

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

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 96-083-1]

Importation of Cotton and Cotton Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: We are soliciting public comment on whether and how our regulations for importing cotton (including seed cotton, cottonseed, cotton lint and linters, cottonseed products, and cotton waste) and cotton covers into the United States need to be changed. In particular, we are seeking information, including technical data, concerning what mitigation measures are appropriate to ensure that cotton and cotton covers do not present a significant risk of introducing pink bollworm or other pests of cotton that either do not occur in the United States or are not widely distributed within the United States.

DATES: Consideration will be given only to comments received on or before March 31, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96-083-1, 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. 96-083-1. 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. James Petit de Mange, Staff Officer, Import-Export Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737-1236, (301) 734-6799.

SUPPLEMENTARY INFORMATION:

Background

The regulations for importing cotton (including seed cotton, cottonseed, cotton lint and linters, cottonseed products, and cotton waste) and cotton covers into the United States are contained in 7 CFR 319.8 through 319.8-27 (referred to below as the regulations). The regulations are intended to prevent imported cotton and cotton covers from introducing into this country pests of cotton that either do not occur in the United States or are not widely distributed within the United States.

We are reviewing the regulations, which have not been amended since 1962, to determine whether and how they should be updated.

Currently, § 319.8 of the regulations lists the following as regulated articles:

(1) Any parts or products of plants of the genus *Gossypium*, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber (except yarn, thread, and cloth); cottonseed hulls, cake, meal, and other cottonseed products, except oil; waste; and any other unmanufactured parts of cotton plants; and

(2) Second-hand burlap and other fabrics, shredded or otherwise, that have been used for, or are the kinds ordinarily used for, containing cotton, grains and grain products, field seeds, agricultural roots, rhizomes, tubers, or other underground crops.

The regulations provide that regulated articles may not be imported or offered for entry into the United States, except as permitted by the regulations.

Under the regulations, cottonseed cake and cottonseed meal are eligible for entry if, upon inspection on arrival, the cottonseed cake or cottonseed meal is found free from contamination. Cottonseed cake or meal is considered to be contaminated if it contains cottonseed, or seed cotton or other material that may carry the pink bollworm, the golden nematode of potatoes, flag smut disease, or other injurious plant diseases or insect pests. Lint, linters, and waste are also eligible for entry without further restriction if an

inspector can determine that they have been so processed by bleaching, dyeing, or other means as to have removed all cottonseed and destroyed all insect life. Unprocessed lint, linters, and waste (whether uncompressed, compressed, or compressed to high density) are generally not eligible for entry unless they are vacuum fumigated, or consigned to an approved mill or plant for processing, after arrival in the United States. Cotton covers, including bags, slit bags, and parts of bags, in most cases also must be vacuum fumigated or consigned to an approved mill or plant for processing.

There are special provisions in the regulations for cotton and cotton products imported into the United States from Mexico. Lint, linters, and waste from areas of Mexico not considered free of pink bollworm are eligible for entry if they are vacuum fumigated or consigned to an approved mill or plant for processing after arrival in the United States, or if they are moved into the generally infested pink bollworm regulated area of the United States. If moved into the generally infested pink bollworm regulated area of the United States, they are immediately subject to the regulations in 7 CFR 301.52 through 301.52-10, which are intended to prevent the spread of pink bollworm within the United States. We do not currently recognize any areas of Mexico as being free of pink bollworm; however, the regulations also provide that, contingent upon the West Coast of Mexico and Northwest Mexico being free from infestations of the pink bollworm and other plant pests of concern, certain regulated articles from those areas are eligible for entry subject to inspection upon arrival to determine that they are free from hazardous plant pest conditions.

