

be submitted in writing to the agency designee, through normal supervisory channels. Such requests shall include, at a minimum, the following:

(i) The employee's name and position title;

(ii) The name and address of the person or organization for whom the outside activity is to be performed;

(iii) A description of the proposed outside activity, including the duties and services to be performed while engaged in the activity; and

(iv) The proposed hours that the employee will engage in the outside activity, and the approximate dates of the activity.

(2) Together with his request for approval, the employee shall provide a certification that:

(i) The outside activity will not depend in any way on nonpublic information;

(ii) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside activity; and

(iii) The employee has read subpart H ("Outside Activities") of 5 CFR part 2635.

(3) Upon a significant change in the nature or scope of the outside activity or in the employee's official position, the employee shall submit a revised request for approval.

(c) *Approval of requests.* Approval shall be granted only upon a determination by the agency designee, in consultation with an agency ethics official when such consultation is deemed necessary by the agency designee, that the outside activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635.

(d) *Definitions.* For purposes of this section:

(1) *Active participant* has the meaning set forth in 5 CFR 2635.502(b)(1)(v).

(2) *Nonpublic information* has the meaning set forth in 5 CFR 2635.703(b).

(3) *Professional services* means the provision of personal services by an employee, including the rendering of advice or consultation, which involves application of the skills of a profession as defined in 5 CFR 2636.305(b)(1).

(4) *Prohibited source* has the meaning set forth in 5 CFR 2635.203(d).

(5) *Relates to the employee's official duties* has the meaning set forth in 5 CFR 2635.807(a)(2)(i)(B) through (a)(2)(i)(E).

[FR Doc. 96-18020 Filed 7-15-96; 8:45 am]

BILLING CODE 6325-01-M

## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

#### 7 CFR Part 729

RIN 0560-AE82

#### Amendments to the Peanut Poundage Quota Regulations

**AGENCY:** Farm Service Agency, USDA.

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

**SUMMARY:** This interim rule sets forth regulations for Federal farm peanut poundage quotas in order to implement provisions of the Agricultural Market Transition Act of 1996 (the 1996 Act) for the 1996 through 2002 crops of peanuts. The amendments to the regulations adopted in this interim rule involve: eliminating the national poundage quota floor; eliminating the undermarketing carryover provisions; establishing temporary seed quota allocations; establishing the ineligibility of certain farms for quota allocation; authorizing the inter-county transfer of farm poundage quota in all States, subject to certain percentage limitations on certain transfers in certain States; eliminating the special allocations of increased quotas for certain Texas counties; and establishing new provisions for "considered-produced" credit with respect to a farm whose quota has been transferred.

**DATES:** Effective April 4, 1996.

Comments must be received on or before August 15, 1996, to be assured consideration.

**ADDRESSES:** Submit comments on the interim rule to: Director, Tobacco and Peanuts Division, Farm Service Agency, U.S. Department of Agriculture, Room 5750-S, Ag Code 0514, P.O. Box 2415, Washington, DC 20013-2415. All written submissions made pursuant to this rule will be made available for public inspection in Room 5750 South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., during regular Federal workdays.

**FOR FURTHER INFORMATION CONTACT:** David Kincannon, (202) 720-7914.

#### SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule because the Farm Service Agency (FSA) 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.  
Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

#### Unfunded Federal Mandates

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandate Reform Act of 1995 (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.

#### Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this interim rule applies are: Commodity Loans and Purchases—10.051.

#### Executive Order 12372

This program 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 48 FR 29115 (June 24, 1983).

#### Executive Order 12778

This interim rule has been reviewed in accordance with Executive Order 12778. The provisions of this interim rule do not preempt State laws to the extent that such laws are inconsistent with the provisions of this interim rule. Before any legal action is brought regarding determinations made under provisions of 7 CFR part 729, the administrative appeal provisions set forth at 7 CFR parts 11 and 780 must be exhausted. This rule has been made retroactive to April 4, 1996, in order to affirm determinations for the current crop year that had to be made in advance of this notice because of the time of the passage of the 1996 Act and the onset of the planting season for peanuts.

