

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 723

RIN 0560-AE46

National Marketing Quotas for Fire-Cured (Type 21), Fire-Cured (Types 22 & 23), Dark Air-Cured (Types 35 & 36), Virginia Sun-Cured (Type 37), Cigar Filler (Type 46), and Cigar-Filler and Cigar-Binder (Types 42-44 & 53-55) Tobaccos

AGENCY: Farm Service Agency, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture (the Secretary), is required to proclaim by March 1, 1996, national marketing quotas for cigar filler (type 46) and cigar filler and cigar binder (types 42-44; 53-55) tobaccos for the 1996-97, 1997-98, and 1998-99, marketing years (MY's) and to determine and announce the amounts of the national marketing quotas for fire-cured (type 21), fire-cured (types 22 & 23), dark air-cured (types 35 & 36), Virginia sun-cured (type 37), cigar-filler (type 46), and cigar-filler and cigar-binder (types 42-44 & 53-55) kinds of tobacco for the 1996-97 MY. The public is invited to submit written comments, views, and recommendations concerning the determination of the national marketing quotas for such kinds of tobacco and other related matters which are discussed in this proposed rule.

DATES: Comments must be received on or before February 16, 1996, in order to be assured consideration.

ADDRESSES: Send comments to the Director, Tobacco and Peanuts Division, Farm Service Agency (FSA), United States Department of Agriculture (USDA), room 5750 South Building, P.O. Box 2415, Washington, DC 20013-2415. All written submissions will be made available for public inspection from 8:15 am to 4:45 pm, Monday through Friday, except holidays, in room 5750 South Building, 14th and

Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, FSA, USDA, room 5750 South Building, P.O. Box 2415, Washington, DC 20013-2415, on 202-720-5346.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Federal Assistance Program

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

Executive Order 12778

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

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since FSA is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Paperwork Reduction Act

The amendments to 7 CFR part 723 set forth in this proposed rule do not contain any information collection requirements that require clearance through the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1995.

Discussion

The proposed rule would amend 7 CFR part 723 to set forth the 1996-crop marketing quotas for these six kinds of tobacco.

Section 312(b) of the Agricultural Adjustment Act of 1938, as amended (the Act), provides that the Secretary shall determine and announce, not later than March 1, 1996, with respect to kinds of tobacco specified in this proposed rule, the amount of the

national marketing quota which will be in effect by MY 1996 in terms of the total quantity of tobacco which may be marketed that will allow a supply of each kind of tobacco equal to the reserve supply level.

Section 312(c) of the Act provides that, within 30 days after proclamation of national marketing quotas for cigar filler (type 46) and cigar filler and cigar binder (types 42-44 & 53-55) tobaccos, the Secretary conduct referenda of farmers engaged in the 1995 production of each kind of tobacco (1988 in the case of type 46) to determine whether they favor or oppose marketing quotas for MY's 1996, 1997, and 1998. These referenda are required because MY 1995 is the last year of the three consecutive MYs for which marketing quotas previously proclaimed will be in effect.

The Secretary shall proclaim the results of any referendum. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose the quota, the national marketing quota previously proclaimed shall not become effective. The referendum results shall in no way affect or limit any subsequent quota proclamation and submission to a future referendum as otherwise authorized in section 312.

Section 313(g) of the Act authorizes the Secretary to convert the national marketing quota into a national acreage allotment by dividing the national marketing quota by the national average yield for the 5 years immediately preceding the year in which the national marketing quota is proclaimed. In addition, the Secretary is authorized to apportion, through county committees, the national acreage allotment to tobacco producing farms, less a reserve not to exceed 1 percent thereof for new farms, to make corrections and adjust inequities in old farm allotments, through the national factor. The national factor is determined by dividing the preliminary quota (the sum of quotas for old farms) into the quota determined for the MY in question (less the reserve).

Procedures will continue unchanged for (1) converting marketing quotas into acreage allotments; (2) apportioning allotments among old farms; (3) apportioning reserves for use in (a) establishing allotments for new farms, and (b) making corrections and adjusting inequities in old farm allotments; and (4) holding referenda.

Request for Comments

This rule proposes to amend 7 CFR part 723, subpart A to include 1996-crop national marketing quotas for fire-cured (type 21), fire-cured (types 22 & 23), dark air-cured (types 35 & 36), Virginia sun-cured (type 37), cigar-filler (type 46), and cigar-filler and cigar-binder (types 42-44 & 53-55) tobaccos. These six kinds of tobacco account for about 4 percent of total U.S. tobacco production.

