

**§ 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.*

[FR Doc. 03-30230 Filed 12-4-03; 8:45 am]

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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,

these changes are effective as of the original filing of the rules implementing the 2002 Act.

#### List of Subjects

##### 7 CFR Part 1412

Direct and counter-cyclical payments, Grains, Peanuts, Oilseeds, Reporting and record keeping requirements.

##### 7 CFR Part 1421

Agricultural commodities, Feed grains, Grains, Loan programs—agriculture, Oilseeds, Price support programs.

■ Accordingly, 7 CFR chapter XIV is corrected as follows:

#### PART 1412—DIRECT AND COUNTER-CYCLICAL PROGRAM AND PEANUT QUOTA BUYOUT PROGRAM

■ 1. The authority citation for part 1412 continues to read as follows:

**Authority:** 7 U.S.C. 7911–7918, 7951–7956; 15 U.S.C. 714b and 714c.

#### Subpart G—Establishment and Assignment of Peanut Base Acres and Yields for a Farm

■ 2. Revise § 1412.703(b) to read as follows:

##### § 1412.703 Assignment of average peanut yields and average peanut acreages to farms.

\* \* \* \* \*

(b) 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 state only if either of the following apply:

(1) The historic peanut producer making the assignment produced peanuts in that State during at least one of the 1998 through 2001 crop years; or

(2) As of March 31, 2003, the historic peanut producer is a producer on a farm in that State.

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#### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES—MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR THE 2002 THROUGH 2007 CROP YEARS

■ 3. The authority citation for part 1421 continues to read as follows:

**Authority:** 7 U.S.C. 7231–7237 and 7931 *et seq.*; 15 U.S.C. 714b, 714c.

#### Subpart B—Marketing Assistance Loans

■ 4. In § 1421.109, paragraphs (e)(1) and (g) are corrected to read as follows:

##### § 1421.109 Personal liability of the producer.

\* \* \* \* \*

(e) For violations and the liquidated damages under paragraph (d)(1) of this section, the county committee shall:

(1) Require repayment of the marketing assistance loan quantity removed or disposed of at the lesser of:

(i) The applicable loan principal, and charges, plus interest, or:

(ii) The announced alternative repayment rate in effect on date the violation occurred, plus 15 percent of the loan rate, or as otherwise determined by the Deputy Administrator, and

\* \* \* \* \*

(g) The county committee may waive imposing liquidated damages if it determines that the violation was inadvertent, accidental, or unintentional.

\* \* \* \* \*

Signed in Washington, DC, on November 26, 2003.

**James R. Little,**

*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 03–30198 Filed 12–4–03; 8:45 am]

**BILLING CODE 3410–05–P**

## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

#### 15 CFR Part 806

[Docket No. 030818205–3281–02]

RIN 0691–AA48

#### Direct Investment Surveys: BE–15, Annual Survey of Foreign Direct Investment in the United States

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends regulations that set forth reporting requirements for the BE–15, Annual Survey of Foreign Direct Investment in the United States. The annual survey is comprised of four forms—the BE–15(LF) long form, the BE–15(SF) short form, the BE–15(EZ) form, which is a new form, and the BE–15 Supplement C—Claim for Exemption From Filing a BE–15(LF), BE–15(SF), or BE–15(EZ). The annual survey is a sample survey that collects data on the financial structure and operations of nonbank U.S. affiliates of foreign companies needed to update similar data for the universe of U.S. affiliates collected once every 5 years in the BE–12 benchmark survey. The data

are used to derive annual estimates of the operations of U.S. affiliates of foreign companies, including their balance sheets; income statements; property, plant, and equipment; external financing; employment and employee compensation; merchandise trade; sales of goods and services; taxes; and research and development activity. The data are needed to measure the size and economic significance of foreign direct investment in the United States, to measure changes in such investment, and to assess its impact on the U.S. economy.

**DATES:** This final rule will be effective January 5, 2004.

**FOR FURTHER INFORMATION CONTACT:** Obie G. Whichard, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9890.

**SUPPLEMENTARY INFORMATION:** On August 29, 2003, the Bureau of Economic Analysis (BEA) published in the **Federal Register** (68 FR 51942) a notice of proposed rulemaking setting forth revised reporting requirements for the BE–15, Annual Survey of Foreign Direct Investment in the United States. No comments on the proposed rule were received. Thus, the provisions in the proposed rule are adopted without change.

#### Description of Revisions

The BE–15, Annual Survey of Foreign Direct Investment in the United States, is mandatory and is conducted annually by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce, under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108)—hereinafter, “the Act.” BEA will send the survey to potential respondents in March of each year; responses will be due by May 31.

BEA will introduce a sampling procedure to help reduce respondent burden for some U.S. businesses. The procedure utilizes the new BE–15(EZ) form; this form provides a few basic indicators for non-sample firms that can be used as a basis for estimating data that they otherwise would have to report on the lengthier BE–15(LF) and BE–15(SF) forms. To bring the annual survey into conformity with the Benchmark Survey of Foreign Direct Investment in the United States–2002, the following changes are being made to the Code of Federal Regulations: (1) Direct that only nonbank majority-owned U.S. affiliates of foreign companies report on the BE–15(LF) long form (minority-owned affiliates will report on the BE–15(SF) short form, or