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

Commodity Credit Corporation

7 CFR Part 1413

RIN 0560–AE40

1996 Upland Cotton Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Act of 1949, as amended (1949 Act), requires the Secretary of Agriculture to implement an Acreage Reduction Program (ARP) for the 1996 crop of upland cotton which will result in a ratio of carry-over to total disappearance of 29.5 percent. This proposed rule would amend the regulations to set forth the acreage reduction percentage for the 1996 crop of upland cotton.

DATES: Comments must be received on or before October 20, 1995, in order to be assured of consideration.

ADDRESSES: Comments must be mailed to Director, Fibers and Rice Analysis Division, Consolidated Farm Service Agency (CFSA), U.S. Department of Agriculture (USDA), room 3754–S, P.O. Box 2415, Washington, DC 20013–2415.

FOR FURTHER INFORMATION CONTACT: Wayne E. Bjorlie, Fibers and Rice Analysis Division, CFSA, USDA, room 3754–S, P.O. Box 2415, Washington, DC 20013–2415 or call 202–720–6734.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be economically significant and was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Preliminary Regulatory Impact Analysis

The Preliminary Regulatory Impact Analysis describing the options considered in developing this proposed rule and the impact of the implementation of each option is available on request from the above-named individual.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule because the Commodity Credit Corporation 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 these determinations.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

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: Cotton Production Stabilization—10.052.

Executive Order 12778

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

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR part 1413 set forth in this proposed rule do not contain information collections that require clearance by OMB under the provisions of 44 U.S.C. 3501 *et seq.*

Request for Public Comment

Comments are requested with respect to this proposed rule, and such comments shall be considered in developing the final rule.

Background

The Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66) extended authority for an upland cotton program through the 1997 marketing year. Therefore, in accordance with section 103B of the 1949 Act, an ARP is required to be implemented for the 1996 crop of upland cotton if it is determined that in the absence of an ARP the total supply of upland cotton will be excessive, taking into account the need for an adequate carry-over to maintain reasonable and stable supplies and prices and to meet a national emergency. However, if new legislation is enacted, the 1996 program will be amended in accordance with any new or revised provisions.

Land diversion payments also may be made to producers of upland cotton, whether or not an ARP for upland cotton is in effect, if needed to assist in adjusting the total national acreage of upland cotton to desirable goals. If, at the time of final announcement of the ARP, the projected carry-over of upland cotton for the crop year is equal to or greater than 8 million bales, a paid land diversion shall be offered to upland cotton producers.

If an ARP is announced, the reduction shall be achieved by applying a uniform percentage reduction (from 0 to 25 percent) to the upland cotton crop acreage base for the crop for each upland cotton-producing farm. In making such a determination, the number of acres placed into the program established under subtitle D of title XII of the Food Security Act of 1985, as amended, must be taken into consideration.

A number of acres on the farm shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. The acres required to be devoted to conservation uses may be reduced, at the request of the producer, if the producer's total estimated deficiency payments which would be received under the feed grain, rice, wheat, upland and ELS cotton programs are estimated to be reduced in order to comply with the payment limitations set forth in section 1001 of the Food Security Act of 1985. The amount of the reduction in the acres required to be devoted to conservation uses is proportional to the estimated reduction in payments, in accordance with 7 CFR part 1413.53.

Producers who knowingly produce upland cotton in excess of the permitted upland cotton acreage for the farm plus any upland cotton acreage planted in accordance with the flexibility provisions are ineligible for upland cotton loans and payments with respect to that farm.

If it is determined that an ARP for the 1996 crop of upland cotton is needed, a preliminary announcement of the ARP uniform percentage requirement (from 0 to 25 percent) must be made not later than November 1 of the calendar year preceding the year in which the crop is harvested. Not later than January 1 of the calendar year in which the crop is harvested, a final announcement of the ARP uniform percentage requirement must be made. Producers in early planting areas may elect to participate in the program on the terms of the ARP first announced for the crop, or as subsequently revised, if the Secretary determines that the producers may be unfairly disadvantaged by the revision.

The ARP for the 1996 crop of upland cotton must be set at a level that will result in a ratio of carry-over to total disappearance of 29.5 percent, based on the most recent projection of carry-over and total disappearance at the time of announcement of the ARP. For the purposes of this provision, the term ''total disappearance'' means all upland cotton utilization, including total domestic, total export, and total residual disappearance.

