

will provide the Board with improved flexibility in staffing the subcommittee.

This action will have a beneficial impact as it will encourage greater industry and small business participation in applying for diversion credit for new product and new market projects under § 930.162, and expanding the market for tart cherries. The subcommittee performs the function of reviewing and granting exemption requests that have the potential to expand these markets. Increasing the maximum size of the subcommittee without mandating that all seats be filled allows for more flexibility in conducting subcommittee business. The Board also believes the additional members will provide more candidates to draw from when scheduling subcommittee meetings and help ensure some members are in attendance for each scheduled meeting. Adding a five-year term limit to subcommittee membership helps maintain subcommittee institutional knowledge while ensuring the inclusion of the perspective and insight from new participants.

This rule is expected to benefit the industry. The effects of this rule are not expected to be disproportionately greater or lesser for small handlers or producers than for larger entities.

The Board considered one alternative to this change. The Board considered making no changes either to the structure of the subcommittee or the lack of term limits for serving thereon. However, when discussing the alternative, Board members assessed that increasing the subcommittee size and the inclusion of term limits would not only increase the likelihood of subcommittee participation, but also promote increased industry confidence and trust in the subcommittee's composition and function. Therefore, the alternative was rejected.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581-0177, Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. No changes in those requirements are necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This final rule will not impose any additional reporting or recordkeeping requirements on either small or large tart cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to

reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this final rule. Further, the public comment received concerning the proposal did not address the initial regulatory flexibility analysis.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

The Board's meeting was widely publicized throughout the tart cherry industry. All interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the March 19, 2020, meeting was a public meeting, and all entities, both large and small, were able to express views on this issue.

A proposed rule concerning this action was published in the **Federal Register** on July 24, 2020 (85 FR 44792). Copies of the proposed rule were also mailed or sent via email to all tart cherry handlers. The proposal was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending August 24, 2020, was provided for interested persons to respond to the proposal.

One comment was received in response to the proposal. However, this comment did not address the merits of the proposal. Accordingly, no changes will be made to the rule as proposed, based on the comments received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <https://www.ams.usda.gov/rules-regulations/moa/small-businesses>. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule will tend to effectuate the declared policy of the Act.

**List of Subjects in 7 CFR Part 930**

Marketing agreements, Reporting and recordkeeping requirements, Tart Cherries.

For the reasons set forth in the preamble, 7 CFR part 930 is amended as follows:

**PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN**

■ 1. The authority citation for 7 CFR part 930 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Amend § 930.162 by revising paragraph (d) to read as follows:

**§ 930.162 Exemptions.**

\* \* \* \* \*

(d) *Review of applications.* A Board appointed subcommittee shall review applications for exemption or renewal of exemption and either approve or deny the exemption. The subcommittee shall consist of up to five total members, each having no handler affiliation but knowledge of the tart cherry industry, one of whom shall be the public member or the alternate public member if available to serve. Each subcommittee appointment shall be limited to a five-year term. Any denial of an application for exemption or renewal of an existing exemption shall be served on the applicant by certified mail and shall state the reasons for the denial. Within 10 days after the receipt of a denial, the applicant may file an appeal, in writing, with the Deputy Administrator, Specialty Crops Program, supported by any arguments and evidence the applicant may wish to offer as to why the application for exemption or renewal of exemption should have been approved. The Deputy Administrator, upon consideration of such appeal, will take such action as deemed appropriate with respect to the application for exemption or renewal of exemption.

\* \* \* \* \*

**Bruce Summers,**  
Administrator, Agricultural Marketing Service.

[FR Doc. 2020-24910 Filed 11-18-20; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

**7 CFR Part 1400**

[Docket ID CCC-2019-0007]

RIN 0560-AI49

**Payment Limitation and Payment Eligibility**

**AGENCY:** Commodity Credit Corporation and Farm Service Agency, USDA.

**ACTION:** Correcting amendments.

**SUMMARY:** The Farm Service Agency (FSA) on behalf of the Commodity Credit Corporation (CCC) amended its regulations concerning payment limitation and eligibility through a final rule published in the **Federal Register** on August 21, 2020. This correction restores the previous definitions of “active personal management,” “significant contribution,” “significant contribution of active personal management,” and “significant contribution of the combination of active personal labor and active personal management.”

