

windbreaks, and shelterbelts. Exclusion of these areas will contribute to continued prevention of soil erosion and protection of water quality and certain wildlife habitat. Acreage enrolled in the CRP, however, may be devoted to one or more of many different conservation or wildlife practices which are designed to provide the highest benefits for the specific land in question. The broader expanse of environmental issues reflected in the CRP, ranging from reducing soil erosion to fostering diverse wildlife habitats to improving water quality, will be addressed in the subsequent proposed rule.

The acreage released under this voluntary opportunity to current contract holders will be replaced with acreage targeted to obtain enhanced environmental benefits such as wildlife habitat, water quality, or soil erosion.

CRP participants are not obligated to request early release from their contracts. All signatories to the CRP contract must agree to release of the acreage before it can be released from CRP.

Because CRP participants are making planting plans and wish to carry out these plans as early as possible, it is necessary that this regulation be effective upon publication. The purpose of the early release is to allow enrollment of replacement acreage in the CRP which will meet higher environmental and conservation criteria. In order to optimize the acreage released, this action must be effective immediately to provide CRP participants the opportunity to finalize their farming plans. Accordingly, good cause is shown for making this rule effective upon publication in the **Federal Register**.

List of Subjects

7 CFR Part 704

Administrative practices and procedures, Conservation System, Contracts, Technical assistance, Natural resources, Environmental indicators, and Base protection.

7 CFR Part 1410

Administrative practices and procedures, Conservation System, Contracts, Technical assistance, Natural resources, Environmental indicators, and Base protection.

Accordingly, 7 CFR Parts 704 and 1410 are amended as follows:

**PART 704—1986—1990
CONSERVATION RESERVE PROGRAM**

1. The authority citation for 7 CFR Part 704 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c; 16 U.S.C 3801–3847.

2. Section 704.20 is amended by adding paragraph (a)(4) to read as follows:

§ 704.20 Contract modifications.

(a) * * *
(4) Terminate certain contracts prior to the expiration date with an effective date no later than September 30, 1995, provided the acreage released, if farmed, is farmed under a basic conservation system as determined by the Natural Resources Conservation Service (NRCS) until the date the contracts would have expired or, if hayed or grazed, is hayed or grazed in accordance with an approved haying or grazing plan as determined by the NRCS. Annual payments will be prorated to the effective date of termination and will be made as otherwise provided in this part. Contract acreage located within an average of 100 feet of a stream or other waterbody, on which a CRP easement is filed, and contract acreage on which there exist the following practices installed or developed as a result of participation in the CRP are not eligible for termination prior to the expiration date of the contract as provided in this paragraph (a)(4): grass waterways, filter strips, shallow water areas for wildlife, bottomland timber established on wetlands, field windbreaks, and shelterbelts.

* * * * *
**PART 1410—CONSERVATION
RESERVE PROGRAM**

1. The authority citation for 7 CFR Part 1410 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c; 16 U.S.C. 3831–3847.

2. Section 1410.116 is amended by adding paragraph (a)(5) to read as follows:

§ 1410.116 Contract modifications.

(a) * * *
(5) Terminate certain contracts prior to the expiration date with an effective date no later than September 30, 1995, provided the acreage released, if farmed, is farmed under a basic conservation system as determined by the Natural Resources Conservation Service (NRCS) until the date the contracts would have expired or, if hayed or grazed, is hayed or grazed in accordance with an approved haying or grazing plan as determined by the NRCS. Payments will be prorated to the effective date of termination and will be made as otherwise provided in this part. Contract acreage located within an average of 100 feet of a stream or other

waterbody, acreage on which a CRP easement is filed, and contract acreage on which there exist the following practices installed or developed as a result of participation in the CRP are not eligible for termination prior to the expiration date of the contract as provided in this paragraph (a)(5): grass waterways, filter strips, shallow water areas for wildlife, bottomland timber established on wetlands, field windbreaks, and shelterbelts.

* * * * *

Signed at Washington, DC, on May 3, 1995.

Grant Buntrock,

Acting Administrator, Consolidated Farm Service Agency and Acting Executive Vice President Commodity Credit Corporation.

[FR Doc. 95–11260 Filed 5–5–95; 8:45 am]

BILLING CODE 3410–05–P

7 CFR Parts 723 and 1464

RIN 0560–AD62

1995 Marketing Quota and Price Support for Flue-Cured Tobacco

AGENCIES: Consolidated Farm Service Agency and Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to codify determinations made by the Secretary of Agriculture (Secretary) with respect to the 1995 crop of flue-cured tobacco. In accordance with the Agricultural Adjustment Act of 1938, as amended, (1938 Act), the Secretary determined the 1995 marketing quota for flue-cured tobacco to be 934.6 million pounds. In accordance with the Agricultural Act of 1949, as amended, (1949 Act), the Secretary determined the 1995 price support level to be 159.7 cents per pound.

EFFECTIVE DATE: December 15, 1994.

