

certify, as required by § 4 of the RE Act (7 U.S.C. 904), that the security for the loan is reasonably adequate and the loan will be repaid within the time agreed.

(b) REA requires borrowers to take such actions as may be necessary to establish rates for electric service which are sufficient to pay the principal of and interest on the loans made or guaranteed by REA in a timely manner and to meet the requirements of the REA documents.

(c) With respect to borrowers whose rates are not regulated by a State Regulatory Authority, REA requires that such borrowers establish rates and to obtain REA approval of such rates as required by the REA documents.

(d) With respect to borrowers whose rates are regulated by a State Regulatory Authority, REA permits State Regulatory Authorities to regulate, pursuant to applicable provisions of State law, the borrowers' rates so long as the rates approved are sufficient to provide for repayment of secured loans and are otherwise consistent with Federal interests.

(e) To protect Federal interests, including without limitation the ability of the borrower to repay REA loans, REA's policy is to exercise exclusive jurisdiction over the rates for electric service charged by a borrower by or against whom a case under the Bankruptcy Code of 1978, as amended, has commenced.

§ 1714.902 Definitions and rules of construction.

(a) Definitions.

For the purpose of this subpart, the following terms shall have the following meanings:

Administrator means the Administrator of REA.

Bankruptcy Code of 1978, as amended means the Bankruptcy Reform Act of 1978, as amended (11 U.S.C. 101 *et seq.*).

Borrower means any organization which has an outstanding loan made or guaranteed by REA for rural electrification.

RE Act means Rural Electrification Act of 1936, as amended. (7 U.S.C. 901 *et seq.*).

REA means Rural Electrification Administration, an agency of the United States Department of Agriculture.

REA Documents means the REA loan contract, REA mortgage and, if the Borrower is engaged in the wholesale sale of electric power and energy to distribution members pursuant to REA Wholesale Power Contracts, the REA Wholesale Power Contract.

REA Loan Contract means the agreement, as amended, supplemented,

or restated from time to time, between a borrower and REA providing for loans made or guaranteed pursuant to the RE Act.

REA Mortgage means the mortgage and security agreement, as from time to time supplemented, amended and restated, made by and among the borrower, REA, and; if a party thereto, third party lenders securing the payment of outstanding loans made or guaranteed by REA and other lenders.

REA Wholesale Power Contract means the contract for the wholesale sale of electric power and energy between a power supply borrower and its distribution member as approved by REA.

Secured Loans shall mean outstanding loans secured pursuant to the REA mortgage.

(b) Rules of Construction.

Unless the context shall otherwise indicate, the terms defined in § 1714.902(a) hereof include the plural as well as the singular, and the singular as well as the plural. The words "herein," and "hereunder", and words of similar import, refer to this subpart as a whole. "Includes" and "including" are not limiting and "or" is not exclusive.

§ 1714.903 Requirements of REA documents.

Each borrower shall establish and adjust rates for electric service as set forth in the REA documents to assure that the borrower will be able to make required payments on secured loans and to otherwise meet the terms of the REA documents.

§ 1714.904 Pre-emption.

State Regulatory Authority jurisdiction over an REA borrower's rates shall be pre-empted by the RE Act and REA shall have exclusive jurisdiction of the borrower's rates:

(a) On (Insert date the final rule is effective) with respect to any borrower by or against whom a case under the Bankruptcy Code of 1978, as amended, was commenced prior to and remains outstanding on (Insert date the final rule is effective); and

(b) Upon the filing of a petition by or against the borrower commencing a case under the Bankruptcy Code of 1978, as amended, with respect to all other borrowers.

§ 1714.905 Exclusive REA rate jurisdiction.

(a) Upon the pre-emption of State Regulatory Authority as provided in this subpart, REA will exercise exclusive jurisdiction over the rates of the borrower.

(b) So long as the State Regulatory Authority shall be pre-empted

hereunder, REA shall be considered the regulatory body with jurisdiction over rates for all purposes, including for the purposes of the REA documents and for the purposes of section 1129(a)(6) of the Bankruptcy Code of 1978, as amended (11 U.S.C. 1129(a)(6)).

(c) REA shall exercise exclusive jurisdiction over the rates of the borrower until the Administrator shall in writing approve the resumption of jurisdiction by the State Regulatory Authority. The Administrator shall approve resumption only after determining that such jurisdiction shall be exercised in a manner consistent with Federal interests.

§ 1714.906 Additional statutory pre-emption.

This subpart addresses pre-emption of State law and State Regulatory Authority upon the filing of a petition by or against the borrower commencing a case under the Bankruptcy Code of 1978, as amended. Nothing in this subpart waives, limits, or otherwise affects the explicit pre-emption or pre-emption, which is implicit and shall occur pursuant to the RE Act as a matter of law, of State law or action of a State Regulatory Authority where such State law or such action compromises Federal interests, including the ability of any borrower to repay loans made or guaranteed by REA.

Dated: March 9, 1990.

Jack Van Mark,

Acting Administrator.

[FR Doc. 90-7409 Filed 3-29-90; 8:45 am]

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Animal and Plant Health Inspection Service

[Docket No. 90-007]

9 CFR Part 3

RIN 0579-AA20

Animal Welfare; Standards

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of intent to repropose.

