

**§ 354.2 Administrative instructions prescribing commuted traveltime.**

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**COMMUTED TRAVELTIME ALLOWANCES**  
[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Hawaii:			
Hakalau	Hilo		2
Kurtistown	Hilo		2
Mt. View	Hilo		2
Pepeekeo	Hilo		2
Umauma	Hilo		2

Done in Washington, DC, this 2nd day of December 2003.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

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**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

**7 CFR parts 1412 and 1421**

**RIN 0560-AG71 and 0560-AG72**

**Direct and Counter Cyclical Program; Marketing Assistance Loans and Loan Deficiency Payments for Peanuts, Pulse Crops, Wheat, Feed Grains, Soybeans and Other Oilseeds; Correction**

**AGENCIES:** Commodity Credit Corporation, USDA.

**ACTION:** Final rule (correcting amendments).

**SUMMARY:** This document also corrects the regulations published by the Commodity Credit Corporation (CCC) entitled “Direct and Counter Cyclical Program” and “Marketing Assistance Loans and Loan Deficiency Payments.” Corrections are necessary for provisions that conflict with statute or other program requirements and are intended to ensure that Agency regulations are properly written and implemented. These changes will apply retroactively to actions taken under the subject regulations since their effective date.

**DATES:** The revisions to part 1412 are effective as of October 16, 2002; the

revisions to part 1421 are effective as of October 8, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Sharon Biastock at 720-6336, or Kimberly Graham, at 202-720-9154.

**SUPPLEMENTARY INFORMATION:**

**Discussion of Corrections**

(1) *Interstate transfer of peanut acreage.* This document also corrects 7 CFR part 1412, published in the **Federal Register** on October 21, 2002, 67 FR 64751, by authority of the Farm Security and Rural Investment Act of 2002 (“2002 Act”). Part 1412 is entitled “Direct and Counter-Cyclical Program and Peanut Quota Buyout Program,” and provides for direct and counter-cyclical payments for the crop years 2002 through 2007 for a number of crops to provide income support to producers of eligible commodities. The error is in the introductory language in section 1412.703(b) of part 1412, which states, “Notwithstanding paragraph (a) of this section, the average acreage determined under § 1412.701 for a farm may be assigned to a farm in a contiguous county only if either of the following apply:” This correction substitutes the word “state” for “county” in that sentence, as the provisions are directed to special allowance for interstate transfers for peanuts as reflected elsewhere and in the authorizing statute.

(2) *Penalties for erroneous certification.* This document corrects the regulations for CCC Marketing Assistance Loans and Loan Deficiency Payments for Peanuts, Pulse Crops, Wheat, Feed Grains, Soybeans and Other Oilseeds at 7 CFR Part 1421. The current provisions of Part 1421 were

published in the **Federal Register** on Friday, October 11, 2002 (67 FR 63511). Marketing assistance loans and loan deficiency payments are authorized by title I of the 2002 Act.

This document corrects sections 1421.109 of 7 CFR part 1421 relating to a producer’s violation of a loan agreement, and the resulting administrative remedies. Specifically, § 1421.109(e) is corrected so that the amount due for a violation of this provision is based only on the quantity of the commodity “removed or disposed of” and not the “quantity incorrectly certified or the loan quantity removed or disposed.” As to the reference to “quantity incorrectly certified” there can never be less than a full loan repayment as is clear from the circumstances and other provisions in the regulations. Accordingly, this section is corrected by removing that reference. Also, a clarifying comma is added after the word “interest” in § 1421.109(e)(1)(i).

Section 1421.109 is also corrected in paragraph (g) so that, “The county committee may waive the liquidated damages if it determines that the violation was inadvertent, accidental, or unintentional.” instead of “\* \* \* and unintentional.” The word “or” was used here instead of “and” to comport fully with the original and continuing intent of this provision.

These changes are to clarify and correct regulations, and delaying their publication to request public comment is contrary to the public interest. Further, section 1601 of the 2002 Act exempts these changes from notice and comment rulemaking. So that they may apply equally with existing regulations,