

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 729

RIN 0560-AF83

2000 Crop Peanut National Poundage Quota for Quota Peanuts

AGENCY: Farm Service Agency, USDA.  
ACTION: Proposed rule.

**SUMMARY:** The Agricultural Adjustment Act of 1938, as amended, (the 1938 Act) requires that the national peanut poundage quota for the 2000 crop be announced by December 15, 1999. This proposed rule suggests a national poundage quota figure in the range between 1,170,000 short tons (st) and 1,190,000 st.

**DATES:** Comments must be received by December 10, 1999, in order to be assured of consideration.

**ADDRESSES:** Comments must be submitted to the Director, Tobacco and Peanuts Division, Farm Service Agency (FSA), United States Department of Agriculture, STOP 0514, 1400 Independence Avenue, S.W., Washington, DC 20250-0514. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, except holidays, in Room 5750-South Building, 1400 Independence Avenue, S.W., Washington, DC 20250-0514.

**FOR FURTHER INFORMATION CONTACT:** Kenneth M. Robison, Tobacco and Peanuts Division, FSA, USDA, STOP 0514, 1400 Independence Avenue, S.W.,

Washington, DC 20250-0514, telephone 202-720-9255. Copies of the cost-benefit assessment prepared for the rule can be obtained from Mr. Robison.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be significant for purposes of Executive Order 12866 and, therefore, has been reviewed by OMB.

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 12998

This proposed rule has been reviewed in accordance with Executive Order 12998. The provisions of this proposed 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 proposed rule since neither the Farm Service Agency (FSA) nor Commodity Credit Corporation (CCC) are 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 of these determinations.

Paperwork Reduction Act

This proposed amendment does not contain information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35.

Unfunded Federal Mandates

This proposed rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded

Mandate Reform Act (UMRA), for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Discussion

This proposed rule would amend 7 CFR part 729 to set forth the 2000-crop peanut national poundage quota.

A. Determination of the Quota

Peanut producers voting in a mail referendum December 1 through 4, 1997, approved poundage quotas for the 1998 through 2002 marketing years (MY) by an affirmative vote of 94.8 percent. Therefore, as provided for in the 1938 Act, the Secretary is required to administer a peanut program in which marketings are governed through the use of federally-granted quota and in which price support is offered.

Section 358-1(a)(1) of the 1938 Act, as amended by the Agricultural Market Transition Act (the 1996 Act), requires that the national poundage quota for peanuts for each of the 1996 through 2002 MYs 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 MY to domestic edible use (excluding seed use) and related uses. Under the 1996 amendments to the 1938 Act, seed use remains a quota use but, unlike in the past, the seed aspect of the quota is accounted for through the grant of a temporary seed quota to all producers. As a result, seed is no longer part of the basic quota calculation which will be codified through this determination. The MY for 2000-crop peanuts runs from August 1, 2000, through July 31, 2001.

The national poundage quota for MY 1999 was set at 1,180,000 st. This rule proposes that the national poundage quota for MY 2000 be set between 1,170,000 st and 1,190,000 st based on the following data:

ESTIMATED DOMESTIC EDIBLE, EXCLUDING SEED, AND RELATED USES FOR 2000-CROP PEANUTS WITH MARKETING LEVELS OF 97.6 PERCENT AND 99.3 PERCENT

Item	Farmer Stock Equivalent (Short tons)	
	99.3% of quota marketed	97.6% of quota marketed
Regular domestic food use .....	989,000	989,000

## ESTIMATED DOMESTIC EDIBLE, EXCLUDING SEED, AND RELATED USES FOR 2000—CROP PEANUTS WITH MARKETING LEVELS OF 97.6 PERCENT AND 99.3 PERCENT—Continued

Item	Farmer Stock Equivalent (Short tons)	
	99.3% of quota marketed	97.6% of quota marketed
Related uses .....	.....	.....
Crushing residual .....	128,500	128,500
Shrinkage and other losses .....	44,000	44,000
Unused quota .....	8,500	28,500
Totals .....	1,170,000	1,190,000

