

Commodity Loans and Purchases—10.051.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of this rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because CFSA 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.

Paperwork Reduction Act

The amendments to 7 CFR part 729 set forth in this final rule do not contain information collection requirements that require clearance through the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35.

Announcement of the Quota

Section 358-1(a)(1) of the 1938 Act requires that the national poundage quota for peanuts for each of the 1991 through 1997 marketing years (MY's) be established by the Secretary at a level that is equal to the quantity of peanuts (in tons) that the Secretary estimates will be devoted in each such MY to domestic edible, seed, and related uses. Section 358-1(a)(1) further provides that the national poundage quota for a MY shall not be less than 1,350,000 st. The MY for 1995-crop peanuts runs from August 1, 1995, through July 31, 1996. Poundage quotas for the 1991-95 crops of peanuts were approved by 98.2 percent of peanut growers voting in a referendum conducted December 10 through 13, 1990.

The national poundage quota for the MY for the 1995 crop was established at 1,350,000 pounds, the statutory minimum, based on comparison with the following data:

ESTIMATED DOMESTIC EDIBLE, SEED, AND RELATED USES FOR 1995-CROP PEANUTS

Item	Farmer stock equivalent (short tons)
Domestic edible:	
Domestic prod. for domestic food use	984,000
On-farm and local sales	19,600
Seed	100,000

ESTIMATED DOMESTIC EDIBLE, SEED, AND RELATED USES FOR 1995-CROP PEANUTS—Continued

Item	Farmer stock equivalent (short tons)
Related uses:	
Crushing residual	130,100
Shrinkage and other losses	39,400
Segregation 2 and 3 loan transfers to quota loan	20,000
Total	1,293,100

Estimates of domestic production for domestic food use peanuts are developed in two steps. First, the farmer stock equivalent of peanuts for edible food use is projected by USDA's Interagency Commodity Estimates Committee (ICEC). Second, the ICEC food use estimate is reduced by the amount of peanut butter exports, edible peanut imports, and peanut butter imports since the ICEC food use estimate is an aggregate which includes peanut product exports and is derived from total supply that includes imports of peanuts and peanut butter. Peanut product exports are in most instances made from, or otherwise credited under section 359a(e)(1) of the 1938 Act as being made from, additional peanuts.

Farm use and local sales is estimated at 1 percent of ICEC's production estimate. This percentage reflects the average difference between USDA production estimates and Federal-State inspection data.

Seed use is based on projected 1996-crop planted acreage and a farmer stock equivalent seeding rate of 125 pounds per acre.

The *crushing residual* is the portion of farmer stock quota peanuts suitable only for the crushing market. The quota must be sufficient to provide for the shelling of both edible and crushing grades. Therefore, a crushing residual representing the farmer stock equivalent weight of crushing grade kernels shelled from quota peanuts is included under the "related uses" category. The crushing residual is estimated under the assumption that crushing peanuts will be approximately 12 percent, on a farmer stock basis, of total domestic food and seed production.

Shrinkage and other losses is an estimate of reduced kernel weight available for marketing as well as for kernel losses due to damage, fire, and spillage. These losses were estimated by multiplying a factor of 0.04 times domestic food use. The utilized factor is a CFSA estimate equal to the minimum

allowable shrinkage used in calculating a handler's obligation to export or crush additional peanuts as set forth in section 359a(d)(2)(iv) of the 1938 Act. Excessive moisture and weight loss due to foreign material in delivered farmer stock peanuts were not considered since such factors are accounted for at buying points and do not impact upon quota marketing tonnage.

Segregation 2 and 3 loan transfers to quota loan represent transfers of Segregation 2 and 3 peanuts from additional price support loan pools to quota loan pools. Such transfers occur when quota peanut producers have insufficient Segregation 1 peanuts to fill their quotas yet have Segregation 2 and 3 peanuts in additional loan pools which would have been eligible to be pledged as collateral for quota loans if it were not for quality problems. In such cases, for price support purposes only, these peanuts may be pledged as collateral for such loans. Regarding the disposition of such peanuts, the Commodity Credit Corporation will ensure that they are crushed for oil.

List of Subjects in 7 CFR Part 729

Poundage quotas, Peanuts, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 729 is amended as follows:

PART 729—PEANUTS

1. The authority citation for 7 CFR part 729 continues to read as follows:

Authority: 7 U.S.C. 1301, 1357 et seq., 1372, 1373, 1375; 7 U.S.C. 1445c-3.

2. Section 729.214 is amended by adding paragraph (e) to read as follows:

§ 729.214 National poundage quota.

* * * * *

(e) The national poundage quota for peanuts for marketing year 1995 is 1,350,000 short tons.

Signed at Washington, DC, on February 2, 1995.

Bruce R. Weber,

Acting Administrator, Consolidated Farm Service Agency.

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Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV94-920-4FR]

Kiwifruit Grown in California; Changes in District Boundaries

AGENCY: Agricultural Marketing Service, USDA.