

The Committee developed the \$0.025 assessment rate recommendation by considering the 2001–2002 budget and crop estimate, as well as the relatively small size of its monetary reserve.

Assessment income for the fiscal period should approximate \$79,700 based on estimated fresh Bartlett pear shipments of 3,188,000 standard boxes, which is adequate to cover budgeted expenses. Funds in the reserve (approximately \$18,443) will be kept within the maximum permitted by the order of approximately one fiscal period's operational expenses (§ 931.42).

The Committee considered alternative levels of assessment but, considering the current relatively low level of funding in the monetary reserve, determined that increasing the assessment rate to \$0.025 per standard box to be appropriate. The Committee believes that an assessment rate of more than \$0.025 per standard box would have generated income in excess of that needed to adequately administer the program, and if left at the \$0.02 rate, or reduced, would have been inadequate to administer the program.

A review of historical information and preliminary information pertaining to the upcoming crop indicates that the producer price for the 2001–2002 marketing season could average about \$11.61 per standard box of fresh Bartlett pears handled. Therefore, the Committee's estimated assessment revenue for the 2001–2002 fiscal period as a percentage of total producer revenue should be approximately 0.215 percent.

This action increases 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 are offset by the benefits derived by the operation of the order. In addition, the Committee's meeting was widely publicized throughout the fresh Bartlett pear industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the May 31, 2001, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Furthermore, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

This rule imposes no additional reporting or recordkeeping requirements on either small or large fresh Bartlett pear 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 USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on September 21, 2001 (66 FR 48628). A copy of the proposed rule was provided to the Committee office which in turn made copies available to producers and handlers. Furthermore, the Office of the Federal Register and the USDA made a copy available on the Internet. A 30-day comment period ending October 22, 2001, was provided for interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

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.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) Handlers are already receiving 2001–2002 fiscal period pears from producers; (2) the 2001–2002 fiscal period began on July 1, 2001, and the order requires that the rate of assessment for each fiscal period apply to all assessable Bartlett pears handled during such period; and (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting. Furthermore, a 30-day comment period was provided for in the proposed rule and no comments were received.

#### List of Subjects in 7 CFR Part 931

Marketing agreements, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 931 is amended as follows:

#### PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 931 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 931.231 is revised to read as follows:

#### § 931.231 Assessment rate.

On and after July 1, 2001, an assessment rate of \$0.025 per western standard pear box is established for the Northwest Fresh Bartlett Pear Marketing Committee.

Dated: November 26, 2001.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

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#### FEDERAL ELECTION COMMISSION

#### 11 CFR Part 104

[Notice 2001–17]

#### Technical Amendments to Election Cycle Reporting

**AGENCY:** Federal Election Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the final regulations regarding election cycle reporting by the authorized committees of candidates for Federal office, which were published in the **Federal Register** of Tuesday, July 11, 2000, (65 FR 42619). The corrections reinstate two paragraphs of 11 CFR 104.3(b)(4)(i) that were inadvertently omitted when the election cycle reporting regulations were published. The two omitted paragraphs contain instructions for authorized committees when reporting expenditures.

**DATES:** Effective on December 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosemary C. Smith, Assistant General Counsel, or Cheryl Fowle, Attorney, 999 E Street, NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

#### SUPPLEMENTARY INFORMATION:

#### Background

The final regulations that are the subject of these corrections superseded 11 CFR 104.3(b)(4)(i) as of January 1, 2001, and applied to authorized committees of Federal candidates. In those final regulations, paragraphs (A) and (B) of 11 CFR 104.3(b)(4)(i) were inadvertently deleted. Paragraph (A) defines “purpose” of disbursement as it is reported and states examples of

acceptable and unacceptable purpose descriptions to be reported by authorized committees. Paragraph (B) requires authorized committees, when itemizing certain disbursements for which reimbursements are required, to provide a brief explanation of the activity for which reimbursement is required. These provisions have been in Title 11 of the **Code of Federal Regulations** since 1980 and 1995, respectively, and were not affected by the recent statutory changes to the election cycle reporting requirements.

#### Need for Correction

As published, the final rules inadvertently omit two paragraphs describing information to be reported by authorized committees of Federal candidates.

All committees must report the purpose of itemized disbursements (i.e., those disbursements aggregating in excess of \$200). Omitted paragraph (A) contains examples of suitably specific purpose descriptions as well as examples of those descriptions that are unacceptably vague. This paragraph is inconsistent with the reporting of rules for unauthorized committees (committees other than candidate committees) in 11 CFR 104.3(b)(3).

Omitted paragraph (B) is used in administering the "personal use" rules in 11 CFR 113.1. Federal candidates are barred from using campaign funds for personal benefit. Paragraph (B) requires authorized committees of Federal candidates itemizing disbursements for which partial or total reimbursement is required under 11 CFR 113.1(g)(1)(iii)(C) or (D) to provide a brief explanation of the activity for which the reimbursement is made.

