

DATES: The quota was established on May 31, 1995, and applies to upland cotton purchased not later than August 28, 1995 (90 days from the date the quota was established) and entered into the United States not later than November 26, 1995 (180 days from the date the quota was established).

FOR FURTHER INFORMATION CONTACT: Janise Zygmont, Consolidated Farm Service Agency, United States Department of Agriculture, room 3756-S, PO Box 2415, Washington, DC 20013-2415 or call (202) 720-8841.

SUPPLEMENTARY INFORMATION: The 1949 Act requires that a special import quota be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1³/₃₂ inch cotton, C.I.F. northern Europe, (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended May 25, 1995. The quota amount is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—February 1995 through April 1995. The special import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

Authority: 7 U.S.C. 1444-2(a) and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, DC on June 22, 1995.

Dan Glickman,
Secretary.

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Consolidated Farm Service Agency
RIN 0560-AE34

1995-1996 Marketing Year Penalty Rates for All Kinds of Tobacco Subject to Quotas

AGENCY: Consolidated Farm Service Agency, USDA.

ACTION: Notice of Determination.

SUMMARY: This notice sets forth the determination of the 1995-1996

marketing year penalty rate for excess tobacco for all kinds of tobacco subject to marketing quotas. In accordance with section 314 of the Agricultural Adjustment Act of 1938 as amended (the 1938 Act), marketing quotas for a kind of tobacco are assessed at the rate of 75 percent of the average market price for that kind of tobacco for the immediately preceding marketing year.

EFFECTIVE DATE: June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Joe Lewis, Jr., Tobacco and Peanuts Division, Consolidated Farm Service Agency (CFSA), United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013-2415, telephone (202) 720-0795.

SUPPLEMENTARY INFORMATION:

Executive Order 12886

This action has been determined to be not-significant for purposes of Executive Order 12886 and therefore has not been reviewed by the Office of Management and Budget.

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.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the 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 notice.

Executive Order 12372

This activity 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 a 48 FR 29115 (June 24, 1983).

Executive Order 12778

Executive Order 12778 is not applicable to this notice.

Discussion

Section 314 of the 1938 Act, provides that the rate of penalty per pound for a kind of tobacco that is subject to marketing quotas shall be 75 percent of the average market price for such tobacco for the immediately preceding marketing year.

For all kinds of tobacco subject to marketing quotas, except Puerto Rico

(type 46) tobacco, the Agricultural Statistics Board, National Agricultural Statistical Service, United States Department of Agriculture determines and announces annually the average market prices for each type of tobacco. The penalty rates are determined on the basis of this information.

The national marketing quota for Puerto Rico (type 46) tobacco for the immediately preceding marketing year was "0" pounds. There is no record of any such tobacco being marketed. Consequently, the penalty rate for the 1995-1996 marketing year cannot be determined based on 75 percent of the average marketing price for the immediately preceding year. Therefore, the penalty rate for Puerto Rico (type 46) tobacco for the 1995-1996 marketing year shall be the same as the penalty rate determined for the 1989-1990 marketing year, the last year in which marketing information is available.

Since the determination of the 1995-1996 marketing year rates of penalty reflect only mathematical computations which are required to be made in accordance with a statutory formula, it has been determined that no further public rulemaking is required.

Determination

Accordingly, it is determined the 1995-1996 marketing year rates of penalty for all kinds of tobacco subject to marketing quotas are as follows:

RATE OF PENALTY [1995-1996 Marketing Year]	
Kinds of tobacco	Cents per pound
Flue-Cured	1.27
Burley	1.38
Fire-Cured (Type 21)	1.21
Fired-Cured (Types 22 and 23)	1.57
Dark Air-Cured (Types 35 and 36)	1.27
Virginia Sun-Cured (Type 37) ..	1.11
Cigar Filler and Binder (Types 42, 43, 44, 54, and 55	1.09
Puerto Rico Cigar-Filler (Type 46)57

Signed at Washington, D.C., on June 26, 1995.

Bruce R. Weber,

Acting Administrator, Consolidated Farm Service Agency.

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Forest Service

Wildcat River Advisory Commission

AGENCY: Forest Service, USDA .