Based on August 1995 supply/use estimates, ending stocks for the 1996 marketing year under a 5-percent ARP, a 12.5-percent ARP, and a 20-percent ARP are 6.0 million bales, 5.4 million bales, and 4.9 million bales, respectively. Such ARP levels would result in ratios of carry-over to total disappearance of 32.3, 29.5, and 27.5 percent, respectively. For the purposes of this proposed rule, these three ARP options will be considered. However, because of changes in the supply/use situation that may develop between now and November 1, the actual announced preliminary ARP may be different from the options discussed in this rule.

The estimated impacts of the ARP options are shown in the following table.

UPLAND COTTON SUPPLY/DEMAND ESTIMATES

Item	Option 1	Option 2	Option 3
	Percent		
ARP	5	12.5	20
Participation	85	83	81
	Thousand acres		
Planted	14,700	13,900	13,100

UPLAND COTTON SUPPLY/DEMAND ESTIMATES—Continued

Item	Option 1	Option 2	Option 3
	Thousand bales		
Production	19,300	18,400	17,400
Domestic Use	11,800	11,700	11,600
Exports	6,800	6,600	6,400
Ending Stocks	6,000	5,400	4,700
	Percent		
Stocks to Use	32.3	29.5	26.1
	Million dollars		
Deficiency Payments	603	491	394

Accordingly, comments are requested on the 1996 acreage reduction percentage for upland cotton. The final determination of this percentage will be published in the **Federal Register** and will be set forth at 7 CFR part 1413.

List of Subjects in 7 CFR Part 1413

Acreage allotments, Cotton, Disaster assistance, Feed grains, Price support programs, Reporting and recordkeeping requirements, Rice, Soil conservation, Wheat.

Accordingly, it is proposed that 7 CFR part 1413 be amended as follows:

PART 1413—FEED GRAIN, RICE, UPLAND AND EXTRA LONG STAPLE COTTON, WHEAT AND RELATED PROGRAMS

1. The authority citation for 7 CFR part 1413 continues to read as follows:

Authority: 7 U.S.C. 1308, 1308a, 1309, 1441–2, 1444–2, 1444f, 1445b–3a, 1461–1469; 15 U.S.C. 714b and 714c.

2. Section 1413.54 is amended to read as follows by:

A. Revising paragraphs (a)(3)(iv) and (a)(3)(v),

B. Adding paragraph (a)(3)(vi),

C. Adding paragraph (d)(6).

§ 1413.54 Acreage reduction program provisions.

(a) * * *

(3) * * *

(iv) 1994 upland cotton, 11.0 percent;

(v) 1995 upland cotton, 0 percent; and

(vi) 1996 upland cotton shall be within the range of 0 to 25 percent, as determined and announced by CCC.

* * * * *

(d) * * *

(6) For the 1996 crop:

(i)–(ii) [Reserved]

(iii) Shall not be made available to producers of the 1996 crop upland cotton.

* * * * *

Signed at Washington, DC, on October 4, 1995.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 95–25125 Filed 10–5–95; 9:18 am]

BILLING CODE 3410–05–P

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 94–058–2]

Importation of Wild Turkey Carcasses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal.

SUMMARY: We are withdrawing a proposed rule that would have allowed the carcasses of wild turkeys from countries where exotic Newcastle disease is considered to exist to be brought into the United States if the head, feet, and viscera of the wild turkeys had been removed. We are taking this action after considering the comments we received following the publication of the proposed rule.

DATES: This withdrawal is effective October 10, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. John Gray, Senior Staff Veterinarian, Import/Export Products, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231, (301) 734–7885.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1995, we published in the **Federal Register** (60 FR 9633–9634, Docket No. 94–058–1) a proposed rule to amend the regulations in 9 CFR part 94 to allow wild turkey carcasses from countries where exotic Newcastle disease is considered to exist to be brought into the United States if the head, feet, and viscera of the wild turkeys had been removed.

We solicited comments on the proposed rule for 60 days ending on April 24, 1995. By the close of the comment period, we had received a total of five comments. The comments were submitted by representatives of the poultry industry and a university veterinarian. All of the commenters opposed the proposed rule.

All five commenters believed that the proposed rule would adversely affect the poultry industry. Some commenters were concerned that raw carcasses that had the head, viscera, and feet removed would still harbor viable viruses. The commenters stated that the avian