Section 801 of Title 5 of the United States Code requires Federal agencies to submit regulations to Congress. These regulations were submitted to the Speaker of the House of Representatives and the President of the Senate on November 26, 2001.

#### Certification of No Effect Pursuant to 5 U.S.C. § 605(b) [Regulatory Flexibility Act]

This correction will not have significant economic impact on a substantial number of small entities. The basis of this certification is that this correction only requires political committees to once again add information to the reports they are required to file. These regulations were in 11 CFR since 1980 and 1995, respectively, before being inadvertently omitted in 2000.

#### List of Subjects in 11 CFR Part 104

Campaign funds, Political committees and parties, Reporting and recordkeeping requirements.

Accordingly, 11 CFR part 104 is corrected by making the following correcting amendment:

#### PART 104—REPORTS BY POLITICAL COMMITTEES

1. The authority citation for part 104 continues to read as follows:

**Authority:** 2 U.S.C. 431(1), 431(8), 431(9), 432(i), 434, 438(a)(8), 438(b), 439a.

#### § 104.3 Contents of reports (2 U.S.C. 434(b), 439a).

\* \* \* \* \*

2. In § 104.3 add the following paragraphs (b)(4)(i)(A) and (B):

(b) \* \* \*

(4) \* \* \*

(i) \* \* \*

(A) As used in this paragraph, *purpose* means a brief statement or description of why the disbursement was made. Examples of statements or descriptions which meet the requirements of this paragraph include the following: dinner expenses, media, salary, polling, travel, party fees, phone banks, travel expenses, travel expense reimbursement, and catering costs. However, statements or descriptions such as *advance*, *election day expenses*, *other expenses*, *expenses*, *expense reimbursement*, *miscellaneous*, *outside services*, *get-out-the-vote* and *voter registration* would not meet the requirements of this paragraph for reporting the purpose of an expenditure.

(B) In addition to reporting the purpose described in paragraph (b)(4)(i)(A) of this section, whenever an authorized committee itemizes a disbursement that is partially or entirely a personal use for which reimbursement is required under 11 CFR 113.1(g)(1)(ii)(C) or (D), it shall provide a brief explanation of the activity for which reimbursement is required.

\* \* \* \* \*

Dated: November 26, 2001.

**Danny L. McDonald,**  
Chairman, Federal Election Commission.  
[FR Doc. 01-29679 Filed 11-29-01; 8:45 am]  
**BILLING CODE 6715-01-P**

#### FEDERAL ELECTION COMMISSION

#### 11 CFR Part 111

#### [Notice 2001-18]

#### Extension to Administrative Fines

**AGENCY:** Federal Election Commission.

**ACTION:** Final rule; revision of the sunset date.

**SUMMARY:** The Treasury and General Government Appropriations Act, 2002, amended the Treasury and General Government Appropriations Act, 2000, by extending the expiration date in which the Federal Election Commission (hereinafter "the Commission") may assess civil money penalties for violations of the reporting requirements of section 434(a) of the Federal Election Campaign Act (hereinafter "the Act" or "FECA").

**DATES:** Effective on December 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosemary C. Smith, Assistant General Counsel, or Ms. Mai T. Dinh, Attorney, 999 E Street, NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

#### SUPPLEMENTARY INFORMATION:

#### Explanation and Justification

Section 640 of the Treasury and General Government Appropriations Act, 2000, Pub. L. No. 106-58, 106th Cong., 113 Stat. 430, 476-77 (1999), amended § 309(a)(4) of the FECA, 2 U.S.C. 437g(a)(4), to provide for a modified enforcement process for violations of reporting requirements. Under § 437g(a)(4)(C) of the FECA, the Commission may assess a civil money penalty for violations of the reporting requirements of 2 U.S.C. 434(a). This authority, however, was to sunset on December 31, 2001. Pub. L. No. 106-58, 106th Cong., § 640(c). Recently, § 642 of the Treasury and General Government Appropriations Act, 2002, amended the Treasury and General Government Appropriations Act, 2000, by extending the sunset date to include all reports that cover activity between January 1, 2000, to December 31, 2003.

The Commission published final rules on May 19, 2000, to implement the amendment contained in the Treasury and General Government Appropriations Act, 2000. Section 111.30 of the regulations reflects the sunset provision of Pub. L. No. 106-58, 106th Cong., § 640(c). Therefore, the Commission is issuing this final rule to amend section 111.30 to extend the application of the administrative fine regulations, 11 CFR part 111, subpart B, to include all violations relating to reports that cover the period between January 1, 2000, to December 31, 2003.

The Commission is promulgating this final rule without notice or opportunity for comment because it falls under the "good cause" exemption of the Administrative Procedures Act, 5 U.S.C. 553(b)(B). The exemption allows