Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Louisville-Lexington-Evansville order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that: (1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that: (1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1046

Milk marketing orders.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. The authority citation for 7 CFR part 1046 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. In § 1046.7, paragraphs (a)(1), (b) and (c) are revised to read as follows:

§ 1046.7 Pool plant.

(a) A city plant which meets the following requirements:

(1) The total quantity of fluid products, except filled milk, disposed of in Class I is not less than 50 percent in each of the months of August through November and January and February, and is not less than 40 percent in each of the other months, of the total quantity of fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1046.13; and

* * * * *

(b) A country plant which delivers milk or skim milk to city plants during any of the months of August through November and January and February equal to not less than 50 percent, and during other months of the year equal to not less than 40 percent, of the milk from persons described in § 1046.12(a)(1) and from handlers described in § 1046.9(c) that is physically received at such country plant (except by diversion from other plants) or diverted therefrom pursuant to § 1046.13. In determining whether a country plant has met the required shipments, milk or skim milk transferred or diverted from a city plant to a country plant (or a nonpool plant located at such site or a nonpool plant operated by the same company) that receives milk or skim milk as a transfer or diversion from such city plant shall be offset against the country plant's transfer or diversion from such city plant to the extent that such milk or skim milk movements by the city plant exceed 5 percent of the milk or skim milk transferred or diverted from the country plant. The operator of a country plant may include milk diverted pursuant to § 1046.13(b) from such plant to a city plant in meeting up to one-half of the shipping percentage(s) specified in this paragraph.

(c) Except for March through July 1991 a country plant that was a pool plant pursuant to paragraph (b) of this section each month during the preceding August through February shall continue to be a pool plant during each of the months of March through July, unless the operator of such plant notifies the market administrator in writing on or before February 15 of withdrawal of the plant from the pool for the months of March through July next following. A country plant that qualified as a pool plant during each of the months of September 1990 through February 1991 shall be a pool plant for the months of March through July 1991, unless the operator of such plant notifies the market administrator in writing on or before February 15 of withdrawal of the plant from the pool for the months of March through July next following.

Effective date: April 1, 1991.

Signed at Washington, DC, on: February 28, 1991.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 91–5279 Filed 3–5–91; 8:45 am]

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FEDERAL ELECTION COMMISSION

[Notice 1991–2]

11 CFR Part 110

Honoraria: Contribution and Expenditure Limitations and Prohibitions

AGENCY: Federal Election Commission.

ACTION: Final rule; Technical amendment.

SUMMARY: The Commission is publishing today a technical amendment to its regulations on acceptance of honoraria (11 CFR 110.12) to conform that section to the Ethics Reform Act of 1989. The Ethics Reform Act modified the Federal Election Campaign Act regarding honoraria, by changing the law to apply only to Senators and officers and employees of the Senate. Public Law 101–194 (Nov. 30, 1989). The

prior law applied to officers and employees of any branch of the Federal Government. The technical amendments to the Ethics Reform Act of 1989 also added a child of an honorarium recipient to the list of persons whose travel and subsistence expenses are exempted from the $2,000 limit. Public Law 101-280 (May 4, 1990).

EFFECTIVE DATE: March 6, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463, (202) 376-5690 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: The Federal Election Campaign Act of 1971 ["FECA"], at 2 U.S.C. 441i, governs the acceptance of honoraria. The Commission's regulations implementing this section are contained in 11 CFR 110.12. Prior to the Ethics Reform Act of 1989, the Federal Election Campaign Act and the regulations implementing it provided that persons who are elected or appointed officers or employees of the Federal Government could not accept honoraria exceeding $2,000. Amounts accepted for actual travel and subsistence expenses for the person and his or her spouse or aide were excluded from the $2,000 limit. The Act and the regulations implementing it also provided that any honorarium paid by or on behalf of the officer or employee to a charitable organization was not "accepted" for the purposes of the Act.