SUMMARY: On March 15, 1989, we published in the Federal Register a document entitled "Animal Welfare; Standards," in which we proposed to amend the regulations governing the standards for the humane handling, care, treatment, and transportation of dogs and cats (subpart A), guinea pigs and hamsters (subpart B), rabbits (subpart C), and nonhuman primates (subpart D). We invited comments from

the public on the proposed amendments. Included among the recommendations we received were those submitted by the Department of Health and Human Services. Of the comments received, the large majority concerned either dogs and cats or nonhuman primates. In order to incorporate into our rulemaking and allow public comment on revisions we feel are warranted regarding our proposal, we intend to publish a reproposal regarding subparts A and D. We intend to address the comments regarding subparts B and C in a separate final rule.

FOR FURTHER INFORMATION CONTACT:

Dr. R.L. Crawford, Director, Animal Care Staff, Regulatory Enforcement and Animal Care, APHIS, USDA, room 269, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8790.

SUPPLEMENTARY INFORMATION:

Background

The Animal Welfare Act (the Act) (7 U.S.C. 2131 *et seq.*), enacted in 1966 and amended in 1970, 1976, and 1985, authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, carriers, and intermediate handlers. The Animal Welfare regulations (the regulations) are contained in title 9 of the Code of Federal Regulations, chapter 1, subchapter A, parts 1, 2, and 3. Part 1 provides definitions of the terms used in parts 2 and 3. Part 2 sets forth the administrative and institutional responsibilities of regulated persons under the Act. Part 3 provides specifications for the humane handling, care, treatment, and transportation, by regulated entities, of animals covered by the Act.

In order to comply with and implement the amendments to the Act contained in Public Law 99-198, "The Food Security Act of 1985," and to reflect our experience in administering the regulations, we amended parts 1 and 2 of the regulations and have published a proposal to amend part 3, as discussed below. In this document, we are giving notice that we intend to repropose subparts A and D of part 3.

On March 31, 1987, we published in the Federal Register two proposals (52 FR 10292-10322, Docket Numbers 84-010, and 84-027) to amend parts 1 and 2 of the regulations. We solicited comments for a 60-day period, ending June 1, 1987. We received 7,857 comments, many of which stated that it

was difficult to comment upon the proposals to amend parts 1 and 2 independently of our proposal to amend the standards in part 3. Based on the comments received in response to those proposals, and on consultations with the Department of Health and Human Services (HHS) and other interested agencies, we published in the Federal Register, on March 15, 1989, two documents (54 FR 10822-10897, Docket Numbers 88-013 and 88-014) that incorporated certain changes to the initial proposal, and that requested comments on the interrelationship between those amended documents and changes we proposed to make to part 3 of the regulations. The proposed changes to part 3 were published in the March 15, 1989, issue of the Federal Register (54 FR 10897-10954, Docket Number 87-004). Those proposed changes concern the humane handling, care, treatment, and transportation of dogs and cats (subpart A), guinea pigs and hamsters (subpart B), rabbits (subpart C), and nonhuman primates (subpart D). A document correcting printing errors to Docket Number 87-004 was published in the Federal Register on May 12, 1989 (54 FR 20669).

We solicited comments on the interrelationship of parts 1 and 2 with part 3 for a 60-day period, ending May 15, 1989. Five thousand five hundred eighty-two comments, received or postmarked by that date, were considered in preparing final rules for parts 1 and 2. On August 31, 1989, we published two documents (54 FR 36112-36163, Docket Numbers 89-130 and 89-131) making final the proposed changes to parts 1 and 2.

We solicited comments on the proposal to amend part 3 for a 120-day period, ending July 13, 1989. Approximately 10,700 comments were received in time to be considered. Of those comments, relatively few were in response to our proposed changes regarding subparts B and C. The large majority were in response to our proposed changes regarding subparts A and D. Included among the recommendations we received were those submitted by HHS. As directed by the Act, throughout the rulemaking process we have consulted at length with HHS regarding the proposed standards.

In order to incorporate into our rulemaking and allow public comment on revisions we feel are warranted regarding our proposal—including the incorporation wherever possible of "performance" standards, rather than those based on rigid design

specifications—we intend to publish a reproposal regarding dogs and cats, and nonhuman primates. Because of the significant differences in the number and complexity of the comments received regarding rabbits, guinea pigs and hamsters, compared to those regarding dogs and cats, and nonhuman primates, we will address the comments concerning subparts B and C in a final rule separate from the final rulemaking for subparts A and D.

Authority: 7 U.S.C. 2131-2157; 7 CFR 2.17, 2.51, and 371.2[g].

Done in Washington, DC, this 28th day of March 1990.

James W. Glosser,
Administrator, Animal and Plant Health
Inspection Service.

[FR Doc. 90-7467 Filed 3-30-90; 8:45 am]

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Food Safety and Inspection Service

9 CFR Parts 318 and 381

[Docket No. 86-044P]

Sodium Lactate and Potassium Lactate as Flavor Enhancers and Flavoring Agents in Various Meat and Poultry Products

AGENCY: Food Safety and Inspection Service.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On March 1, 1990, the Food Safety and Inspection Service (FSIS) published a proposed rule to amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as flavor enhancers and flavoring agents in various meat and poultry products. The comment period was scheduled to close on April 2, 1990. FSIS has received a request to extend the comment period for an additional 30 days. FSIS has determined that the request should be granted and, therefore, is extending the comment period for an additional 30 days.

DATE: May 2, 1990.

ADDRESSES: Written comments to: Policy Office, ATTN: Linda Carey, FSIS, Hearing Clerk, room 3168 South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments as provided by the Poultry Products Inspection Act should be