The estimate of 2000 domestic food use was developed in two steps. First, normal commercial use was estimated based upon figures from the USDA Interagency Commodity Estimates Committee (ICEC) adjusted to take out peanut imports, peanut butter imports, and peanut butter exports (which are normally comprised of additional peanuts only). Then, farm sales and other direct marketings to consumers were added based upon differences between production data and Federal-State Inspection Service inspection data. Insofar as related uses are concerned, an added allowance is made for the normal crushing residual that cannot effectively be used for food use, and that amount has traditionally been about 12 percent, on a farmer stock basis, of the total of MY domestic production. An allowance for shrinkage and other losses is made to account for reduced kernel and other kernel losses during storage, using the customary factor of 4 percent of domestic food use. In addition, disaster transfers of poor quality peanuts are included as part of other losses. Finally, the unused quota allowance goes to those instances where the farmer cannot fulfill a quota either because of underplanting or because the farmer is unable to produce enough Segregation 1 peanuts to fill the full quota. Because of the program changes in the 1996 Act, which have been outlined in previous notices, there is now a greater incentive than in the past to fully market the quota and it is expected that, after discounting for quality problems, somewhere between 97.6 percent and 99.3 percent of the quota will be marketed.

In MY 1996 about 97.3 percent was marketed; in MY 1997 about 99.7 percent of quota was marketed; in MY 1998 about 98.0 percent of quota was marketed; and for MY 1999 between 94.0 percent and 98 percent of the quota is anticipated to be marketed. Also, it is anticipated that between 97.6 and 99.3 percent of the MY 2000 quota will be marketed.

The proposed 2000 quota range, as set forth above, reflects the uncertainty in domestic consumption of peanut products. Although a small increase in demand has resulted from new uses and from lower peanut support prices in recent years, Government Domestic Feeding and Child Nutrition Program purchases in MY 1998 decreased 32 percent from 38,053, 476 pounds in MY 1997 to 28,831,842 pounds in MY 1998. Also, peanut butter consumption, the major food use of peanuts, declined almost 2 percent during 1998. Overall demand may change little from the current level.

#### List of Subjects in 7 CFR Part 729

Peanuts, Penalties, Poundage quotas, Reporting and recordkeeping requirements.

Accordingly, it is proposed that 7 CFR part 729 be 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, and 7271.

2. Section 729.216 paragraph (c) is revised to read as follows:

#### § 729.216 National poundage quota.

\* \* \* \* \*

(c) Quota determination for individual marketing years:

(1) The national poundage quota (excluding seed) for quota peanuts for marketing year 1996 is 1,100,000 short tons.

(2) The national poundage quota (excluding seed) for quota peanuts for marketing year 1997 is 1,133,000 short tons.

(3) The national poundage quota (excluding seed) for quota peanuts for marketing year 1998 is 1,167,000 short tons.

(4) The national poundage quota (excluding seed) for quota peanuts for marketing year 1999 is 1,180,000 short tons.

(5) The national poundage quota (excluding seed) for quota peanuts for marketing year 2000 will be set between 1,170,000 and 1,190,000 short tons.

\* \* \* \* \*

Signed at Washington, DC, on November 24, 1999.

**Keith Kelly,**

*Administrator, Farm Service Agency.*

[FR Doc. 99-31111 Filed 11-24-99; 3:33 pm]

BILLING CODE 3410-05-P

#### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

#### 9 CFR Parts 54 and 79

[Docket No. 97-093-2]

RIN 0579-AA90

#### Scrapie in Sheep and Goats; Interstate Movement Restrictions and Indemnity Program

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to restrict the interstate movement of sheep and goats from States that do not follow effective flock management practices for scrapie. We also propose to require animal identification for sheep and goats moving interstate and to reinstate a scrapie indemnity program to compensate owners of certain animals destroyed due to scrapie. These changes would help prevent the interstate spread of scrapie, an infectious disease of sheep and goats.

**DATES:** Consideration will be given only to comments received on or before December 30, 1999.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 97-093-2, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238.