The Ethics Reform Act of 1989 amended FECA in part by limiting the ability to accept honoraria after January 1, 1991 to Senators and officers and employees of the Senate. Public Law 101-194 (November 30, 1989). It also provided that any honorarium paid by or on behalf of a Senator or any officer or employee of the Senate to a charitable organization shall be deemed not "accepted" for the purposes of FECA. In the later technical amendments to the Ethics Reform Act, an honorarium recipient's child was added to the list of persons whose actual travel and subsistence expenses are excluded from the $2,000 limit. Public Law 101-280 (May 4, 1990).

The technical amendment published in this notice modifies the Commission's regulations governing the acceptance of honoraria at 11 CFR 110.12 (a) and (b) to bring the regulations into conformance with these amendments to the FECA. Because the amendment is merely technical, it is exempt from the notice and comment requirements of the Administrative Procedure Act (see 5 U.S.C. 553(b)(B)) and 2 U.S.C. 438(d) (relating to legislative review of Commission regulations). It is therefore made effective March 6, 1991.

List of Subjects in 11 CFR Part 110

Government employees.

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

I certify that the attached final rule will not have a significant economic impact on a substantial number of small entities. The basis of this certification is that only officers and employees of the Federal Government are affected, and therefore, no small entity is affected under the final rule.

For the reasons set out in the preamble, subchapter A, chapter I, title 11 of the Code of Federal Regulations is amended as follows:

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 2 U.S.C. 431(8), 431(9), 432(c)(2), 437d(a)(8), 438(a)(8), 441a, 441b, 441d, 441e, 441f, 441g, 441h and 441i.

2. Section 110.12 is amended by revising paragraphs (a), (b) introductory text, and (b) (1) and (5) to read as follows:

§ 110.12 Honoraria (2 U.S.C. 441i).

(a) No individual while a Senator or officer or employee of the Senate shall accept any hororarium of more than $2,000.

(b) For the purposes of this section, the term "honorarium" means a payment of money or anything of value received by a Senator or officer or employee of the Senate, if it is accepted as consideration for an appearance, speech, or article. An honorarium does not include payment for or provision of actual travel and subsistence, including transportation, accommodations, and meals for the officer or employee and spouse or child or an aide, and does not include amounts paid or incurred for any agents' fees or commissions.

(1) *Officer or employee.* The term "officer or employee" means any person appointed or elected to a position of responsibility or authority in the United States Senate, regardless of whether the person is compensated for this position; and any other person receiving a salary, compensation, or reimbursement from the United States Senate, who accepts an honorarium for an appearance, speech, or article.

* * * * *

(5) *Accepted.* "Accepted" means that there has been actual or constructive receipt of the honorarium and that the Senator or officer or employee of the Senate exercises dominion or control over it and determines its subsequent use. However, an honorarium is not deemed accepted for the purposes of 11 CFR 110.12 if the Senator or officer or employee of the Senate pays the honorarium to a charitable organization, or if the honorarium is paid to a charitable organization on behalf of the Senator or officer or employee of the Senate. Nothing in this paragraph shall be construed as an interpretation of the relevant provisions of the Internal Revenue Code (title 26, United States Code).

* * * * *

Dated: February 28, 1991.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 91-5250 Filed 3-5-91; 8:45 am]

BILLING CODE 6715-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1500 and 1502

Procedures for Formal Evidentiary Public Hearing

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: When the Commission is promulgating certain rules under the Federal Hazardous Substances Act ("FHSA") or the Poison Prevention Packaging Act ("PPPA"), the proceeding is governed by the provisions of section 701(e) through (g) of the Federal Food, Drug and Cosmetic Act ("FDCA"). Section 701(e) of the FDCA provides that, once a final rule is issued, interested persons have a period of 30 days in which to file objections to the final rule and to request a public hearing upon these objections. The Commission is finalizing procedural rules, based on those currently in use by the Food and Drug Administration ("FDA"), for conducting a formal evidentiary public hearing when such a hearing is provided for under the FHSA or the PPPA or when the Commission determines that such a hearing is in the public interest. The Commission is also withdrawing 16 CFR 1500.201,which restated the statutory requirements for such hearings.

EFFECTIVE DATE: April 5, 1991.

FOR FURTHER INFORMATION CONTACT: Patricia M. Pollitzer, Office of the General Counsel, Consumer Product