FOR FURTHER INFORMATION CONTACT: Robert Miller, CFSA, USDA, room 3739, South Building, P.O. Box 2415, Washington, DC 20013–2415, on 202 720–8839.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant for purposes of Executive Order 12866 and, therefore, has been reviewed by OMB under Executive Order 12866.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are

Commodity Loans and Purchases—
10.051.

Executive Order 12778

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

Paperwork Reduction Act

The amendments to 7 CFR parts 723 and 1464 set forth in this final rule do not contain any new or revised information collection requirements that require clearance through the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35.

Statutory Background

This rule is issued pursuant to the provisions of the 1938 Act and the 1949 Act. Section 1108(c) of P.L. 99-272 provides that the determinations made in this rule are not subject to the provisions for public participation in rule making contained in 5 U.S.C. 553 or in any directive of the Secretary.

Proclamation

On December 15, 1994, the Secretary proclaimed the national marketing quota and announced the price support level for the 1995 crop of flue-cured tobacco.

A number of related determinations were made at the same time, which this final rule also affirms. The Secretary also announced that a marketing quota referendum would be conducted by mail ballot with respect to flue-cured tobacco.

During January 9-12, 1995, eligible flue-cured tobacco producers voted in a referendum to determine whether such producers disapprove marketing quotas for the 1995, 1996, and 1997 marketing years (MY's) for this kind of tobacco. Of the producers voting, 98.7 percent favored marketing quotas for flue-cured tobacco. Accordingly, quotas and price support are in effect for the 1995 MY.

Marketing Quota

Section 317(a)(1)(b) of the 1938 Act provides, in part, that the national marketing quota for a marketing year for flue-cured tobacco is the quantity of such tobacco that is not more than 103 percent nor less than 97 percent of the total of: (1) The amount of flue-cured tobacco that domestic manufacturers of cigarettes estimate they intend to purchase on U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the three marketing years immediately preceding the marketing year for which

the determination is being made, and (3) the quantity, if any, that the Secretary, in the Secretary's discretion, determines necessary to adjust loan stocks to the reserve stock level.

Section 317(a)(1)(c) further provides that, with respect to the 1995 and 1996 marketing years, any reduction in the national marketing quota being determined shall not exceed 10 percent of the previous year's national marketing quota; except that, if actual loan stocks exceed the prescribed reserve stock level by 50 percent, the Secretary may set the quota according to the 3-component formula (plus or minus 3 percent). The reserve stock level is defined in section 301(b)(14)(C) of the 1938 Act as the greater of 100 million pounds or 15 percent of the national marketing quota for flue-cured tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 320A of the 1938 Act provides that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall submit to the Secretary a statement of purchase intentions for the 1995 crop of flue-cured tobacco by December 1, 1994. Six such manufacturers were required to submit such a statement for the 1995 crop and the total of their intended purchases for the 1995 crop is 569.9 million pounds. The 3-year average of exports is 371.5 million pounds.

The national marketing quota for the 1994 crop year was 802.6 million pounds (59 FR 6865). Thus, in accordance with section 301(b)(14)(C), the reserve stock level for use in determining the 1995 marketing quota for flue-cured tobacco is 120.4 million pounds.

On December 1, 1994, the major cigarette manufacturers contracted with the Flue-cured Tobacco Stabilization Corporation to buy all 1990-1993 tobacco pledged as collateral for price support loans. Tobacco pledged as collateral for 1994 crop loans total 98.3 million pounds. Accordingly, the adjustment necessary to maintain loan stocks at the reserve supply level is an increase of 22.1 million pounds.

The total of the three marketing quota components for the 1995-96 marketing year is 963.5 million pounds. In addition, the discretionary authority to reduce the three-component total by 3 percent was used because it was determined that the 1995/96 supply would be more than ample. Accordingly, the national marketing quota for the marketing year beginning July 1, 1995, for flue-cured tobacco is 934.6 million pounds.

Section 317(a)(2) of the 1938 Act provides that the national average yield goal be set at a level that the Secretary determines will improve or ensure the usability of the tobacco and increase the net return per pound to the growers. Yields in crop year 1994 were up substantially from the previous year, but this was a result of exceptionally favorable growing conditions. Accordingly, the national average yield goal for the 1995-96 marketing year will be 2,088 pounds per acre, the same as last year's level.

In accordance with section 317(a)(3) of the 1938 Act, the national acreage allotment for the 1995 crop of flue-cured tobacco is determined to be 447,605.36 acres, derived from dividing the national marketing quota by the national average yield goal.

In accordance with section 317(e) of the 1938 Act, the Secretary is authorized to establish a national reserve from the national acreage allotment in an amount equivalent to not more than 3 percent of the national acreage allotment for the purpose of making corrections in farm acreage allotments, adjusting for inequities, and for establishing allotments for new farms. The Secretary has determined that a national reserve for the 1995 crop of flue-cured tobacco of 2,470 acres is adequate for these purposes.

