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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[Docket No. TB-93-22]

Standards; Amendment of Definition

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is amending the definition of "Rework" pertaining to the inspection of burley tobacco by adding language requiring that the average bale weight in a lot of untied baled burley not exceed 100 pounds.

EFFECTIVE DATE: July 1, 1995.

FOR FURTHER INFORMATION CONTACT: John Duncan, III, Director, Tobacco Division, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, D.C. 20090-6456, Telephone (202) 205-0567.

SUPPLEMENTARY INFORMATION: Notice was given in the *Federal Register* on November 29, 1994, that the Department was proposing to revise the definition "Rework" in Subpart C, Section 29.3053(b) to require that the bales in each lot not exceed an average weight of 100 pounds. This proposal was based on a recommendation by the Burley Tobacco Advisory Committee, representing producers, warehouses, and buyers, that an average bale weight of 100 pounds would improve 2 handling, reduce spoilage associated with heavy bales, and therefore, improve the image of American burley.

Interested parties were given an opportunity to comment on the proposed rule. A total of three comments were received, all of which favored the proposed rule.

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), full consideration has been given to the potential economic impact upon small business. All tobacco warehouses and producers fall within the confines of "small business" which are defined by the Small Business Administration (13 CFR 121.2) as those having gross annual revenues for the last 3 years of less than \$500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. This final rule would not substantially affect the normal movement of the commodity in the marketplace. Compliance with this final rule would not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and would not alter the market share or competitive positions of small entities relative to the large entities and would in no way affect normal competition in the marketplace.

The information collection has been submitted for approval to OMB under Docket 0581-0056.

List of Subjects in 7 CFR Part 29

Administrative practice and procedure, Advisory Committees, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping requirements, Tobacco.

For the reasons set forth in the preamble, the regulations at 7 CFR Part 29 are amended as follows:

PART 29—TOBACCO INSPECTION

Subpart C—Standards

1. The authority citation for Subpart C continues to read as follows:

Authority: 7 U.S.C. 511b, 511m, and 511r.

2. Paragraph (b) of § 29.3053 is revised to read as follows:

§ 29.3053 Rework.

* * * * *

(b) Tobacco not properly tied in hands, not packed in bales approximately 1×2×3 feet, not oriented, not packed straight, bales not opened for inspection when chosen by a grader, lots exceeding an average bale weight of 100 pounds, or otherwise not properly prepared for market.

Dated: February 2, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95-3145 Filed 2-7-95; 8:45 am]

BILLING CODE 3410-02-P

Consolidated Farm Service Agency

7 CFR Part 729

RIN 0560-AD66

1995-Crop Peanuts National Poundage Quota

AGENCY: Consolidated Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: On December 15, 1994, the Secretary of Agriculture (Secretary) announced that the national poundage quota for quota peanuts was established at 1,350,000 short tons (st). This final rule codifies the announced quota. The quota is established pursuant to statutory requirements contained in the Agricultural Adjustment Act of 1938, as amended (the 1938 Act).

EFFECTIVE DATE: December 15, 1994.

FOR FURTHER INFORMATION CONTACT: John A. Craven, Consolidated Farm Service Agency (CFSA), United States Department of Agriculture (USDA), room 3739, South Building, P.O. Box 2415, Washington, DC 20013-2415, telephone 202-690-0446.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant and was reviewed by OMB under Executive Order 12866.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are

Commodity Loans and Purchases—10.051.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of this rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because CFSA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Paperwork Reduction Act

The amendments to 7 CFR part 729 set forth in this final rule do not contain information collection requirements that require clearance through the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35.

Announcement of the Quota

Section 358-1(a)(1) of the 1938 Act requires that the national poundage quota for peanuts for each of the 1991 through 1997 marketing years (MY's) be established by the Secretary at a level that is equal to the quantity of peanuts (in tons) that the Secretary estimates will be devoted in each such MY to domestic edible, seed, and related uses. Section 358-1(a)(1) further provides that the national poundage quota for a MY shall not be less than 1,350,000 st. The MY for 1995-crop peanuts runs from August 1, 1995, through July 31, 1996. Poundage quotas for the 1991-95 crops of peanuts were approved by 98.2 percent of peanut growers voting in a referendum conducted December 10 through 13, 1990.

