

should be modified, suspended, or terminated, it shall so recommend to the Secretary.

Revise § 927.52 to read as follows:

**§ 927.52 Prerequisites to recommendations.**

(a) Decisions of the Fresh Pear Committee or the Processed Pear Committee with respect to any recommendations to the Secretary pursuant to the establishment or modification of a supplemental rate of assessment for an individual variety or subvariety of pears shall be made by affirmative vote of not less than 75 percent of the applicable total number of votes, computed in the manner hereinafter described in this section, of all members. Decisions of the Fresh Pear Committee pursuant to the provisions of § 927.50 shall be made by an affirmative vote of not less than 80 percent of the applicable total number of votes, computed in the manner hereinafter prescribed in this section, of all members.

(b) With respect to regulation of a particular variety or subvariety of pears, the applicable total number of votes shall be the aggregate of the votes allotted to the members in accordance with the following: Each member shall have one vote as an individual and, in addition, shall have an equal share of the vote of the district represented by such member; and such district vote shall be computed as soon as practical after the beginning of each fiscal period on either:

(1) The basis of one vote for each 25,000 boxes (except 2,500 boxes for varieties or subvarieties with less than 200,000 standard boxes or container equivalents) of the average quantity of such variety or subvariety produced in the particular district and shipped therefrom during the immediately preceding three fiscal periods; or

(2) Such other basis as the Fresh Pear Committee or the Processed Pear Committee may recommend and the Secretary may approve. The votes so allotted to a member may be cast by such member on each recommendation relative to the variety or subvariety of pears on which such votes were computed.

Revise § 927.53 to read as follows:

**§ 927.53 Notification.**

(a) The Fresh Pear Committee shall give prompt notice to growers and handlers of each recommendation to the Secretary pursuant to the provisions of § 927.50.

(b) The Secretary shall immediately notify the Fresh Pear Committee of the issuance of each regulation and of each

modification, suspension, or termination of a regulation and the Fresh Pear Committee shall give prompt notice thereof to growers and handlers.

Revise § 927.75 to read as follows:

**§ 927.75 Liability.**

No member or alternate for a member of the Fresh Pear Committee and/or the Processed Pear Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any party under this subpart or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate for a member, agent or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

Revise § 927.79 to read as follows:

**§ 927.79 Proceedings after termination.**

(a) Upon the termination of this subpart, the members of the Fresh Pear Committee and/or the Processed Pear Committee then functioning shall continue as joint trustees for the purpose of liquidating all funds and property then in the possession or under the control of the Fresh Pear Committee and/or the Processed Pear Committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The joint trustees shall continue in such capacity until discharged by the Secretary; from time to time account for all receipts and disbursements; deliver all funds and property on hand, together with all books and records of the Fresh Pear Committee and/or the Processed Pear Committee and of the joint trustees, to such person as the Secretary shall direct; and, upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title and right to all of the funds, property, or claims vested in the Fresh Pear Committee and/or the Processed Pear Committee or in said joint trustees.

(c) Any funds collected pursuant to this subpart and held by such joint trustees or such person over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the joint trustees or such other person in the performance of their duties under this subpart, as soon as practicable after the termination hereof, shall be returned to the handlers pro rata in proportion to their contributions thereto.

(d) Any person to whom funds, property, or claims have been transferred or delivered by the Fresh Pear Committee and/or the Processed

Pear Committee or its members, upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon the members or upon said joint trustees.

Revise § 927.80 to read as follows:

**§ 927.80 Amendments.**

Amendments to this subpart may be proposed from time to time by the Fresh Pear Committee and/or the Processed Pear Committee or by the Secretary.

USDA proposes the following:

**Proposal No. 17**

Make such changes as may be necessary to the order to conform with any amendment thereto that may result from the hearing.

Dated: March 24, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04-7002 Filed 3-29-04; 8:45 am]

**BILLING CODE 3410-02-P**

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 1160**

[Docket No. DA-04-02]

**National Fluid Milk Processor Promotion Program; Section 610 Review**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of regulatory review and request for comments.

**SUMMARY:** This action announces the Agricultural Marketing Service's (AMS) review of the National Fluid Milk Processor Promotion Program (conducted under the Fluid Milk Promotion Order), using the criteria contained in Section 610 of the Regulatory Flexibility Act (RFA).

**DATES:** Written comments on this document must be received by June 1, 2004.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this notice of review to David R. Jamison, Chief, Promotion and Research Branch, USDA/AMS/Dairy Programs, STOP 0233—Room 2958-S, 1400 Independence Avenue SW., Washington, DC 20250-0233. You may send your comments by using the electronic process available at the Federal rulemaking portal at <http://www.regulations.gov>. All comments,

which should reference the docket number and the date and page number of this issue of the **Federal Register**, will be made available for public inspection at the location provided above during regular business hours.

**FOR FURTHER INFORMATION CONTACT:**

David R. Jamison, USDA/AMS/Dairy Programs, Promotion and Research Branch, Stop 0233—Room 2958—S, 1400 Independence Avenue SW., Washington, DC 20250-0233, (202) 720-6909, *David.Jamison2@usda.gov*.