In accordance with section 317(a)(4) of the 1938 Act, the national acreage factor for the 1995 crop of flue-cured tobacco for uniformly adjusting the acreage allotment of each farm is determined to be 1.16, which is the result of dividing the 1995 national allotment (447,605.36 acres) minus the national reserve (2,470 acres) by the total of allotments established for flue-cured tobacco farms in 1994 (383,737.39 acres).

In accordance with section 317(a)(7) of the 1938 Act, the national yield factor for the 1995 crop of flue-cured tobacco is determined to be 0.9284, which is the result of dividing the national average yield goal (2,088 pounds) by a weighted national average yield (2,249 pounds).

Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect, or for which marketing quotas have not been disapproved by producers, at a level determined in accordance with a formula prescribed in section 106 of the 1949 Act.

With respect to the 1995 crop of flue-cured tobacco, the level of support is determined in accordance with sections 106 (d) and (f) of the 1949 Act. Section 106(f)(7)(A) of the 1949 Act provides

that the level of support for the 1995 crop of flue-cured tobacco shall be:

(1) The level, in cents per pound, at which the 1994 crop of flue-cured tobacco was supported, plus or minus, respectively,

(2) An adjustment of not less than 65 percent nor more than 100 percent of the total, as determined by the Secretary after taking into consideration the supply of the kind of tobacco involved in relation to demand, of:

(A) 66.7 percent of the amount by which:

(I) The average price received by producers for flue-cured tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, is greater or less than:

(II) The average price received by producers for flue-cured tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year prior to the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; and

(B) 33.3 percent of the change, expressed as a cost per pound of tobacco, in the index of prices paid by the tobacco producers from January 1 to December 31 of the calendar year immediately preceding the year in which the determination is made.

The difference between the two 5-year averages (i.e., the difference between (A) (I) and (II) is 0.9 cent per pound. The difference in the cost index from January 1 to December 31, 1994, is 4.7 cents per pound. Applying these components to the price support formula (0.9 cents per pound, two-thirds weight; 4.7 cents per pound, one-third weight) results in a weighted total of 2.2 cents per pound. As indicated, section 106 provides that the Secretary may, on the basis of supply and demand conditions, limit the change in the price support level to no less than 65 percent of that amount. In order to remain competitive in foreign and domestic markets, the Secretary used his discretion to limit the increase to 65 percent of the maximum allowable increase. Accordingly, the 1995 crop of flue-cured tobacco will be supported at 159.7 cents per pound, 1.4 cents higher than in 1994.

List of Subjects

7 CFR Part 723

Acreage allotments, marketing quotas, penalties, reporting and recordkeeping requirements, tobacco.

7 CFR Part 1464

Loan programs-agriculture, price support programs, tobacco, reporting and recordkeeping requirements, warehouses.

Accordingly, 7 CFR parts 723 and 1464 are amended as follows:

PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

Authority: 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314f, 1314h, 1315, 1316, 1363, 1372–75, 1377–1379, 1421, 1445–1, and 1445–2.

2. Section 723.111 is amended by adding paragraph (c) to read as follows:

§ 723.111 Flue-cured (types 11–14) tobacco.

(a) * * *

(b) * * *

(c) The 1995 crop national marketing quota is 934.6 million pounds.

PART 1464—TOBACCO

3. The authority citation for 7 CFR part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, and 1445–1 and 1445–2; 15 U.S.C. 714b and 714c.

4. Section 1464.12 is amended by adding paragraph (c) to read as follows:

§ 1464.12 Flue-Cured (types 11–14) tobacco.

(a) * * *

(b) * * *

(c) The 1995 crop national price support level is 159.7 cents per pound.

Signed at Washington, DC, on May 1, 1995.

Bruce R. Weber,

Acting Administrator, Consolidated Farm Service Agency and Acting Executive Vice President, Commodity Credit Corporation.
[FR Doc. 95–11181 Filed 5–5–95; 8:45 am]

BILLING CODE 3410–05–P

Commodity Credit Corporation

7 CFR Part 1468

RIN 0560–AD68

Payment Programs for Shorn Wool, Wool on Unshorn Lambs, and Mohair (1991–1995)

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to adopt, with certain changes, the interim rule published in the **Federal Register** on September 16, 1994 (59 FR 47530). This final rule amends the regulations that set forth the 1991–1995 wool and mohair payment programs as authorized by the National Wool Act of 1954, as amended.

EFFECTIVE DATE: May 8, 1995.

FOR FURTHER INFORMATION CONTACT: Margie Hartman, Program Specialist, CFSA, USDA, P.O. Box 2415, Washington, D.C., 20013, telephone 202–720–6235.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant for purposes of Executive Order 12866 and therefore has been reviewed by OMB.

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 needed.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance to which this rule applies are: National Wool Act Payments—10.059.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of this final rule do not preempt State laws and are not retroactive to 1992 and prior crop years except as provided in Section 1468.18(d). Before any judicial action may be brought regarding the provisions of this regulation, the administrative appeal provisions set forth at 7 CFR 780 must be exhausted.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR part 1468 set forth in this final rule do not impose any additional reporting or recordkeeping requirements which