

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 20

#### Export Sales Reporting for Sunflowerseed Oil

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

**ACTION:** Final rule.

**SUMMARY:** This final rule adds sunflowerseed oil to the list of commodities subject to the export sales reporting requirements of 7 CFR Part 20. Exporters of sunflowerseed oil will be required to report their sales for export each week. Summary information collected will be published in compilation form providing more complete coverage of the oilseed export industry and additional high quality up-to-date information required in making export projections.

**EFFECTIVE DATE:** April 7, 1997.

#### FOR FURTHER INFORMATION CONTACT:

Thomas B. McDonald, Jr., Chief, Export Sales Reporting Branch, Trade and Economic Analysis Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, DC 20250-1025, (202) 720-3273, FAX (202) 690-3275.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This rule is issued in conformance with Executive Order 12866. It has been determined that it is not a "significant regulatory action" rule because it will not:

- (1) Have an annual effect on the economy of \$100 million or more;
- (2) Adversely effect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(3) Create any serious inconsistencies or otherwise interfere with any action taken or planned by another agency;

(4) Alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; or

(5) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order No. 12866.

#### Regulatory Flexibility Act

It has been determined that this rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Public Law 96-534 (5 U.S.C. 601 *et seq.*). The time and expense of complying with this final rule is negligible. In addition, data reported under this regulation are maintained as part of the normal course of an export contracting business. A copy of this rule has been sent to the Chief Counsel, Office of Advocacy, U.S. Small Business Administration.

#### Executive Order 12372

This rule is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 46 FR 29115 (June 24, 1983).

#### Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. This rule would have pre-emptive effect with respect to any state and local laws, regulations, or policies which conflict with such provisions or otherwise impeded their full implementation. This rule would not have retroactive effect. This rule does not require administrative proceedings before parties may file suit in court.

#### Paperwork Reduction Act

This rule involves the collection of information. FAS uses Forms FAS-97, FAS-98, FAS-99, and FAS-100 for this collection of information. OMB has assigned control number 0551-0007 to these forms and has approved the current information collection activity through March 31, 1998.

#### Background

Section 602 of the Agricultural Trade Act of 1978, as amended, requires the reporting of information pertaining to the export of certain specified agricultural commodities and other agricultural commodities that may be designated by the Secretary of Agriculture. These reporting requirements are implemented by the Foreign Agricultural Service. Individual reports collected under the export sales reporting program are confidential and are only to be released in compilation form each week following the week of reporting. Reporting under 7 CFR part 20 is mandatory. Any person who knowingly fails to make a report shall be fined not more than \$25,000 or imprisoned for not more than 1 year, or both. On July 23, 1996, the Department published a proposed rule that would have required exporters of sunflowerseeds and sunflowerseed oil to report information pursuant to 7 CFR part 20.

Comments were received from four companies involved in the export of sunflowerseed and one trade association. All of the commentators opposed the reporting of sunflowerseed used for confectionary purposes. Their opposition was based on the fact that confectionary sunflowerseeds are of a special quality. Also, contracts in the confectionary sunflowerseed industry are typically for small amounts, often one container (18.144 metric tons). Further, comments suggested that the decline in export activity for the oil-type sunflowerseed indicates that there is not a current need for export reporting for this item.

The trade association and one exporting firm suggested that only exports of sunflowerseed oil should be included in the reporting requirement. The justification for this request was to insure that adequate stocks of sunflowerseed oil are available to cover export sales. In previous years, sunflowerseed oil export sales were publicly announced via the Sunflower Oil Assistance Program (SOAP). However, that program has not been implemented during the last two years, and some other source of information was desirable.

The Department agrees with these suggestions and that the addition of sunflowerseed oil under the mandatory reporting program will provide more

complete coverage of this export industry and provide additional high-quality up-to-date information required in making export projections. These projections are used by private industry as well as the government in making economic decisions concerning the orderly flow of U.S. agricultural commodities in the domestic and export markets. On the other hand, the relatively small volume of exports of confectionary sunflowerseeds and

sunflowerseeds for crushing does not justify the burden on the exporters reporting their export sales and related information.