#### National Appeals Division Rules of Procedure

The procedures set out in 7 CFR parts 11 and 780 apply to appeals of adverse decisions made under the regulations adopted in this notice.

### Small Business Regulatory Enforcement Fairness Act of 1996

Section 161(d) of the 1996 Act provides the regulation necessary to implement Title I of the 1996 Act must be issued within 90 days of enactment and that such regulations shall be issued without regard to the notice and comment provisions of section 553 of the United States Code. These regulations affect the immediate planting and marketing decisions of an extraordinarily large number of agricultural producers and previous decisions of the agency. Accordingly, as authorized by section 808 of the Small Business Regulatory Enforcement Fairness Act of 1996, this rule is effective as of April 4, 1996, the date of enactment of the 1996 Act.

### Paperwork Reduction Act

As provided in section 161(d) of the 1996 Act, the Paperwork Reduction Act is not applicable to these regulations. However, the forms necessary to conduct these programs have been previously submitted for clearance to the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35.

### Background

This rule addresses peanut quota amendments for the 1996 through 2002 crops which were enacted in section 155 of the 1996 Act.

#### A. *Certain Farms Ineligible to Hold Peanut Poundage Quota*

Section 358-1(b)(1) of the 1938 Act, as amended by the 1996 Act, provides that, effective beginning with the 1998 crop of peanuts, quotas shall not be established for farms owned or controlled by municipalities, airport authorities, schools, colleges, refuges, and other public entities (not including universities for research purposes), or by a person who is not a producer and resides outside the State in which the quota is allocated. Section 729.205 has been added to the regulations accordingly and provides, consistent with the 1996 Act, that if a farm is ineligible for peanut poundage quota as of August 1, 1997, under the provisions of the 1996 Act, the quota held by such ineligible farms must be sold by October 1, 1997, or it will be allocated to other farms within the same State, beginning with the next crop year. Under the interim rule, if an ineligible party acquires a quota farm after that date, no quota will be established for the farm, but the quota, for subsequent crop years, may be sold to a qualifying farm, provided that the normal conditions for sale are met.

#### B. *Elimination of Quota Floor, Establishment of the National Poundage Quota, and Peanut Quota Referendum*

The 1996 Act provides for referenda for peanut quotas and amends section 358-1(a)(1) of the 1938 Act to eliminate the floor for the national quota. In addition, the 1996 Act excludes seed peanuts from the calculation of the basic national quota. This rule revises section 729.216 (as redesignated) of the regulations accordingly.

#### C. *Temporary Seed Quota Allocation*

The 1996 Act amendments to the 1938 Act also, however, provide for adding to a farm's basic quota a temporary allocation of quota for the amount of seed peanuts planted on a farm. This rule amends the definition of "effective quota" in section 729.103 of the regulations accordingly.

This rule adopts a national seeding rate for each type of peanut and provides that the quantity of temporary seed quota allocated to a farm shall equal the amount determined by multiplying the acres planted to peanuts by the national per-acre planting rate by peanut type. The seed planted will be converted to farmers stock basis by multiplying, by a factor of 1.5, the amount of seed so calculated. Another option considered was setting a rate as a maximum with producers required to prove actual seed purchases and use, with the lower of the standardized maximum or the proven seed use establishing the seed quota allocation. Comments are requested on these and any other options, and on: (a) the issues of increased producer workload involved with proving seed use, (b) the use of a standardized national seeding rate vs. a standardized State seeding rate, and (c) the seeding rate amounts.

For purposes of determining seed use, the national per-acre planting rate by type shall, for this calculation, be equal to:

- (i) 95 pounds for Runner-type peanuts;
- (ii) 110 pounds for Virginia peanuts;
- (iii) 80 pounds for Spanish peanuts; and
- (iv) 80 pounds for Valencia peanuts.