Through this advance notice of proposed rulemaking, we are soliciting public comment on whether and how the regulations need to be changed. In particular, we are seeking information, including technical data, concerning what mitigation measures, or combinations of mitigation measures, are appropriate to ensure that imported cotton and cotton products do not present a significant risk of introducing into the United States pink bollworm or other pests of cotton that either do not occur in the United States or are not

widely distributed within the United States. For example:

- Should cotton lint, linters, and waste be eligible for entry without further restriction if compressed to a density of 22 lbs. or greater per cubic foot?
- Should lint, linters, and waste produced by a saw gin with saw lint cleaners be eligible for entry without further restriction?
- Should we consider mitigation measures other than fumigation and acid-delinting for imported cottonseed?
- Should we allow the commercial importation of seed cotton? Why or why not? And if we should, under what conditions?
- Should cotton products generated from various types of processing, such as cottonseed hulls, empty bolls for decorative purposes, cotton comber noils, cotton gin motes, etc., be regulated? If so, which products should we regulate, what pests should we be concerned about, and how could the risk be mitigated? If not, why not?
- Should cottonseed imported for consignment to an oil press, feed lot, or other processing at an approved mill or plant be required to undergo fumigation at the port of entry? Why or why not?
- Very few vacuum fumigation facilities exist in the United States. As a result, the Animal and Plant Health Inspection Service has allowed cotton to be fumigated at normal atmospheric pressure. Are there other alternatives to vacuum fumigation, including alternatives to fumigation, that we should consider? Should we allow fumigation to be conducted prior to arrival in the United States? Why or why not? And if we should, under what conditions?
- Should we place restrictions on which ports cotton may be offered for entry into the United States? If cotton is allowed to move between ports in the United States prior to treatment or processing, what safeguards should be employed during transit?
- Should we restrict the importation of used cotton-picking equipment and used ginning equipment? If so, why and how?

We are interested in public comment on these questions and on any other issues related to the regulation of imported cotton, cotton products, and covers. We will use all the responses we receive to help us determine whether and how our regulations need to be changed.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151-167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 19th day of December 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-33127 Filed 12-27-96; 8:45 am]

BILLING CODE 3410-34-P

Federal Crop Insurance Corporation

7 CFR Parts 401 and 457

RIN 0563-AB03

Hybrid Sorghum Seed Endorsement; and Common Crop Insurance Regulations, Hybrid Sorghum Seed Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes specific crop provisions for the insurance of hybrid sorghum seed. The provisions will be used in conjunction with the Common Crop Insurance Policy Basic Provisions, which contain standard terms and conditions common to most crops. The intended effect of this action is to provide policy changes to better meet the needs of the insured, include the current Hybrid Sorghum Seed Endorsement with the Common Crop Insurance Policy for ease of use and consistency of terms, and to restrict the effect of the current Hybrid Sorghum Seed Endorsement to the 1997 and prior crop years.

DATES: Written comments, data, and opinions on this proposed rule will be accepted until close of business February 28, 1997 and will be considered when the rule is to be made final. The comment period for information collections under the Paperwork Reduction Act of 1995 continues through February 28, 1997.

ADDRESSES: Interested persons are invited to submit written comments to the Chief, Product Development Branch, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131. Written comments will be available for public inspection and copying in room 0324, South Building, United States Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C., 8:15 a.m. to 4:45 p.m., est, Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Ron Nesheim, Program Analyst, Research and Development Division, Product Development Branch, Federal Crop

Insurance Corporation, at the Kansas City, MO, address listed above, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Executive Order No. 12866

The Office of Management and Budget (OMB) has determined this rule to be exempt for the purposes of Executive Order No. 12866, and, therefore, this rule has not been reviewed by OMB.

Paperwork Reduction Act of 1995

The title of this information collection is "Catastrophic Risk Protection Plan and Related Requirements including, Common Crop Insurance Regulations; Hybrid Sorghum Seed Crop Insurance Provisions." The information to be collected includes a crop insurance application and an acreage report. Information collected from the application and acreage report is electronically submitted to FCIC by the reinsured companies. Potential respondents to this information collection are producers of hybrid sorghum seed that are eligible for Federal crop insurance.

The information requested is necessary for the reinsured companies and FCIC to provide insurance and reinsurance, determine eligibility, determine the correct parties to the agreement or contract, determine and collect premiums or other monetary amounts, and pay benefits.

All information is reported annually. The reporting burden for this collection of information is estimated to average 16.9 minutes per response for each of the 3.6 responses from approximately 1,755,015 respondents. The total annual burden on the public for this information collection is 2,676,932 hours.

FCIC is requesting comments on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information gathering technology.

Comments regarding paperwork reduction should be submitted to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.