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DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 729

Poundage Quota Regulations for the 1986 Through 1990 Crops of Peanuts

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule sets forth regulations for the 1986–1990 crops of peanuts regarding the allocation of farm poundage peanut quotas and related matters. Among other provisions, the final regulations address: (1) Establishment of farm quotas; (2) prorating quota increases to quota farms and to farms that previously were "nonquota farms"; (3) reductions in quota for nonproduction; (4) reallocation of quotas reduced for nonproduction or which were permanently or temporarily released; (5) adjusting farm quotas for undermarketings; and (6) transferring peanut quotas between farms. Regulations for identification of marketings, assessment of marketing penalities, and processing of marketing violations will be issued in a later publication in the **Federal Register**. The promulgation of this rule is necessary in order that State and farm poundage quotas may be established for the 1986 crop of peanuts.

DATE: Effective June 20, 1986.

FOR FURTHER INFORMATION CONTACT: Paul P. Kume (ASCS) 202–447–9003. The Impact Analysis describing the options considered in developing the final rule is available upon request.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major". It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this final rule applies are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Agricultural Stabilization and Conservation Service 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.

This program/activity 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).

A notice of proposed rulemaking with respect to poundage quota regulations for the 1986–1990 crop of peanuts was published in the **Federal Register** on April 1, 1986 (51 FR 11274).

Statutory Requirements

The Food Security Act of 1985 (Pub. L. 99–198) (the "1985 Act") which was enacted on December 23, 1985, amended the Agricultural Adjustment Act of 1938 (the 1938 Act) and the Agricultural Act of 1949 (the 1949 Act) to make significant changes in the administration of the peanut production and price support program.

This final rule sets forth the procedures for the establishment of farm poundage quotas and other terms and conditions of the program affecting the production of peanuts, such as quota adjustments due to changes in the national quota, reductions in quota for nonproduction and reallocation of quotas reduced for nonproduction or permanently released. These regulations are based on previous regulations that were applicable to the 1982–1985 crops, with modifications designed to reflect changes made by the 1985 Act. The primary impact of these regulations is to establish the manner in which quotas will be allocated to farms.

General Summary of Comments

There were several comments received relating to the shortness of the comment period and requesting that the implementation of the rules be delayed because farmers have made plans for the 1986 crop such as borrowed money to produce the 1986 crop, made soil preparation and in most instances, planted the 1986 peanut crop.

The Department conducted an extensive informational campaign consisting of national and local press releases, local radio and television spot announcements. A summary of the provisions of the proposed rule and questions and answers based upon the provisions of the proposed rule were mailed from each county Agricultural Stabilization and Conservation Service (ASCS) office to all farm operators on which peanuts were produced or had an established quota from the 1985 crop explaining the major changes in the proposed regulations. Copies of the proposed rule were available by April 8, 1986, in local county ASCS offices for review by any interested person. Also, copies of the proposed rule were either delivered to or mailed to persons requesting a copy from the National, State, or county ASCS office. In view of the efforts made by the Department to advise peanut producers of the contents of the proposed rule, the period for comments appears to have been adequate. The Department continued to consider and summarize comments received through close of business on April 28, 1986.

A total of 969 comments were received from various individuals. A total of 919 comments were received from farmers, 9 from farm organizations, 10 from grower groups, 8 from U.S. Senators, 10 from Members of the House of Representatives, 1 from a State Senator, 2 from State Commissioners of Agriculture, 6 from State and county ASC committees, 1 from a State extension service and 3 from bankers.