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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Consolidated Farm Service Agency

7 CFR Part 723

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560-AD63

1995 Marketing Quota and Price Support for Burley 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 burley tobacco. In accordance with the Agricultural Adjustment Act of 1938, as amended (1938 Act), the Secretary determined the 1995 marketing quota for burley tobacco to be 549.0 million pounds. In accordance with the Agricultural Act of 1949, as amended (the 1949 Act), the Secretary determined the 1995 price support level to be 172.5 cents per pound.

EFFECTIVE DATE: February 1, 1995.

FOR FURTHER INFORMATION CONTACT: Robert Tarczy, CFSA, USDA, room 3739, South Building, PO. Box 2415, Washington, DC 20013-2415, on 202 720-5346.

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.

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.

Proclamation

On February 1, 1995, the Secretary proclaimed the national marketing quota and announced price support level for the 1995 crop of burley tobacco. The Secretary also announced that a referendum would be conducted by mail ballot with respect to burley tobacco.

During February 27-March 2, 1995, eligible burley 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, 96.8 percent favored marketing quotas for burley tobacco. Accordingly, quotas and price support are in effect for the 1995 MY.

Marketing Quota

Section 319(c)(3)(A)(B) of the 1938 Act provides, in part, that the national marketing quota for a marketing year for burley 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 burley 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 3 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 319(c)(3)(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. However, if actual loan stocks exceed the prescribed reserve stock level by 50 percent, the Secretary may set the quota according to the three-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 50 million pounds or 15 percent of the national marketing quota for burley 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 burley tobacco by January 15, 1995. Five 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 385.0 million pounds. The 3-year average of exports is 160.1 million pounds.

The national marketing quota for the 1994 crop year was 542.7 million pounds (59 FR 33723). Thus, in accordance with section 301 (b)(14)(D), the reserve stock level for use in determining the 1995 marketing quota for burley tobacco is 81.4 million pounds.

On December 1, 1994, the major cigarette manufacturers contracted with Burley Tobacco Growers Cooperative Association, Inc. and Burley Stabilization Corporation to buy all 1991-93 loan stocks. Loans from the 1994 crop total 60.5 million pounds. Accordingly, the adjustment necessary to maintain loan stocks at the reserve supply level is an increase of 20.9 million pounds.

The total of the three marketing quota components for the 1995-96 marketing year is 566.0 million pounds. In addition, USDA used the discretionary authority to reduce the three-component total by 3 percent because the Secretary determined that the 1995/96 supply would be more than ample. Accordingly, the national marketing quota for the marketing year beginning October 1, 1995, for burley tobacco is 549.0 million pounds.

In accordance with section 319(c) of the 1938 Act, the Secretary is authorized to establish a national reserve from the national quota in an amount equivalent to not more than 1 percent of the national quota for the purpose of making corrections in farm quotas adjusting for inequities, and for establishing quotas for new farms. The Secretary has determined that a national reserve for the 1995 crop of burley tobacco of 2,187,713 pounds is adequate for these purposes.

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 burley 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 burley tobacco shall be:

(1) The level, in cents per pound, at which the 1994 crop of burley 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 burley 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 burley 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 2.1 cents per pound. The difference in the cost index from January 1 to December 31, 1994, is 0.9 cents per pound. Applying these components to the price support formula (2.1 cents per pound, two-thirds weight; 0.9 cents per pound, one-third weight) results in a weighted total of 1.7 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 burley tobacco will be supported at 172.5 cents per pound, 1.1 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, 1314e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372-75, 1421, 1445-1, and 1445-2.

2. Section 723.112 is amended by adding paragraph (c) to read as follows:

§723.112 Burley (type 31) tobacco.

* * * * *

(c) The 1995-crop national marketing quota is 549.0 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, 1445-1 and 1445-2; 15 U.S.C. 714b and 714c.

4. Section 1464.19 is amended by adding paragraph (c) to read as follows:

§1464.19 Burley (type 31) tobacco.

* * * * *

(c) The 1995-crop national price support level is 172.5 cents per pound.

Signed at Washington, DC, on May 21, 1995.

Bruce R. Weber.

Acting Administrator, Consolidated Farm Service Agency and Acting Executive Vice President, Commodity Credit Corporation.
[FR Doc. 95-13001 Filed 5-25-95; 8:45 am]

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Commodity Credit Corporation

7 CFR Part 1421

RIN 0560-AD67

1995-Crop Peanuts; National Average Support Levels for Quota and Additional Peanuts; and Minimum Commodity Credit Corporation Export Edible Sale Price for Additional Peanuts

AGENCY: 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 peanut crop: the national average support level for quota peanuts of \$678.36 per short ton (st); the national average support level for additional peanuts of \$132 per st; and the minimum Commodity Credit Corporation (CCC) export edible sale price for additional peanuts of \$400 per st. The determinations of the national average support levels for quota and additional peanuts were made pursuant to the statutory requirements of the Agricultural Act of 1949 (the 1949 Act), as amended. The determination and announcement of the minimum CCC export edible sale price for additional peanuts is a discretionary action made to facilitate the negotiation of private contracts for export edible peanuts. **EFFECTIVE DATE:** February 15, 1995.

FOR FURTHER INFORMATION CONTACT: John A. Craven, Consolidated Farm Service Agency (CFSA), Room 3744, South Building, United States Department of Agriculture, PO. Box 2415, Washington, DC 20013-2415, Telephone 202-690-0446.