The temporary seed allocation will be made after the producer files a proper certification of planted acres.

#### D. *Elimination of "Undermarketings" From Quotas*

In accord with the 1996 Act, this rule also eliminates previous undermarketings from quota calculation for peanuts.

#### E. *Reallocations in Texas of Increased Quota*

The 1996 Act removes the special quota allocation provisions that formerly applied to Texas only, in cases where the national quota is increased. This rule amends section 729.206(f) (former 729.204(f)) of the regulations, as redesignated, accordingly.

#### F. *Inter-county Transfers*

The 1996 Act removes the previous prohibition of inter-county quota transfers in large-quota States to allow, with limits, the transfer of farm poundage quota by sale or lease to any county within each of those States. Such transfers are limited to an aggregate of 40 percent of the total poundage quota within a county as of January 1, 1996, and may not exceed a crop year limit of 15, 25, 30, and 35 percent for the 1996 through 1999 crops respectively and 40 percent for the 2000 and subsequent crops. Further, however, in any county with a quota allocation less than 50 tons for the preceding year's crop, all or any part of a farm poundage quota may be transferred by sale or lease or otherwise from a farm in the county to a farm in the same State. These prescriptions are set by the 1996 Act.

This rule has adopted selection by lottery to implement the out-of-county sale and lease limitation provisions in counties where the amount of farm poundage quota requested for such sale and lease was greater than the limitation for the current year. This rule amends section 729.214 (former 729.212) of the regulations, as redesignated by this rule, to implement the limitation requirements. Other options considered with respect to administering the transfer limitation included a first-come, first-considered basis and a proration of the limited amount among all applicants. Time constraints and the practicality of transferring only portions of a farm's quota were the major determinants in selecting the lottery method. Comments are requested on these or any other options for controlling the transfer limitation and on the issue of giving priority to quota sales over quota leases.

Also, current regulations in part 729 have prohibited the approval of any transfers filed after January 31 and before August 1 if the approval of such transfer would result in a transfer both to and from either the transferring or receiving farm during such period. Although this rule does not revise the regulation, comments are requested on whether to allow a farm to make a transfer both ways in the same period so

long as the transfer from the farm is a temporary transfer.

In addition, section 729.214(f)(3)(i), as redesignated, is amended to ease the prohibition against permanent transfers of quota from a farm to which quota had been transferred during the base period (the 3 immediately preceding crop years). The revised paragraph will limit the prohibition to the amount of quota permanently transferred to the farm during the 3-year period.

**G. Considered-Produced Credit**

Section 358-1(b) (3) and (4) of the 1938 Act provides that to the extent practicable and on such fair and equitable basis as the Secretary may provide, a farm will, generally, lose any quota which is not produced or considered produced on the farm in 2 out of 3 consecutive years. That section contains a specific provision allowing considered-produced credit for in-county transfers, but only once every 3 years. The new act leasing provisions in the 1996 Act, as indicated, revamp the spring lease provisions for quotas and provide that the transfer of quota under that paragraph will not reduce the quota of the transferring farm if the quota is produced or considered produced on the receiving farm. Since no change was made to the in-county transfer provisions of 358-1(b)(3) (for those transfers which do not involve the same owner or operator), it appears that the 1996 Act did not intend for a modification to be made with respect to within-county transfers as allowed prior to the 1996 Act. Accordingly, the interim rule maintains the same considered-produced provisions, as in the past, for such in-county transfers (that is, considered-produced credit for leased quota will be allowed only once every 3 years). For inter-county transfers, however, the rule allows the transferring farm to receive considered-produced credit for any year in which the receiving farm produces, or is considered to have produced, the quota. This is the same rule that has been applied to out-of-county transfers in past years when such transfers were only allowed in States with a small total quota.

**H. Other Provisions**

The interim rule makes several technical changes including: (i) changes necessitated by a recent USDA reorganization, and (ii) changes to reflect applicability of the regulations through the 2002 crops.