**DATES:** *Effective:* November 19, 2020.

**FOR FURTHER INFORMATION CONTACT:** Paul Hanson; telephone: (202) 720-4189; email: [Paul.Hanson@usda.gov](mailto:Paul.Hanson@usda.gov). Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720-2600 (voice).

**SUPPLEMENTARY INFORMATION:** This document corrects certain sections of the regulations in 7 CFR part 1400, which were implemented in the final rule that was published in the **Federal Register** on August 24, 2020 (85 FR 52033-52041).

The final rule amended the definitions in 7 CFR 1400.3 for “active personal management” and “significant contribution,” which apply throughout part 1400. It also removed and reserved § 1400.601, which contained definitions of “active personal management,” “significant contribution of active personal management,” and “significant contribution of the combination of active personal labor and active personal management” that applied only to Subpart G, which provides additional payment eligibility provisions for joint operations and legal entities comprised of non-family members or partners, stockholders, or persons with an ownership interest in the farming operation. The changes were intended to provide consistency in the definitions of the terms used throughout part 1400.

After publication of the rule, stakeholders notified FSA of concerns regarding potential non-intended, adverse effects to farming operations comprised solely of family members. In streamlining the definitions for consistency, these revised definitions were inadvertently made applicable to farming operations solely owned by family members. This was not the intent of this rule change, and as revised, the definitions were more restrictive than they needed to be in order to provide intended consistency in the rule. Those more restrictive definitions were not intended to apply to farm operations

comprised or owned solely of family members. Therefore, this document restores § 400.601 and the previous the definitions of “active personal management” and “significant contribution” in § 1400.3 that were applicable prior to publication of the final rule on August 24, 2020. The more restrictive definitions described in § 1400.601 apply only to farming operations comprised of non-family members that are subject to a limit in the number of farm managers seeking to qualify for actively engaged in farming based on a contribution of active personal management alone.

#### List of Subjects in 7 CFR Part 1400

Agriculture, Grant programs-agriculture, Loan programs-agriculture, Natural resources, Price support programs.

Accordingly, 7 CFR part 1400 is corrected by making the following correcting amendments:

#### PART 1400—PAYMENT LIMITATION AND PAYMENT ELIGIBILITY

■ 1. The authority citation for part 1400 continues to read as follows:

**Authority:** 7 U.S.C. 1308, 1308-1, 1308-2, 1308-3, 1308-3a, 1308-4, and 1308-5; and Title I, Pub. L. 115-123.

#### Subpart A—General Provisions

■ 2. Amend § 1400.3 in paragraph (b) as follows:

- a. Remove the first occurrence of the definition of “Active personal management”; and
- b. Revise the definition of “Significant contribution”.

The revision reads as follows.

#### § 1400.3 Definitions.

\* \* \* \* \*

(b) \* \* \*

*Significant contribution* means the provision of the following to a farming operation:

(i)(A) For land, capital, or equipment contributed independently by a person or legal entity, a contribution that has a value at least equal to 50 percent of the person’s or legal entity’s commensurate share of the total:

- (1) Value of the capital necessary to conduct the farming operation;
- (2) Rental value of the land necessary to conduct the farming operation; or
- (3) Rental value of the equipment necessary to conduct the farming operation; or

(B) If the contribution by a person or legal entity consists of any combination of land, capital, and equipment, such combined contribution must have a

value at least equal to 30 percent of the person’s or legal entity’s commensurate share of the total value of the farming operation;

(ii) For active personal labor, an amount contributed by a person to the farming operation that is described by the smaller of the following:

(A) 1,000 hours per calendar year; or  
(B) 50 percent of the total hours that would be necessary to conduct a farming operation that is comparable in size to such person’s or legal entity’s commensurate share in the farming operation;

(iii) With respect to active personal management, activities that are critical to the profitability of the farming operation, taking into consideration the person’s or legal entity’s commensurate share in the farming operation; and

(iv) With respect to a combination of active personal labor and active personal management, when neither contribution by itself meets the requirement of paragraphs (ii) and (iii) of this definition, a combination of active personal labor and active personal management that, when made together, results in a critical impact on the profitability of the farming operation in an amount at least equal to either the significant contribution of active personal labor or active personal management as defined in paragraphs (ii) and (iii) of this definition.

\* \* \* \* \*

#### Subpart G—Additional Payment Eligibility Provisions for Joint Operations and Legal Entities Comprised of Non-Family Members or Partners, Stockholders, or Persons With an Ownership Interest in the Farming Operation

■ 3. Add § 1400.601 to read as follows.

