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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

Agricultural Marketing Service

7 CFR Part 1032

[DA-00-02]

Milk in the Southern Illinois-Eastern Missouri Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; suspension.

SUMMARY: This document invites written comments on a proposal to suspend a portion of the pool supply plant definition of the Southern Illinois-Eastern Missouri Federal milk marketing order (Order 32) for the period of December 1999 through January 2000. Prairie Farms Dairy, Inc. (Prairie Farms), requested the proposed action. The cooperative contends the suspension is necessary to prevent inefficient movements of milk and to ensure that producers historically associated with Order 32 will continue to have their milk priced and pooled under the order.

DATES: Comments must be submitted on or before December 8, 1999.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456. Advance, unofficial copies of such comments may be faxed to (202) 690-0552 or e-mailed to OFB_FMMO_Comments@usda.gov. Reference should be given to the title of action and docket number.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 690-1932, e-mail address nicholas.memoli@usda.gov.

SUPPLEMENTARY INFORMATION: The Department is issuing this proposed rule

in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. If adopted, this proposed rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a "small business" if it has an annual gross revenue of less than \$500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. For the purposes of determining which dairy farms are "small businesses," the \$500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most "small" dairy farmers. For purposes of determining a handler's

size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

During August 1999, 1,312 dairy farmers were producers under Order 32. Of these producers, 1,277 producers (i.e., 97%) were considered small businesses. For the same month, 10 handlers were pooled under Order 32, of which three were considered small businesses.

The supply plant shipping standard is designed to ensure that the market's fluid needs will be met. Prairie Farms, the proponent of the suspension, anticipates that there will be an increase in milk production based on current market trends and experiences in prior years.

The proposal would allow a supply plant operated by a cooperative association that delivered milk to Order 32 pool distributing plants during each of the months of September 1998 through August 1999 to meet the Order's pool supply plant standard by shipping at least 25 percent of its milk to pool distributing plants during the months of December 1999 and January 2000. This rule would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Interested parties are invited to submit comments on the probable regulatory and informational impact of this proposed rule on small entities. Also, parties may suggest modifications of this proposal for the purpose of tailoring their applicability to small businesses.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act, the suspension of the following provision of the order regulating the handling of milk in the Southern Illinois-Eastern Missouri marketing area is being considered for the period of December 1, 1999, through January 31, 2000:

In § 1032.7(b), the words "and 75 percent of the total producer milk marketed in that 12-month period by such cooperative association was delivered" and the words "and physically received at".

All persons who want to submit written data, views or arguments about the proposed suspension should send two copies of their views to the USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures before the requested suspension is to be effective.

All written submissions made pursuant to this notice will be made available for public inspection at the address above during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed rule would suspend a portion of the pool supply plant definition of the Southern Illinois-Eastern Missouri Federal milk marketing order for the period of December 1999 through January 2000. The proposed action would allow a plant operated by a cooperative association to qualify as a pool supply plant by shipping at least 25 percent of its milk to pool distributing plants during December 1999 and January 2000 if such plant delivered milk to Order 32 pool distributing plants during each of the immediately preceding months of September 1998 through August 1999. Without the suspension, such plants would have to meet the minimum 25 percent pool supply plant standard and at least 75 percent of the total producer milk marketed in that 12-month period would have to have been delivered or physically received at pool distributing plants to qualify as a pool supply plant.

In Prairie Farms' letter requesting the suspension, the cooperative indicated that they currently operate processing plants in Carlinville, Olney, and Quincy, Illinois, and a multi-product plant in Granite City, Illinois, which are all regulated under the Southern Illinois-Eastern Missouri order. Prairie Farms notes that, from fiscal year 1998 to fiscal year 1999, milk processed at their Order 32 plants was approximately 6 percent higher and milk production of their member producers also increased about 8 percent. Based on current market trends and experiences in prior years, the cooperative expects an increase in milk production from its member producers during December 1999 and January 2000. Accordingly, it anticipates having a problem pooling all of its member producers' milk and the milk of its suppliers during the proposed suspension period.

Prairie Farms states that the proposed suspension would provide some relief for December 1999 and January 2000 and prevent large amounts of milk from being disassociated with the order. The cooperative contends that the proposed action is necessary to prevent inefficient movements of milk and to ensure that producers historically associated with Order 32 will continue to have their milk priced and pooled under the order. The cooperative points out that a portion of the supply plant provision was suspended in December 1994 and January 1995 for virtually the same reasons.

Accordingly, it may be appropriate to suspend the aforesaid provisions from December 1, 1999, through January 31, 2000.

List of Subjects in 7 CFR Part 1032

Milk marketing orders.

The authority citation for 7 CFR Part 1032 continues to read as follows:

Authority: 7 U.S.C. 601-674.

Dated: November 23, 1999.

Richard M. McKee,

Deputy Administrator, Dairy Programs.

[FR Doc. 99-31137 Filed 11-30-99; 8:45 am]

BILLING CODE 3410-02-U

NUCLEAR REGULATORY COMMISSION

10 CFR Part 26

[Docket No. PRM-26-2]

Barry Quigley

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of receipt.

SUMMARY: The Nuclear Regulatory Commission is publishing for public comment a notice of receipt of a petition for rulemaking dated September 28, 1999, that was filed with the Commission by Mr. Barry Quigley. The petition was docketed by the NRC on October 7, 1999, and has been assigned Docket No. PRM-26-2. The petitioner requests that the NRC: (1) Add enforceable working hour limits to 10 CFR Part 26; (2) add a criterion to 10 CFR Part 55.33 (a)(1) to require evaluation of known sleeping disorders; (3) revise the Enforcement Policy to include examples of working hour violations warranting various NRC sanctions; and (4) revise NRC Form-396 to include self-disclosure of sleeping disorders by licensed operators. The petitioner also requests changes to NRC Inspection Procedure 81502, Fitness for

Duty Program. The petitioner believes that clear and enforceable working hour limits are required to ensure that the impact of personnel fatigue is minimized.

DATES: Submit comments by February 14, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland between 7:30 a.m. and 4:15 p.m. Federal workdays.

For a copy of the petition and the two reports submitted with the petition (referenced below), write to David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

You may also provide comments via the NRC's interactive rulemaking website at <http://ruleforum.llnl.gov>. This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415-5905 (e-mail: cag@nrc.gov).

The petition and copies of comments received may be inspected and copied for a fee at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-7162 or Toll Free: 1-800-368-5642.

SUPPLEMENTARY INFORMATION:

The Petitioner

The petitioner is licensed by the NRC as a Senior Reactor Operator who is required to comply with all applicable Commission regulations.

Background

The petitioner states that in an increasingly competitive electricity market, the battle cry is "do more with less." According to the petitioner, this translates into fewer people who are working more and sometimes many more hours at nuclear power plants. The petitioner believes that personnel