Other provisions of the 1996 Act regarding peanuts will be the subject of subsequent notices.

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

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

**Interim Rule**

Accordingly, 7 CFR Part 729 is amended as follows:

**PART 729—[AMENDED]**

1. The authority citation is revised to read as follows:

Authority: 7 U.S.C. 1301, 1357 et seq., 1372, 1373, 1375, and 7271.

2. Section 729.102 is amended by removing "1991 through 1995" and adding "1996 through 2002" in its place, and by adding a sentence at the end of the paragraph to read as follows:

**§ 729.102 Applicability.**

\* \* \* The peanut marketing quota and disposition requirements for peanuts for the 1991 through 1995 crops shall, as applicable, continue to be governed by the regulations codified at 7 CFR Part 729, as of April 1, 1996.

3. Section 729.103 is amended as follows:

a. The definition for "FSA" is moved to its proper place in alphabetical order.

b. The definition of "Considered-produced credit" is amended by revising paragraph (iii) to read as follows:

**§ 729.103 Definitions.**

\* \* \* \* \*

(b) \* \* \*

*Considered-produced credit.* \* \* \*

(iii) A farm's basic quota that was not produced if the Farmers Home Administration or the Farm Service Agency had control of, or title to, such farm.

\* \* \* \* \*

c. The definition of "DASCO" is removed, and the definition of "Deputy Administrator" is added in alphabetical order to read as follows:

*Deputy Administrator.* The Deputy Administrator for Farm Programs, Farm Service Agency.

d. The definition of "Effective quota" is amended by revising paragraph (v) to read as follows:

*Effective quota.* \* \* \*

(v) Temporary seed quota allocated to the farm.

e. The definition of "First purchaser" is added in alphabetical order to read as follows:

*First purchaser.* Any person acquiring peanuts from a producer except that in the case of peanuts forfeited by a producer to CCC or bought from the price support loan inventory, the term means the person acquiring the peanuts from CCC or the inventory.

f. The definition of "Preliminary quota" is revised to read as follows:

*Preliminary quota.* For the current year and an eligible farm, the basic quota established for the farm for the preceding year to the extent that the farm is not subject to a reduction in quota.

g. The definition of "Temporary seed quota" is added in alphabetical order to read as follows:

*Temporary seed quota.* Quota temporarily allocated for the current crop year only and in an amount determined by FSA to account for the amount of seed peanuts planted on the farm for production of peanuts, excluding green peanuts and peanuts produced under the one-acre exemption set forth in § 729.306 of this part.

\* \* \* \* \*

h. The definition of "Undermarketings" is removed.

4. Section 729.104(a) is revised to read as follows:

**§ 729.104 Administration.**

(a) The regulations in this part will be administered under the general supervision of the Administrator, FSA, and shall be carried out in the field by State and county FSA committees.

\* \* \* \* \*

5. Section 729.104(c) is amended by removing the phrase "committee shall" and adding "committee" in its place, and removing "Instruct" and adding "Shall instruct" in its place.

**§ 729.108 [Amended]**

6. Section 729.108 is amended by removing "ASC" and adding "FSA" in its place.

**§ 729.201 [Amended]**

7. Section 729.201 is amended by removing "1991 through 1995" wherever it appears and adding in its place "1996 through 2002 and removing "1990" wherever it appears and adding in its place "1995".

**§ 729.204-729.214 [Redesignated as § 729.206-729.216]**

8. Sections 729.204 through 729.214 are redesignated as sections 729.206 through 729.216 respectively, and new sections 729.204 and 729.205 are added to read as follows:

**§ 729.204 Temporary seed quota allocation.**

(a) *Applicability.* The temporary allocation of quota pounds, as provided in this section shall be determined:

- (1) For the marketing year only in which the crop is planted;
- (2) For eligible producers for each of the 1996 through 2002 marketing years; and

(3) To exclude the production of green peanuts and peanuts produced under the one-acre exemption provided for in 7 CFR 729.306.

