

executor, or trustee of an eligible producing, producing and handling, or importing entity may cast a ballot on behalf of such entity. Any individual so voting in the referendum shall certify that such individual is an officer or employee of the eligible producer, producer-handler, or importer, or an administrator, executor, or trustee of an eligible producing, producing and handling, or importing entity, and that such individual has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) *Instructions.* The referendum agent shall conduct the referendum, in the manner herein provided, under the supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedures to be followed by the referendum agent. Such agent shall:

(1) Prepare ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information including that needed for ascertaining whether the person voting, or on whose behalf the vote is cast, is an eligible voter.

(2) Give reasonable advance public notice of the referendum:

(i) By utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, places, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio; and

(ii) By such other means as the agent may deem advisable.

(3) Mail to each eligible producer, producer-handler, and importer, whose name and address is known to the agent, the instructions on voting and a ballot. No person who claims to be eligible to vote shall be refused a ballot.

(4) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in the presence of an agent of the Office of Inspector General.

(5) Prepare a report on the referendum.

(6) Announce the results to the public.

(d) *Subagents.* The referendum agent may appoint any individual or individuals deemed necessary or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any and all functions which, in the absence of such

appointment, shall be performed by the agent.

(e) *Ballots.* The referendum agent and subagents shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under these procedures shall not be counted.

(f) *Referendum report.* Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

(g) *Confidential information.* The ballots and other information or reports that reveal, or tend to reveal, the vote of any person in the referendum shall be held strictly confidential and shall not be disclosed.

Dated: October 4, 1995.

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

[FR Doc. 95-25165 Filed 10-10-95; 8:45 am]

BILLING CODE 3410-02-P

Rural Housing and Community Development Service

Rural Business and Cooperative Development Service

Rural Utilities Service

Consolidated Farm Service Agency

7 CFR Parts 1942 and 1980

RIN 0575-AA12

Rural Business Enterprise Grants and Television Demonstration Grants; Technical Assistance and Training Grants; Nonprofit National Corporations Loan and Grant Program

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

ACTION: Final rule.

SUMMARY: The Rural Business and Cooperative Development Service (RBCDS) and Rural Utilities Service (RUS) amend the agencies' policies and procedures governing the

administration of programs which authorize technical assistance as an eligible grant purpose. This action is necessary to implement legislation that prohibits duplication of technical assistance grant funding provided by the Forest Service (FS). The intended effect of this action is to require that grant funds may not be used to pay for technical assistance which duplicates assistance provided under an action plan funded by the FS under the National Forest-Dependent Rural Communities Economic Diversification Act during 5 continuous years from the date of grant approval by the FS.

EFFECTIVE DATE: October 11, 1995.

FOR FURTHER INFORMATION CONTACT:

Jennifer Barton, Loan Specialist, Community Facilities Division, U.S. Department of Agriculture, Room 6304, South Agriculture Building, 14th Street and Independence Avenue SW., Washington D.C. 20250-0700, telephone (202) 720-1504.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Environmental Impact

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It has been 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, Pub. L. 91-190, an Environmental Impact Statement is not required.

Executive Order 12778

The proposed regulation has been reviewed in light of Executive Order 12778 and meets the applicable standards provided in sections 2(a) and 2(b)(2) of that Order. Provisions within this part which are inconsistent with state law are controlling. All administrative remedies pursuant to 7 CFR part 1900, subpart B, must be exhausted prior to filing suit.

Paperwork Reduction Act

The information collection or recordkeeping 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 0575-0132, 0575-0123, and 0575-0121, in

accordance with the Paperwork Reduction Act of 1980. This final rule does not revise or impose any new information collection or recordkeeping requirement from those approved by OMB.

Background

RBCDS and RUS are implementing section 2375(e) of Pub. L. 101-624, which requires the Secretary of Agriculture to ensure that no substantially similar geographical or defined local area in a state receives a grant for technical assistance to an economically disadvantaged community from the FS and a grant for technical assistance under a designated rural development program as defined in section 365(b)(2) of the Consolidated Farm and Rural Development Act, during any continuous 5-year period.

Discussion of Comments

On March 16, 1994, a proposed rule was published in the **Federal Register** (59 FR 12200) providing for a 30-day review and comment period ending April 15, 1994. One comment was received.