The national poundage quota for the MY for the 1995 crop was established at 1,350,000 pounds, the statutory minimum, based on comparison with the following data:

ESTIMATED DOMESTIC EDIBLE, SEED, AND RELATED USES FOR 1995-CROP PEANUTS

Item	Farmer stock equivalent (short tons)
Domestic edible:	
Domestic prod. for domestic food use	984,000
On-farm and local sales	19,600
Seed	100,000

ESTIMATED DOMESTIC EDIBLE, SEED, AND RELATED USES FOR 1995-CROP PEANUTS—Continued

Item	Farmer stock equivalent (short tons)
Related uses:	
Crushing residual	130,100
Shrinkage and other losses	39,400
Segregation 2 and 3 loan transfers to quota loan	20,000
Total	1,293,100

Estimates of domestic production for domestic food use peanuts are developed in two steps. First, the farmer stock equivalent of peanuts for edible food use is projected by USDA's Interagency Commodity Estimates Committee (ICEC). Second, the ICEC food use estimate is reduced by the amount of peanut butter exports, edible peanut imports, and peanut butter imports since the ICEC food use estimate is an aggregate which includes peanut product exports and is derived from total supply that includes imports of peanuts and peanut butter. Peanut product exports are in most instances made from, or otherwise credited under section 359a(e)(1) of the 1938 Act as being made from, additional peanuts.

Farm use and local sales is estimated at 1 percent of ICEC's production estimate. This percentage reflects the average difference between USDA production estimates and Federal-State inspection data.

Seed use is based on projected 1996-crop planted acreage and a farmer stock equivalent seeding rate of 125 pounds per acre.

The *crushing residual* is the portion of farmer stock quota peanuts suitable only for the crushing market. The quota must be sufficient to provide for the shelling of both edible and crushing grades. Therefore, a crushing residual representing the farmer stock equivalent weight of crushing grade kernels shelled from quota peanuts is included under the "related uses" category. The crushing residual is estimated under the assumption that crushing peanuts will be approximately 12 percent, on a farmer stock basis, of total domestic food and seed production.

Shrinkage and other losses is an estimate of reduced kernel weight available for marketing as well as for kernel losses due to damage, fire, and spillage. These losses were estimated by multiplying a factor of 0.04 times domestic food use. The utilized factor is a CFSA estimate equal to the minimum

allowable shrinkage used in calculating a handler's obligation to export or crush additional peanuts as set forth in section 359a(d)(2)(iv) of the 1938 Act. Excessive moisture and weight loss due to foreign material in delivered farmer stock peanuts were not considered since such factors are accounted for at buying points and do not impact upon quota marketing tonnage.

Segregation 2 and 3 loan transfers to quota loan represent transfers of Segregation 2 and 3 peanuts from additional price support loan pools to quota loan pools. Such transfers occur when quota peanut producers have insufficient Segregation 1 peanuts to fill their quotas yet have Segregation 2 and 3 peanuts in additional loan pools which would have been eligible to be pledged as collateral for quota loans if it were not for quality problems. In such cases, for price support purposes only, these peanuts may be pledged as collateral for such loans. Regarding the disposition of such peanuts, the Commodity Credit Corporation will ensure that they are crushed for oil.

List of Subjects in 7 CFR Part 729

Poundage quotas, Peanuts, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 729 is amended as follows:

PART 729—PEANUTS

1. The authority citation for 7 CFR part 729 continues to read as follows:

Authority: 7 U.S.C. 1301, 1357 et seq., 1372, 1373, 1375; 7 U.S.C. 1445c-3.

2. Section 729.214 is amended by adding paragraph (e) to read as follows:

§ 729.214 National poundage quota.

* * * * *

(e) The national poundage quota for peanuts for marketing year 1995 is 1,350,000 short tons.

Signed at Washington, DC, on February 2, 1995.

Bruce R. Weber,

Acting Administrator, Consolidated Farm Service Agency.

[FR Doc. 95-3043 Filed 2-7-95; 8:45 am]

BILLING CODE 3410-05-P

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV94-920-4FR]

Kiwifruit Grown in California; Changes in District Boundaries

AGENCY: Agricultural Marketing Service, USDA.