#### § 1400.601 Definitions.

(a) The terms defined in § 1400.3 are applicable to this subpart and all documents issued in accordance with this part, except as otherwise provided in this section.

(b) The following definitions are also applicable to this subpart:

*Active personal management* means personally providing and participating in management activities considered critical to the profitability of the farming operation and performed under one or more of the following categories:

- (i) Capital, which includes:
  - (A) Arranging financing and managing capital;
  - (B) Acquiring equipment;
  - (C) Acquiring land and negotiating leases;
  - (D) Managing insurance; and

(E) Managing participation in USDA programs;  
 (ii) Labor, which includes hiring and managing of hired labor; and  
 (iii) Agronomics and marketing, which includes:  
 (A) Selecting crops and making planting decisions;  
 (B) Acquiring and purchasing crop inputs;  
 (C) Managing crops (that is, whatever managerial decisions are needed with respect to keeping the growing crops living and healthy—soil fertility and fertilization, weed control, insect control, irrigation if applicable) and making harvest decisions; and

(D) Pricing and marketing of crop production.  
*Significant contribution of active personal management* means active personal management activities performed by a person, with a direct or indirect ownership interest in the farming operation, on a regular, continuous, and substantial basis to the farming operation, and meets at least one of the following to be considered significant:  
 (i) Performs at least 25 percent of the total management hours required for the farming operation on an annual basis; or

(ii) Performs at least 500 hours of management annually for the farming operation.  
*Significant contribution of the combination of active personal labor and active personal management* means a contribution of a combination of active personal labor and active personal management that:  
 (i) Is critical to the profitability of the farming operation;  
 (ii) Is performed on a regular, continuous, and substantial basis; and  
 (iii) Meets the following required number of hours:

TABLE 1 TO PARAGRAPH (iii) OF THE DEFINITION OF SIGNIFICANT CONTRIBUTION OF THE COMBINATION OF ACTIVE PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT

Combination of active personal labor and active personal management minimum requirement for a significant contribution		
Management contribution in hours	Labor contribution in hours	Meets the minimum threshold for significant contribution, in hours
475	75	550
450	100	550
425	225	650
400	250	650
375	375	750
350	400	750
325	425	750
300	550	850
275	575	850
250	600	850
225	625	850
200	650	850
175	675	850
150	800	950
125	825	950
100	850	950
75	875	950
50	900	950
25	925	950

**Richard Fordyce,**  
 Administrator, Farm Service Agency.  
**Robert Stephenson,**  
 Executive Vice President, Commodity Credit Corporation.  
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**FEDERAL RESERVE SYSTEM**

**12 CFR Part 261a**  
**[Docket No. R-1704]**  
**RIN 7100-AF78**

**Privacy Act of 1974; Privacy Act Regulation**

**AGENCY:** Board of Governors of the Federal Reserve System.  
**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the Federal Reserve System (Board) is issuing a final rule revising its regulation implementing the Privacy Act of 1974 (Privacy Act Rule) to add BGFRS-43, “FRB—Security Sharing Platform,” to the list of systems of records identified as “exempt” systems of records.  
**DATES:** Effective November 19, 2020.  
**FOR FURTHER INFORMATION CONTACT:** David B. Husband, Counsel, (202) 530-6270, or david.b.husband@frb.gov; Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.  
**SUPPLEMENTARY INFORMATION:** On April 1, 2020, the Board published a notice of proposed rulemaking to amend the Board’s Privacy Act Rule, with a 30-day

public comment period ending on May 1, 2020 and concurrently, in a separate notice, established BGFRS-43 as a new system of records.<sup>1</sup> The rulemaking proposed to add BGFRS-43 to the Board’s list of exempt systems of records pursuant to 5 U.S.C. 552a(k)(2), which exempts the listed system of record from certain provisions of the Privacy Act to the extent the system contains investigatory material compiled for law enforcement purposes. The Board did not receive any comments on the proposed amendment to the Privacy Act Rule and therefore,

<sup>1</sup> See, 85 FR 18156 (April 1, 2020) (Notice of Proposed Rulemaking) and 85 FR 18240 (April 1, 2020) (System of Records Notice). BGFRS-43, “FRB—Security Sharing Platform,” became effective on May 1, 2020.