The respondent had misinterpreted the proposed rule change to read that the rule change prohibits an economically disadvantaged community from receiving technical assistance grants from the FS, RBCDS and RUS during 5 continuous years. However, the change prohibits grant funds to an economically disadvantaged community for *duplicate* technical assistance. Grant funds cannot be made available from FS, RBCDS and RUS to an economically disadvantaged community for the same purpose during 5 continuous years. Therefore, the final rule remains unchanged from the proposed rule.

Programs Affected

The programs are listed in the Catalog of Federal Domestic Assistance under Numbers 10.769, Rural Development Grants; 10.761, Technical Assistance and Training Grants; and 10.762, Solid Waste Management Grants. The 10.769 program is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. The 10.761 and 10.762 programs are exempt from the provisions of Executive Order 12372. RUS conducts intergovernmental consultation in the manner delineated in FmHA Instruction 1940-J. The Nonprofit National Corporations Loan and Grant Program (NNC) is an old program that is no longer offered, however, the Agency continues to service existing grantees.

List of Subjects in 7 CFR Parts 1942 and 1980

Business and Industry; Community development; Community facilities; Economic development, Grant programs—housing and community development, Grant programs—nonprofit corporations, Industrial park, Loan programs—nonprofit corporations, Rural areas.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1942—ASSOCIATIONS

1. The authority citation for part 1942 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989.

Subpart G—Rural Business Enterprise Grants and Television Demonstration Grants

2. Section 1942.307 is amended by adding a new paragraph (a)(6) as follows:

§ 1942.307 Limitations on use of grant funds.

(a) * * *

(6) To pay for technical assistance as defined in this subpart which duplicates assistance provided to implement an action plan funded by the Forest Service (FS) under the National Forest-Dependent Rural Communities Economic Diversification Act for 5 continuous years from the date of grant approval by the FS. To avoid duplicate assistance, the grantee shall coordinate with FS and Rural Business and Cooperative Development Service (RBCDS) to ascertain if a grant has been made in a substantially similar geographical or defined local area in a State for technical assistance under the above program. The grantee will provide documentation to FS and RBCDS regarding the contact with each agency. Under its program, the FS assists rural communities dependent upon national forest resources by establishing rural forestry and economic diversification action teams which prepare action plans. Action plans are intended to provide opportunities to promote economic diversification and enhance local economies dependent upon national forest resources.

* * * * *

Subpart J—Technical Assistance and Training Grants

3. Section 1942.460 is amended by adding paragraph (g) to read as follows:

§ 1942.460 Limitations.

* * * * *

(g) Pay for technical assistance as defined in this subpart which duplicates assistance provided to implement an action plan funded by the Forest Service (FS) under the National Forest-Dependent Rural Communities Economic Diversification Act for 5 continuous years from the date of grant approval by the FS. To avoid duplicate assistance, the grantee shall coordinate with the FS and Rural Utilities Service (RUS) to ascertain if a grant has been made in a substantially similar geographical or defined local area in a State for technical assistance under the above program. The grantee will provide documentation to FS and RUS regarding the contact with each agency. Under its program, the FS assists rural communities dependent upon national forest resources by establishing rural forestry and economic diversification action teams which prepare action plans. Action plans are intended to provide opportunities to promote economic diversification and enhance local economies dependent upon national forest resources.

PART 1980—GENERAL

4. The authority citation for part 1980 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart G—Nonprofit National Corporations Loan and Grant Program

5. Section 1980.613 is amended by designating the existing paragraph as paragraph (a) and adding paragraph (b) to read as follows:

§ 1980.613 Technical assistance.

* * * * *

(b) Grant funds for technical assistance which duplicates assistance provided under an action plan funded by the Forest Service (FS) under the National Forest-Dependent Rural Communities Economic Diversification Act will not be provided for 5 continuous years from the date of grant approval by the FS. To avoid duplicate assistance, the NNC shall coordinate with the FS and Rural Business and Cooperative Development Service (RBCDS) to determine the best use of available resources and to ascertain if a grant has been made in a substantially similar geographical or defined local area in a State for technical assistance under the above program. The NNC will provide documentation to FS and RBCDS regarding the contact with each agency. Under its program, the FS assists rural communities dependent upon national forest resources by establishing rural forestry and economic

diversification action teams which prepare action plans. Action plans are intended to provide opportunities to promote economic diversification and enhance local economies dependent upon national forest resources.

Dated: September 14, 1995.

Jill Long Thompson,

Under Secretary, Rural Economic and Community Development.