(b) *Quantity of allocation.* The temporary quota allocated to a producer shall be the farmers stock equivalent pounds of qualifying seed peanuts considered planted on the farm as determined by FSA by multiplying the acres determined planted to qualifying peanuts times the per-acre planting rates of:

- (1) 95 pounds for Runner-type peanuts;
- (2) 110 pounds for Virginia peanuts;
- (3) 80 pounds for Spanish peanuts; and
- (4) 80 pounds for Valencia peanuts.

(c) *Conversion factor.* For the purpose of determining the farmers stock basis for temporary seed quota allocations under this section, the amount of seed planted as determined in accord with paragraph (b) of this section shall be multiplied by a factor of 1.5.

(d) *Time of notification.* The notice of determination for temporary seed quota allocations shall be made by the Deputy Administrator as soon as practicable following the deadline for filing certifications of planted acres.

**§ 729.205 Farms ineligible for farm poundage quota.**

(a) *Ineligible farms.* Except for quota allocated under the provisions of § 729.208 for experimental and research programs, effective beginning with the 1998 crop year, farm poundage quotas shall not be established for farms which are determined by FSA to be owned or controlled by:

(1) Municipalities, airport authorities, schools, colleges, refuges, and other public entities.

(2) A person:  
 (i) Who is not a peanut producer; and  
 (ii) Whose primary domicile, in the case of individual, or primary place of business, in the case of an entity, as determined by FSA, is located outside the State in which the quota is allocated.

(b) *Determination of Residency and Related Rules.* For purposes of administering paragraph (a) of this section, with respect to farms owned or controlled by a partnership or corporation or other entity, the forfeiture in paragraph (a)(2) of this section shall not be deemed to apply if a person or persons with at least a 20 percent interest in any such entity are individuals whose primary residence is in the State in which the quota is allocated; provided further, that paragraph (a)(2) of this section shall not apply to any involuntary acquisition of

a farm by foreclosure, or otherwise, resulting directly from the conduct of a public business in the State in which the quota is allocated, or an acquisition resulting directly by reason of a death. The exemption for involuntary farm acquisitions allowed under the preceding sentence shall only apply to the establishment of quota in the three crop years immediately following the date of the involuntary acquisition of the quota farm. Further, for purposes of applying the rules in paragraph (a) of this section as they regard production, the determination of whether paragraph (a)(2) of this section applies shall be made based on the crop last planted before the date on which the determination is to be made.

(c) *Allocating forfeited quota and sales of quotas subject to paragraph (a).* Any farm poundage quota held on or after August 1, 1997, by an ineligible person as determined under paragraph (a) of this section shall be allocated from the quota farm to other farms in the same State in accordance with § 729.206 of this part. In the event that the ineligible party acquired the subject farm on or before August 1, 1997, such person shall have until October 1, 1997, to permanently dispose of the quota by sale to another farm for subsequent crop years in which case the transfer will be deemed to be effective as of August 1, 1997. If the farm in dispute was acquired after August 1, 1997, then no quota shall be established for the farm until such time as the ineligibility is removed provided further, however, that the quota may be sold to another qualifying farm effective with the next crop year following the sale or such later date as may be approved by FSA.

9. Redesignated § 729.206 is amended:

a. In the heading of paragraph (f), by removing the phrase "increased quota," and by removing the comma following the word "nonproduction";

b. In the first sentence of paragraph (f)(1), by removing the phrase "33 percent of any increase in the Texas peanut poundage quota resulting from an increase in the national quota and";

c. In paragraph (f)(3), by removing the phrase, ", as determined in accordance with paragraph (f)(2) of this section for the 1991 through 1995 crops" and adding in its place "granted under any special rules for Texas under this section and its predecessor for the 1991 and subsequent crops"; and

d. In paragraph (f)(7), removing the phrase "except for the 33 percent allocated to eligible Texas counties in accordance with paragraph (f)(2) of this section.".