**SUPPLEMENTARY INFORMATION:** The Fluid Milk Promotion Act of 1990 (Act) (7 U.S.C. Section 6401, *et seq.*) authorized the Fluid Milk Promotion Order (Order) (7 CFR part 1160), a national processor program for fluid milk promotion and education. The program's objective is to educate Americans about the benefits of milk, increase fluid milk consumption, and maintain and expand markets and uses for fluid milk products in the contiguous 48 States and the District of Columbia.

The program became effective on December 10, 1993, when the Order was issued. Processors marketing more than 3,000,000 pounds of fluid milk per month, excluding those fluid milk products delivered to the residence of a consumer, fund this program through a 20-cent per hundredweight assessment on fluid milk processed and marketed in consumer-type packages in the contiguous 48 States and the District of Columbia.

The Order provides for the establishment of the Fluid Milk Board, which is composed of 20 members appointed by the Secretary of Agriculture. Fifteen members are fluid milk processors who each represent a separate geographical region, and five are at-large members. Of the five at-large members, at least three must be fluid milk processors and at least one must be from the general public. The members of the Fluid Milk Board serve 3-year terms and are eligible to be appointed to two consecutive terms.

AMS published in the **Federal Register** its plan (64 FR 8014, February 18, 1999), and later its updated plan (68 FR 48574, August 14, 2003), to review certain regulations using criteria contained in Section 610 of the RFA (5 U.S.C. 601-612). Given that many AMS regulations impact small entities, AMS decided as a matter of policy to review certain regulations which, although they may not meet the threshold requirement under Section 610 of the RFA, warrant review. Accordingly, this notice and request for comments is made for the National Fluid Milk Processor

Promotion Program (conducted under the Fluid Milk Promotion Order).

The purpose of the review is to determine whether the Order should be continued without change, amended, or rescinded (consistent with the objectives of the Act) to minimize any significant economic impact of rules upon a substantial number of small entities. AMS will consider the continued need for the Order; the nature of complaints or comments received from the public concerning the Order; the complexity of the Order; the extent to which the Order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local government rules; and the length of time since the Order has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Order.

Written comments, views, opinions, and other information regarding the Order's impact on small businesses are invited.

Dated: March 24, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04-7003 Filed 3-29-04; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-106590-00, REG-138499-02]

RIN 1545-AX95; RIN 1545-BB05

#### Depreciation of MACRS Property That Is Acquired in a Like-Kind Exchange or as a Result of an Involuntary Conversion; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking; notice of proposed rulemaking by cross-reference to temporary regulations; notice of public hearing; and partial withdrawal of proposed regulations.

**SUMMARY:** This document corrects a notice of proposed rulemaking; notice of proposed rulemaking by cross-reference to temporary regulations; notice of public hearing; and partial withdrawal of proposed regulations (REG-106590-00, REG-138499-02) that were published in the **Federal Register** on Monday, March 1, 2004 (69 FR 9560) relating to the depreciation of property

subject to section 168 of the Internal Revenue Code (MACRS property).

**FOR FURTHER INFORMATION CONTACT:**

Charles J. Magee, (202) 622-3110 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

#### Background

The notice of proposed rulemaking; notice of proposed rulemaking by cross-reference to temporary regulations; notice of public hearing; and partial withdrawal of proposed regulations (REG-106590-00, REG-138499-02) that is the subject of this correction are under section 168 of the Internal Revenue Code.

#### Need for Correction

As published, the notice of proposed rulemaking; notice of proposed rulemaking by cross-reference to temporary regulations; notice of public hearing; and partial withdrawal of proposed regulations (REG-106590-00, REG-138499-02) contains errors that may prove to be misleading and is in need of clarification.

#### Correction of Publication

Accordingly, the notice of proposed rulemaking; notice of proposed rulemaking by cross-reference to temporary regulations; notice of public hearing; and partial withdrawal of proposed regulations (REG-106590-00, REG-138499-02), is corrected as follows:

1. On page 9560, column 3, in the preamble, under the caption **SUMMARY**, line 10, the language "(REG-139499-02) published July 21," is corrected to read "(REG-138499-02) published July 21,".

#### § 1.168(i)-1 [Corrected]

2. On page 9562, column 1, § 1.168(i)-1, paragraph (e)(3)(iii)(B)(4), lines 1 through 4, the language "(4) (The text of the proposed amendment to § 1.168(i)-1(e)(3)(iii)(B)(4) is the same as the text of § 1.168(i)-1T(e)(3)(iii)(B)(4) published" is corrected to read "(4) (The text of the proposed amendment to § 1.168(i)-1(e)(3)(iii)(B)(4) is the same as the text of § 1.168(i)-1T(e)(3)(iii)(B)(4) published".

#### 1.168(k)-1 [Corrected]

3. On page 9562, column 2, § 1.168(k)-1, paragraph (g), line 3, the language "(1)(g)(1) is the same as