. Such land shall be subdivided into parcels of land the shape and size of which are suitable for farming, the value of which shall not exceed the insured farm ownership loan limit of \$200,000. The Agency may also group two or more individual properties into one or more suitable farm properties.

\* \* \* \* \*

4. Section 1955.64 is removed and reserved.

5. Section 1955.66 is amended by removing and reserving paragraphs (i), (k)(1), and (l) through (o), and in the third sentence of paragraph (j) by revising the reference "FmHA or its successor agency under Public Law 103-354 Instruction 1955-D (available in any Agency FmHA or its successor agency under Public Law 103-354 office)" to read "subpart B of part 1924 of this chapter."

6. Section 1955.72 is amended by revising the reference to "FmHA or its successor agency under Public Law 103-354" in the heading and paragraphs (a) and (b) to read "the Agency."

7. Section 1955.80 is removed and reserved.

#### Subpart C—Disposal of Inventory Property

8. Section 1955.107 is amended by revising the references to "FmHA or its successor agency under Public Law 103-354" in the first sentence of the introductory text, in paragraph (d)(3), and in paragraph (f)(1)(v) to read "Agency;" by removing and reserving paragraphs (b), (d)(1), (d)(2), and (d)(6); by revising the references to "County Committee" in the second sentence of paragraph (f) introductory text and in paragraphs (f)(2) and (f)(3) to read "Agency;" by removing the words "as determined by the County Committee" in the introductory text of paragraph (f)(1); and by revising paragraph (a) to read as follows:

#### § 1955.107 Sale of suitable property (CONACT).

\* \* \* \* \*

(a) *Sale by the Agency.* The Agency will advertise suitable property for sale or lease. Tribal Councils or other recognized Indian governing bodies having jurisdiction over Indian reservations as defined in 1955.103 of this subpart, however, will be responsible for notifying those parties listed in 1955.66(d)(2) of subpart B of this part.

\* \* \* \* \*

9. Section 1955.108 is amended by removing the phrase "by the County Committee" in the fifth sentence.

10. Section 1955.109 is amended by revising the reference in the third sentence of paragraph (a) to "Farmer Programs" to read "Farm Credit Programs;" by revising the reference in paragraph (c) to "FmHA or its successor agency under Public Law 103-354" to read "the Agency;" by removing and reserving paragraphs (b), (d), (e), and (i), and by removing the last sentence in paragraph (g).

11. Section 1955.137 is amended by removing and reserving paragraphs (c) and (h); by removing the first three sentences in paragraph (b)(7); by revising the references to "FmHA or its successor agency under Public Law 103-354" the first time it appears in the first sentence of paragraph (b)(1)(iii), the introductory text of paragraph (b)(2), the second sentence of paragraph (b)(6), the first and ninth sentences of paragraph (d), and paragraphs (e)(1), (e)(1)(ii), (e)(2) and (e)(4) to read "Agency;" by removing the references to "FmHA or its successor agency under Public Law 103-354" the second time it appears in the first sentence of paragraph (b)(1)(ii), and the second sentence of paragraph (b)(1)(iii); by revising the reference to "SCS" in the fourth sentence of paragraph (b)(1)(iii) to read "NRCS;" and by amending the heading of paragraph (d) to revise the phrase "and/or" to read "or."

12. Section 1955.140 is amended in the first sentence of paragraph (a) by revising "Farmer Programs" to read "Farm Credit Programs property;" by removing in the third sentence of paragraph (a) and in paragraph (b) the words "based on the recommendations of the County Committee,;" and by revising "FmHA or its successor agency under Public Law 103-354" to read "Agency's" in the ninth sentence of paragraph (a).

13. Section 1955.141 is amended by removing and reserving paragraphs (a) through (c).

14. Sections 1955.142 and 1955.143 are removed and reserved.

15. Section 1955.144 is amended by removing the second through the fourth sentences.

Dated: May 22, 1995.

**Michael V. Dunn,**

*Acting Under Secretary for Rural Economic and Community Development.*

Dated: May 22, 1995.