#### Lists of Subjects in 7 CFR Part 20

Agricultural commodities, Exports, Reporting.

#### Final Rule

Accordingly, 7 CFR part 20 is amended as follows:

1. The authority citation for part 20 continues to read as follows:

Authority: 7 U.S.C. 5712.

2. Appendix 1 to 7 CFR part 20 is amended by adding the following entry after the entry for "Linseed oil, including raw, boiled" under the indicated column headings:

#### APPENDIX 1.—COMMODITIES SUBJECT TO REPORTS, UNITS OF MEASURE TO BE USED IN REPORTING, AND BEGINNING AND ENDING DATES OF MARKETING YEARS

Commodity to be reported	Unit of measure to be used in reporting	Beginning of marketing year	End of marketing year
* * * * *	* * * * *	* * * * *	* * * * *
Sunflowerseed Oil-including: crude (including degummed), once refined, sunflowerseed salad oil (including refined and further processed by bleaching, deodorizing or winterizing), hydrogenated.	.....do .....	Oct. 1 .....	Sept. 30.
* * * * *	* * * * *	* * * * *	* * * * *

Signed at Washington, D.C. February 24, 1997.  
August Schumacher, Jr.  
*Administrator, Foreign Agricultural Service.*  
[FR Doc. 97-5095 Filed 3-6-97; 8:45 am]  
BILLING CODE 3410-10-M

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 96-102-1]

#### Asian Longhorned Beetle; Quarantine Regulations

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are quarantining a small area in the boroughs of Brooklyn and Queens, NY, and a small area in the vicinity of Amityville, NY, because of infestation of the Asian longhorned beetle and restricting the interstate movement of regulated articles from these quarantined areas. These actions are necessary on an emergency basis to prevent the artificial spread of this plant pest from infested areas in the State of New York to noninfested areas of the United States.

**DATES:** Interim rule effective February 28, 1997. Consideration will be given only to comments received on or before May 6, 1997.

**ADDRESSES:** Please send an original and three copies of your comments to

Docket No. 96-102-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 96-102-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.  
**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald P. Milberg, Operations Officer, Program Support, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-5255.

#### SUPPLEMENTARY INFORMATION:

##### Background

We are amending the "Domestic Quarantine Notices" in 7 CFR part 301 by adding a new subpart 301.51, "Asian Longhorned Beetle" (referred to below as "the regulations"). These regulations quarantine a small area in the Greenpoint section of Brooklyn, NY, and a small area in the vicinity of Amityville, NY, because of Asian longhorned beetle and restrict the interstate movement of regulated articles from the quarantined areas.

The Asian longhorned beetle (ALB) (*Anoplophora glabripennis*), native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. It is known to attack

healthy trees of maple (including Norway, sugar, silver, red, and others), horse chestnut, poplar, willow, elm, locust, mulberry, chinaberry, apple, cherry, pear, and citrus. It may also attack other species of hardwood trees. ALB bores into the heartwood of host trees, eventually killing the host trees. Immature beetles bore into tree trunks and branches, causing heavy sap flow from wounds and sawdust accumulation at tree bases. They feed on and over-winter in the interior of the trees. Adult beetles emerge in the spring and summer months from large, round holes approximately 3/8-inch in diameter (about the size of a dime) that they bore through the trunks of trees. After emerging, adult beetles fly for 2 to 3 days, when they feed and mate. Adult females then lay eggs in grooves that they make on the branches of trees. A new generation of ALB is produced each year.

First detected in the United States in August 1996, ALB has been found in hardwood trees in an area in the boroughs of Brooklyn and Queens, NY, and in the vicinity of Amityville, NY. In these locations, the beetle appears to prefer maple and horse chestnut trees. However, nursery stock, logs, green lumber, firewood, stumps, roots, branches, and debris of a half an inch or more in diameter are also subject to infestation. Therefore, if this pest moves into the hardwood forests of the northeastern United States, severe economic impact to the nursery and