

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

2003 Hurricane Assistance Program for Louisiana's Sugarcane Producers and Sugarcane Processors

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: The Commodity Credit Corporation (CCC) is issuing this Notice to implement section 207 of the Agricultural Assistance Act of 2003. This Act requires CCC to provide compensation to Louisiana sugarcane producers and processors who suffered economic losses from the cumulative effects of Tropical Storm Isadore, Hurricane Lili, and excessive rains in October 2002. CCC will make payments to affected sugarcane processors. The processors shall then disburse payments to affected producers from the payments they receive in a manner reflecting current contracts between the two parties. This Notice provides eligibility criteria and application procedures that will be used to conduct this program.

DATES: The dates applicable to the 2003 Hurricane Assistance Program are as follows:

(1) Eligible producers have until August 18, 2003, to select a base year other than 1999 for the purpose of calculating their 2002-crop sugar loss.

(2) Farm operators have until September 2, 2003, to certify ownership tract sugar losses on their farms.

(3) Sugarcane processor applications must be submitted after September 4, 2003 but no later than September 22, 2003.

(4) Payments will be issued to applicants meeting all eligibility requirements beginning October 8, 2003, or as the Louisiana Farm Service Agency (FSA) State Executive Director determines.

(5) Producers must be paid within 30 days of the date the initial payments were made to the applicants.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Environmental Compliance

A review for the need of an environmental assessment was completed to consider this action's potential impacts on the human environment in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, regulations of the Council on Environmental Quality (40 CFR parts 1500-1508), and FSA's regulations for NEPA compliance, 7 CFR part 799. It was determined that this program will have slight to no significant impact on the quality of the human environment. Therefore, these actions are categorically excluded from compliance with 7 CFR part 799 and no further review or assessment is necessary. These findings are available for public review upon request.

Paperwork Reduction Act

Section 217(b) of Title II of Division N of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7) (2003 Act) requires that this Notice be promulgated and the programs administered without regard to 44 U.S.C. 35, the Paperwork Reduction Act. Thus, information to be collected from the public to implement this program and the associated burden, in time and money, the information collection will have on the public do not need Office of Management and Budget approval and are not subject to the 60-day public comment period 5 CFR 1320.8(d)(1) requires.

Background

This Notice implements the 2003 Hurricane Assistance Program. Section 207 of the 2003 Act authorizes this program which requires CCC to assist certain processors by providing them payments or commodities from CCC inventory. The law was intended to

partially compensate Louisiana sugarcane producers and processors for losses related to the natural disaster declaration resulting from Tropical Storm Isadore, Hurricane Lili, and excessive rains in October 2002. CCC sugar inventory is not available. Thus, this program will be carried out by issuing payments. CCC has resolved other discretionary matters for carrying this program as follows:

Determination of Hurricane Assistance Program Payment Rate Per Pound

On February 20, 2003, the date the 2003 Act was passed, the sugar #14 New York Exchange nearby price for raw sugar was 21.96 cents per pound. Subtracting out the Louisiana average transportation cost per pound of 1.21 cents and Louisiana's average location discount results in a base price of about 20 cents per pound. Thus, CCC will make payments based on 20 cents per pound.

Determination of Loss Eligibility

To be eligible for this program, this notice requires evidence of a tract 2002-crop sugar percentage loss equal or greater than 20 percent. This percent loss, coupled with the estimated 15 percent economic loss due to time and money spent salvaging the sugarcane plants (which are perennials), maintenance to machinery damaged by mud, as well as on field repair and replanting, results in an implicit required loss of 35%. FSA is using the estimate of 15 percent economic loss based on a Louisiana State University study. Louisiana sugarcane processor and producer losses are estimated to be far greater than the amount of assistance the 2003 Act provided. Compensation will then be paid on a portion of losses exceeding this threshold—limited by the amount (150,000 tons or 300,000,000 pounds) provided in the 2003 Act.

2003 Hurricane Assistance Program Operation

I. Applicability

This Notice sets forth terms and conditions under which CCC will make payments to eligible Louisiana sugarcane processors for 2002-crop weather-related sugarcane losses.