10. Redesignated § 729.207 is amended:

a. In paragraph (c), by removing "§ 729.204(b)(2)" and adding "§ 729.206(b)(2)" in its place;

b. In paragraph (d)(1)(ii)(B), by removing "§ 729.212" and adding "§ 729.214" in its place; and

c. In paragraph (d)(2), by removing "§ 729.204(e)" and adding "§ 729.206(e) in its place.

11. Redesignated § 729.208 is amended by revising paragraph (d) to read as follows:

**§ 729.208 Allocation of quota for experimental and research programs.**

\* \* \* \* \*

(d) *Quota for 1996 through 2002 crops.* For each institution with continuing eligibility for which a 1995 basic quota was determined in accordance with this section or its predecessor, a basic quota shall be established for the 1996 through 2002 crops in the same manner as for other farms within the State.

12. Redesignated § 729.210 is amended by revising paragraph (a)(1) to read as follows:

**§ 729.210 Determining a farm's effective quota.**

\* \* \* \* \*

(a) Upward adjustment. \* \* \*

(1) The temporary seed quota allocated to the farm;

\* \* \* \* \*

13. Redesignated § 729.213 is revised to read as follows:

**§ 729.213 Erroneous notice of effective farm poundage quota.**

If the official notice of effective quota issued for a farm erroneously stated a quota larger than the correct effective quota, the quota shown on the erroneous notice shall serve as the basis for marketing penalty computations for the farm for the current marketing year only if the county committee determines and the State Executive Director concurs that:

(a) *Extent of error.* The error was not so substantial as to place the operator on notice that such notice of quota was incorrect; and

(b) *Response to notice.* The operator, relying upon such notice and acting in good faith:

(1) Has made plans, or is engaged in activities, to produce the quota in the amount set forth on the erroneous notice (for example, land preparation; purchase of seed, fertilizer, and other production materials; or reducing the acreage of other crops); or

(2) Has planted the acreage of peanuts needed to produce the erroneous farm poundage quota.

14. Redesignated § 729.214 is revised:

- a. In paragraph (a)(2) by removing "with respect to the 1992 and subsequent crops";
- b. By redesignating paragraphs (d) through (l) as (e) through (m); and
- c. By revising paragraph (c), adding a new paragraph (d), and revising redesignated paragraphs (f)(1)(iii)(A), (f)(3)(i), and (l) to read as follows:

**§ 729.214 Transfer of quota by sale, lease, owner, or operator.**

\* \* \* \* \*

(c) *Location of farms.* In order to transfer poundage quota between two farms, such farms must be located within the same State and, to the extent required by paragraph (d) of this section, in the same county. It is not necessary for the receiving farm to have had a basic quota in the current or prior year, except as provided in paragraph (d)(4) of this section.

(d) *Limitations on transfer by sale or lease.* Subject to the provisions of paragraph (m) of this section:

(1) *States with less than 10,000 tons of quota.* With respect to farms in any State for which the State's poundage quota for the year preceding the current year was less than 10,000 tons, transfers of peanut quota by sale or lease may be made to any other farm in any county within the State.

(2) *States with 10,000 tons or more of quota.* For farms in States with 10,000 tons or more of quota:

(i) Poundage quota may be transferred to any other farm within the same county.

(ii) If the farm is in a county with less than a total of 50 tons of quota, the poundage quota may be transferred to any other farm within the same State without regard to the limitations set forth in paragraph (d)(2)(iii) of this section.

(iii) If the farm is in a county with a total of 50 tons or more of quota, poundage quota transferred out of county shall be limited to 40 percent of the quota in the transferring county as of January 1, 1996. Further, the cumulative unexpired out-of-county transfers for a crop year may not exceed the following percentages of the quota in the transferring county as of January 1, 1996:

- (A) 15 percent for the 1996 crop;
- (B) 25 percent for the 1997 crop;
- (C) 30 percent for the 1998 crop;
- (D) 35 percent for the 1999 crop; and
- (E) 40 percent for the 2000 and subsequent crops.