**Eugene Moss,**

*Under Secretary for Farm and Foreign Agriculture Services.*

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## Office of Operations

### 7 CFR Part 2812

#### Department of Agriculture Guidelines for the Donation of Excess Research Equipment

**AGENCY:** Office of Operations, USDA.

**ACTION:** Final rule.

**SUMMARY:** The final rule sets forth uniform procedures for the donation of excess research equipment to educational institutions and nonprofit organizations for the conduct of technical and scientific education and research activities as authorized by section 11(i) of the Stevenson/Wydler Technology Act (Pub. L. No. 102-245), 15 U.S.C. 3710(i). This document includes not only the Department of Agriculture (USDA) procedures to implement 15 U.S.C. 3710(i), but also draws upon the General Services Administration (GSA) regulations concerning the disposal of excess personal property. This rule will allow the Department of Agriculture to donate excess research equipment to educational institutions and nonprofit organizations for the conduct of technical and scientific education and research activities.

**EFFECTIVE DATE:** August 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Denise R. Patterson, Acting Division Chief, Personal Property Management Division on (202) 720-3141.

**SUPPLEMENTARY INFORMATION:** The proposed rule was published in the **Federal Register** on May 13, 1994 (59 FR 24973). During the final rulemaking process, the rule was determined not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

Two comments were received. The National Aeronautics and Space Administration (NASA) requested that the property be reutilized within the federal government before being distributed. The rule does allow agencies within USDA the opportunity to obtain excess research equipment during the 30 to 45 days that the property remains in the excess system.

It is only after no USDA agency requests the equipment that it is available for donation to an eligible institution. USDA believes that making the equipment more widely available within the Government prior to donation would undermine the purpose of 15 U.S.C. 3710(i), which is to improve science education in the United States thereby advancing American competitiveness. The other comment was from the General Services Administration (GSA). It recommended that the Department of Agriculture target educational institutions located in economically disadvantaged rural and urban cities. USDA believes that targeting educational institutions located in economically disadvantaged rural and urban cities would improve science education in these locations. However, USDA believes that the purpose of this provision can best be achieved by not limiting the donation of excess research equipment. Accordingly, no changes other than some minor corrections have been made to the final rule.

A revision of the "Classification Section" was made because it contained information not pertinent to the rule.

#### Paperwork Reduction

Except for the Gift/Acceptance Agreement contained in appendix A to part 2812, the forms necessary to implement these procedures have been cleared by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act, 44 U.S.C. 3500 *et seq.* The Gift/Acceptance Agreement has been submitted to OMB for clearance under the Paperwork Reduction Act.

#### Classification

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

#### Regulatory Analysis

Not required for this rulemaking.

#### Environmental Impact Statement

This proposed rule does not significantly affect the environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*

#### Catalog Federal Domestic Assistance

Not required for this rulemaking.

#### List of Subjects in 7 CFR Part 2812

Government property, Government property management, Excess government property.

Done at Washington, DC, this 26th 1995.

**Dan Glickman,**

*Secretary.*

For the reasons set forth in the preamble, part 2812 is added to chapter XXVIII of title 7 of the Code of Federal Regulations to read as follows:

#### PART 2812—DEPARTMENT OF AGRICULTURE GUIDELINES FOR THE DONATION OF EXCESS RESEARCH EQUIPMENT UNDER 15 U.S.C. 3710(i)

Sec.

- 2812.1 Purpose.
- 2812.2 Eligibility.
- 2812.3 Definitions.
- 2812.4 Procedures.
- 2812.5 Restrictions.
- 2812.6 Title.
- 2812.7 Costs.
- 2812.8 Accountability and recordkeeping.
- 2812.9 Disposal.
- 2812.10 Liabilities and losses.

Appendix A to Part 2812—Gift/Acceptance Agreement: Educational Institution or Nonprofit Organization and the United States Department of Agriculture

**Authority:** 5 U.S.C. 301.

#### § 2812.01 Purpose.

This part sets forth the procedures to be utilized by USDA agencies and laboratories in the donation of excess research equipment to educational institutions and non-profit organizations for the conduct of technical and scientific education and research activities as authorized by 15 U.S.C. 3710(i). Title to excess research equipment donated pursuant to 15 U.S.C. 3710(i), shall pass to the donee.

#### § 2812.2 Eligibility.

Eligible organizations are educational institutions or non-profit organizations involved in the conduct of technical and scientific educational and research activities.

#### § 2812.3 Definitions.

(a) *Cannibalization*—The dismantling of equipment for parts to repair or enhance other equipment. The residual is reported for disposal. Cannibalization is only authorized if the property value is greater when cannibalized than retention in the original condition.

(b) *Education-related Federal equipment*—Equipment that is appropriate for educational purposes.

(c) *Excess personal property*—Items of personal property no longer required by the controlling Federal agency.

(d) *Research equipment*—Federal property determined to be essential to