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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1435

RIN 0560-AC14

Sugar and Crystalline Fructose Marketing Allotment Regulations for Fiscal Years 1992 Through 1998

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to adopt as final, with certain changes, the interim rule published in the **Federal Register** on July 6, 1993 (58 FR 36120) and to adopt as final, without any changes, the interim rule published in the Federal Register on August 6, 1993 (58 FR 41995). This final rule sets forth regulations to implement the provisions of sections 359 b-j of the Agricultural Adjustment Act of 1938 (the 1938 Act), as amended, regarding marketing allotments for sugar processed from domestically produced sugarcane and sugar beets and crystalline fructose (CF) manufactured from corn, including appeal procedures, for the fiscal years 1992 through 1998.

EFFECTIVE DATE: February 8, 1995.

FOR FURTHER INFORMATION CONTACT: Robert D. Barry, Director, Sweeteners Analysis Division, Consolidated Farm Service Agency (CFSA), United States Department of Agriculture (USDA), telephone: 202–720–3391.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. Based on information compiled by the USDA, it has been determined that this final rule:

(1) Could have an annual effect on the economy of more than \$100 million;

(2) Could 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.

A Final Regulatory Impact Analysis determined that marketing allotments would reduce the quantity of domestically produced sugar that could be marketed in the United States but overall raise revenues of beet and cane producers, processors, and refiners through higher prices to users. Marketing allotments would cause supply disruptions and affect sugar-producing sectors, States, and local communities in different ways depending on their particular balance of sugar supply relating to allotments and allocations.

Other than the above impacts, this rule:

(1) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

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

(3) 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

It has been determined that the Regulatory Flexibility Act is applicable to this final rule. The Final Regulatory Impact Analysis determined that this regulation has no significant impact on a substantial number of small entities because the particular marketing allotment options considered do not affect the paperwork, reporting, or compliance burdens of the small entities in the program. The Commodity Credit Corporation (CCC) thus certifies that the rule will have no significant economic impact on a substantial number of small entities. The Final Regulatory Impact Analysis describing the options considered in developing this final rule and the impact of the implementation of each option is available on request from the above-named individual.

Environmental Evaluation

It has been determined by an environmental evaluation that this

action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is necessary for this final rule.

Federal Assistance Program

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

Paperwork Reduction Act

The information collection requirements for sugar beet and sugarcane processors and raw cane sugar refiners have been approved by the Office of Management and Budget (OMB) through March 31, 1996, and assigned OMB no. 0560–0138.

The public reporting burden for the approved collections of information is estimated to average 90 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and computing and reviewing the collection of information.

Development of information collection requirements for sugarcane growers subject to proportionate shares has not been finalized. These information requirements will be submitted to OMB for review under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 35).

Executive Order 12372 and Executive Order 12778

The program covered by this final 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 48 FR 29115 (June 24, 1983).

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of this final rule preempt State law to the extent such laws are inconsistent with the provisions of this final rule. This final rule is not retroactive. Before any action may be brought regarding the provisions of this final rule, the administrative appeal rights set forth at 7 CFR part 780 must be exhausted.