Accordingly, comments are requested concerning the establishment of the national marketing quotas for the following:

(1) Fire-Cured (Type 21) Tobacco

The 1996-crop national marketing quota for fire-cured (type 21) tobacco will range from 1.8 to 2.0 million pounds. This range reflects the assumption that the national acreage factor will range from 0.9 to 1.0.

(2) Fire-Cured (Types 22 & 23) Tobacco

The 1996-crop national marketing quota for fire-cured (types 22 & 23) tobacco will range from 32.0 to 40.0 million pounds. This range reflects the assumption that the national acreage factor will range from 0.8 to 1.0.

(3) Dark Air-Cured (Types 35 & 36) Tobacco

The 1996-crop national marketing quota for dark air-cured (types 35 & 36) tobacco will range from 7.5 to 9.5 million pounds. This range reflects the assumption that the national acreage factor will range from 0.8 to 1.0.

(4) Virginia Sun-Cured (Type 37) Tobacco

The 1996-crop national marketing quota for Virginia sun-cured (type 37) tobacco will range from 90,000 to 100,000 pounds. This range reflects the assumption that the national acreage factor will range from 0.9 to 1.0.

(5) Cigar-Filler and Cigar-Binder (Types 42-44 & 53-55) Tobaccos

The 1996-crop national marketing quota for cigar-filler and cigar-binder (types 42-44 & 53-55) tobaccos will range from 7.5 to 9.0 million pounds. This range reflects the assumption that the national acreage factor will range from 0.85 to 1.0.

(6) Cigar-Filler (type 46) Tobacco

The 1996-crop national marketing quota for cigar-filler (Type 46) tobacco will be zero.

List of Subjects in 7 CFR Part 723

Acreage allotments, Marketing quotas, Penalties, Reporting and recordkeeping requirements, Tobacco.

Accordingly, it is proposed that 7 CFR part 723, subpart A be 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 723.113 is amended by adding paragraph (d) to read as follows:

§ 723.113 Fire-cured (type 21) tobacco.

* * * * *

(d) The 1996-crop national marketing quota will range from 1.8 million pounds to 2.0 million pounds.

3. Section 723.114 is amended by adding paragraph (d) to read as follows:

§ 723.114 Fire-cured (types 22 & 23) tobacco.

* * * * *

(d) The 1996-crop national marketing quota will range from 32.0 million pounds to 40.0 million pounds

4. Section 723.115 is amended by adding paragraph (d) to read as follows:

§ 723.115 Dark air-cured (types 35-36) tobacco.

* * * * *

(d) The 1996-crop national marketing quota will range from 8.5 million pounds to 9.5 million pounds.

5. Section 723.116 is amended by adding paragraph (d) to read as follows:

§ 723.116 Sun-cured (type 37) tobacco.

* * * * *

(d) The 1996-crop national marketing quota will range from 90,000 to 100,000 pounds.

6. Section 723.117 is amended by adding paragraph (d) to read as follows:

§ 723.117 Cigar-filler and binder (types 42-44 and 53-55) tobacco.

* * * * *

(d) The 1996-crop national marketing quota will range from 7.5 million pounds to 9.0 million pounds.

7. Section 723.118 is amended by adding paragraph (d) to read as follows:

§ 723.118 Cigar-filler (type 46) tobacco.

* * * * *

(d) The 1996-crop national marketing quota is 0.0 pounds.

Signed at Washington, DC, February 2, 1996.

Bruce R. Weber,

Acting Administrator, Farm Service Agency.

[FR Doc. 96-2929 Filed 2-9-96; 8:45 am]

BILLING CODE 3410-05-P-M

Commodity Credit Corporation**7 CFR Part 1464**

RIN 0560-AE41

Tobacco—Tobacco Loan Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposed rule clarifies the regulations for price support loans for tobacco to specify that a refund will be due on "nested" tobacco whether or not the producer knew the tobacco was nested. This modification is intended to insure that producers take responsibility for, and are the insurers of, the quality of the tobacco placed for price support and that price support is limited to normal, non-adulterated lots based on true weights.

DATES: Comments must be received on or before April 12, 1996.

ADDRESSES: Interested persons are invited to submit written comments to the Director, Tobacco and Peanuts Division, Farm Service Agency (FSA), United States Department of Agriculture (USDA) AG Code 0514, P.O. Box 2415, Washington, DC 20013-2415, telephone (202) 720-7413. All written comments will be available for public inspection in room 5750 South Building, USDA, 14th Street and Independence Avenue, SW, Washington, DC, between 8 am and 5 pm, Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: David W. Anderson, Assistant to the Director, Tobacco and Peanuts Division, FSA, at the address listed above, telephone (202) 690-2518.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is