(iv) *Selecting approved transfers.* For purposes of administering the limitations on the amount of transfers, the Director shall establish a method for selecting, by lot, those applications

which are to be approved. The Director may give preference to permanent transfers.

(3) *Fall transfers.* The limitations in paragraph (d)(2)(iii) of this section do not apply to 1-year fall transfers, which may, in all cases, be made to any farm in the same State, subject to such restrictions as otherwise apply for fall transfers.

(4) *Owner or operator transfer.* Owner or operator transfers of poundage quota are permitted to contiguous counties within the same State without regard to the percentage limitations of paragraph (d)(2)(iii) of this section; provided that, the receiving farm had a basic quota established for the preceding year's crop and has the same owner, in an owner transfer, or the same operator, in an operator transfer.

\* \* \* \* \*

(f) *Other transfer provisions.—(1) Temporary transfer of quota from a farm.* \* \* \*

(iii) *Filed after July 31 and before February 1 ("Fall transfers").* \* \* \*

(A) The reported or determined acreage of peanuts plus prevented planted credit for the transferring farm for the current year, when multiplied by the larger of the farm yield or the highest actual yield during the base period, is equal to or greater than 90 percent of the farm's effective quota;

\* \* \* \* \*

(3) *Permanent transfer of quota from a farm.* \* \* \*

(i) *Permanent transfer of quota to the farm.* For the amount of quota purchased or otherwise permanently transferred to the farm during the base period, as adjusted for any increase or decrease in such quota due to adjustment in the national quota during the base period.

\* \* \* \* \*

(1) *Adjustment of marketings.* For the purpose of computing production history for quota increase based on production, in the case of temporary transfers by owner to the same owner or operator to the same operator and all out-of-county transfers, if the current year's produced or considered-produced credit from the receiving farm exceeds such farm's basic quota, such produced or considered-produced credit on the receiving farm shall be reduced by the amount of such excess, to the extent of the quota temporarily transferred to such farm by owner or operator, and such reduced amount shall be added to the current year produced or considered-produced credit for the transferring farm.

\* \* \* \* \*

**§ 729.15 [Amended]**

15. Redesignated § 729.215 is amended in paragraph (f)(2) by removing "§ 729.204" and adding "§ 729.206" in its place.

16. Redesignated § 729.216 is revised to read as follows:

**§ 729.216 National poundage quota.**

(a) *National poundage quota for 1996 and subsequent crop years.* The national poundage quota for the 1996 and subsequent crop years shall be established by the Secretary at a level that is equal to the quantity of peanuts that the Secretary estimates will be devoted in each marketing year to domestic edible use (except seed), and related uses.

(b) *Disapproval of quotas.* No loan for quota peanuts may be made available for any crop of peanuts with respect to which it is determined by the Deputy Administrator that poundage quotas have been disapproved by producers pursuant to a referendum conducted in accordance with section 358-1(d) of the Agricultural Adjustment Act of 1938, as amended.

Signed at Washington, D.C., on July 5, 1996.

Bruce R. Weber,

*Acting Administrator, Farm Service Agency.*

[FR Doc. 96-17690 Filed 7-12-96; 2:18 pm]

BILLING CODE 3410-05-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 96-ACE-5]

**Amendment to Class E Airspace; Ames, IA**

**AGENCY:** Federal Aviation Administration [FAA], DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment modifies the Class E airspace area at Ames, IA, to accommodate a planned Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at the Ames Municipal Airport. This action will provide for additional controlled airspace necessary for the aircraft utilizing the new SIAP.

**EFFECTIVE DATE:** 0901 UTC August 15, 1996.

**FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Operations Branch, ACE-530C, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO, 64106; telephone (816) 426-3408.