

# 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

### Office of the Secretary

#### 7 CFR Part 20

#### Export Sales Reporting for Sunflowerseed and Sunflowerseed Oil

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

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** This proposed rule would add sunflowerseed and sunflowerseed oil to the list of commodities subject to the export sales reporting requirements of 7 CFR Part 20.

**DATES:** Comments on the proposed rule, as well as on alternatives to this proposal, must be received on or before September 23, 1996 to be assured of consideration.

**ADDRESSES:** Comments must be sent to: Export Sales Reporting Branch, Trade and Economic Analysis Division, Room 5959—Stop 1025, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Washington, DC 20250-1025. All written comments received will be available for public inspection at the above address during business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday.

**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, (202) 720-3273, FAX (202) 690-3275.

**SUPPLEMENTARY INFORMATION:** This proposed rule is issued in conformance with Executive Order 12866. Based on information compiled by the Department, it has been determined that this rule:

- (1) Would have an annual effect on the economy of less than \$100 million;
- (2) Would not adversely affect 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) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(4) Would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and

(5) Would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

#### Regulatory Flexibility Act

The Administrator, Foreign Agricultural Service, certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Although many exporters of sunflowerseed and sunflowerseed oil are small business, the time and expense involved in complying with this proposed reporting requirement is negligible. In addition, data reported under this regulation are maintained as a part of the normal course of export contracting business activity.

A copy of this proposed rule has been sent to the Chief Counsel, Office of Advocacy, U.S. Small Business Administration.

#### Paperwork Reduction Act

This proposed 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. The Department intends to amend the current information collection approved by OMB expiring March 31, 1998.

**Estimate of Burden:** Public reporting burden for collecting information under this proposed rule is estimated to average 33 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**Respondents:** Business and other for-profit.

**Respondents:** 30.

**Estimated number of annual Responses per Respondent:** 51.

**Estimated total annual burden on Respondents:** 855 hours.

Comments regarding this information collection requirement may be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Foreign Agricultural Service, Washington, DC 20503.

#### Executive Order 12372

This proposed 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 proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. The proposed rule would have preemptive effect with respect to any state or local laws, regulations, or policies which conflict with such provisions or which otherwise impede their full implementation. The proposed rule would not have retroactive effect. Administrative proceedings are not required before parties may seek judicial review.

#### 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 under regulations codified at 7 CFR Part 20. Individual reports collected under the exports 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.

Previously, reports relating to sunflowerseed export sales have not been required because of the limited level of exports and the small size of the industry. Recently, interested industry representatives have suggested that sunflowerseed and sunflowerseed oil exports are now of major importance to the U. S. oilseeds and products industry. Between 30 to 35 percent of

the confection seed production and between 60 to 70 percent of the oil production is exported. Sunflowerseed activity was added to the Department's "World Agricultural Supply and Demand Estimates" report in April 1994.

U. S. production of sunflowerseed is estimated at 2.19 million metric tons in 1994 and 1.82 million tons in 1995, compared with an average for 1988/89–1992/93 of only 1.09 million tons. U. S. exports of sunflowerseed increased to 183.1 thousand tons valued at \$79.4 million during calendar year 1994 and to 296.0 thousand tons valued at \$118.3 million in 1995. U. S. exports of sunflowerseed oil rose to 208.6

thousand tons worth \$130.5 million in calendar year 1994 and to 471.3 thousand tons valued at \$299.5 million in 1995.

The addition of sunflowerseed and sunflowerseed oil under the mandatory reporting program will provide more complete coverage of the oilseed export industry and 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.

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

Agricultural commodities, Exports, Reporting.

Accordingly, it is proposed to amend Part 20 of 7 CFR 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 lines after the line for "linseed oil, including raw, boiled" under the indicated column headings:

Appendix 1—Commodities Subject to Reporting, 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 .....	.....do .....	September 1	August 31.
Sunflowerseed Oil—including: crude (including degummed), once refined, sunflowerseed salad oil (including refined and further processed by bleaching, deodorizing or winterizing), hydrogenated.	.....do .....	October 1 .....	September 30.
* * * *	* * * *	* * * *	* * * *

Signed at Washington, D.C., July 10, 1996.  
August Schumacher, Jr.,  
Administrator, Foreign Agricultural Service.  
[FR Doc. 96–18468 Filed 7–22–96; 8:45 am]  
BILLING CODE 3410–10–P

### Animal and Plant Health Inspection Service

#### 7 CFR Part 318

[Docket No. 95–069–1]

#### Papaya, Carambola, and Litchi From Hawaii

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** We are proposing to increase the irradiation treatment dose required for papayas intended for interstate movement from Hawaii and to allow carambolas and litchis to be moved interstate from Hawaii with irradiation treatment. We are also proposing to allow papayas, carambolas, and litchis from Hawaii to undergo irradiation treatment either in Hawaii or in non-fruit fly supporting areas of the mainland United States. We are also proposing to allow litchis to be moved interstate from Hawaii if they are inspected and found free of the litchi fruit moth and undergo hot water treatment for fruit flies. In addition, we

are proposing several amendments to the requirements for irradiation procedures and facilities and the handling of treated and untreated fruits and vegetables. Finally, we are proposing to amend the definition for *inspector* to include State plant regulatory officials designated by the Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture. These proposed actions would facilitate the interstate movement of papayas, carambolas, and litchis from Hawaii while continuing to provide protection against the spread of injurious plant pests from Hawaii to other parts of the United States.

**DATES:** For comments on all portions of this proposed rule except the rule's information collection and recordkeeping requirements that are subject to the Paperwork Reduction Act, consideration will be given only to comments received on or before August 22, 1996. For comments on the Paperwork Reduction Act requirements of this proposed rule, consideration will be given only to comments received on or before September 23, 1996.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 95–069–1, 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. 95–069–1. 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. Peter M. Grosser, Senior Staff Officer, Port Operations, PPQ, APHIS, 4700 River Road Unit 139, Riverdale, MD 20737–1236, (301) 734–8295.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Hawaiian Fruits and Vegetables regulations, contained in 7 CFR 318.13 through 318.13–17 (referred to below as the regulations), govern, among other things, the interstate movement of fruits and vegetables, including papayas, from Hawaii. Regulation is necessary to prevent the spread of the Mediterranean fruit fly (*Ceratitis capitata*), the melon fly (*Bactrocera cucurbitae*), and the Oriental fruit fly (*Bactrocera dorsalis*), which occur in Hawaii. These types of fruit flies are collectively referred to in this document as Trifly.

The regulations allow papayas to be moved interstate from Hawaii to any destination in the United States if,