[FR Doc. 95-25017 Filed 10-10-95; 8:45 am]

BILLING CODE 3410-32-U

Office of Inspector General

7 CFR Part 2610

Organization, Functions, and Delegations of Authority

AGENCY: Office of Inspector General, USDA.

ACTION: Final rule.

SUMMARY: The Office of Inspector General amends its regulation relating to organization, functions, and delegations of authority. The amendments are necessary to reflect a reorganization of the Office of Inspector General.

EFFECTIVE DATE: October 11, 1995.

FOR FURTHER INFORMATION CONTACT: Paula F. Hayes, Assistant Inspector General for Policy Development and Resources Management, Office of Inspector General, U.S. Department of Agriculture, Ag Box 2310, Washington D.C. 20250 (202-720-6979)

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are unnecessary and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, because this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined in Pub. L. 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2610

Authority delegations (Government agencies), Organization and functions (Government agencies).

According to part 2610 is revised as follows:

PART 2610—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Sec.

- 2610.1 General statement.
- 2610.2 Headquarters organization.
- 2610.3 Regional organization.
- 2610.4 Requests for service.
- 2610.5 Delegations of authority.

Authority: 5 U.S.C. 301 and 552, Pub. L. 95-452, 5 U.S.C. App., and Pub. L. 97-98, 7 U.S.C. 2270.

§ 2610.1 General statement.

(a) The Inspector General Act of 1978 as amended, Pub. L. 95-452, 5 U.S.C. App., establishes an Office of Inspector General (OIG) in the U.S. Department of Agriculture (USDA) and transfers to it the functions, powers, and duties of offices referred to in the Department as the "Office of Investigation" and the "Office of Audit," previously assigned to the OIG created by the Secretary's Memoranda 1915 and 1727, dated March 23, 1977, and October 5, 1977, respectively. Under this Act, OIG is established as an independent and objective unit, headed by the Inspector General (IG), who is appointed by the President and reports to and is under the general supervision of the Secretary.

(b) The mission of OIG is to provide policy direction; to conduct, supervise, and coordinate audits and investigations of USDA programs and operations to determine efficiency and effectiveness; to prevent and detect fraud and abuse in such programs and operations; and to keep the Secretary and the Congress informed of problems and deficiencies relative to the programs and operations.

(c) The Secretary has made the following delegations of authority to the IG (7 CFR 2.33):

- (1) Advise the Secretary and General Officers in the planning, development, and execution of Department policies and programs.
- (2) Provide for the personal security of the Secretary and Deputy Secretary.
- (3) Serve as liaison official for the Department for all audits of USDA performed by the General Accounting Office.
- (4) In addition to the above delegations of authority, the IG, under the general supervision of the secretary, has specific duties, responsibilities, and authorities pursuant to the Act, including:

(i) Conduct and supervise audits and investigations relating to programs and operations of the Department.

(ii) Provide leadership, coordination, and policy recommendations to promote economy, efficiency, and effectiveness, and to prevent and detect fraud and

abuse in the administration of the Department's program and operations.

(iii) Keep the Secretary and the congress fully and currently informed about problems and deficiencies and the necessity for and progress of corrective actions in the administration of the Department's programs and operations.

(iv) Make such investigations and reports relating to the administration of programs and operations of the Department as are in the judgment of the IG, necessary or desirable.

(v) Review existing and proposed legislation and regulations and make recommendations to the Secretary and the Congress on the impact such laws or regulations will have on the economy and efficiency of program administration or in the prevention and detection of fraud and abuse in the programs and operations of the Department.

(vi) Have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Department which relate to programs and operations for which the IG has responsibility.

(vii) Report expeditiously to the Attorney General any matter where there are reasonable grounds to believe there has been a violation of Federal criminal law.

(viii) Issue subpoenas to other than Federal agencies for the production of information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of functions assigned by the Act.

(ix) Receive and investigate complaints or information from any Department employee concerning possible violations of laws, rules or regulations, or mismanagement, gross waste of funds, abuse of authority, or substantial and specific dangers to the public health and safety.

(x) Select, appoint, and employ necessary officers and employees in OIG in accordance with laws and regulations governing the civil service, including an Assistant Inspector General for Auditing and an Assistant Inspector General for Investigations.

(xi) Obtain services as authorized by Section 3109 of Title 5, United States Code.

(xii) Enter into contracts and other arrangements for audits, inspections, studies, analyses, and other services with public agencies and private persons, and make such payments as may be necessary to carry out the provisions of the Act to the extent and in such amounts as may be provided in an appropriation act.