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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Parts 1413 and 1427

RIN 0560-AD39

1995 Upland Cotton Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: On September 27, 1994, the Commodity Credit Corporation (CCC) issued a proposed rule with respect to the 1995 Upland Cotton Production Adjustment Program, which is conducted by CCC in accordance with the Agricultural Act of 1949, as amended (1949 Act). The 1995 Upland Cotton Acreage Reduction Program (ARP) percentage has been determined to be zero percent. This final rule amends the regulations to set forth the ARP and the price support rate for the 1995 crop of upland cotton. No paid land diversion (PLD) program will be implemented for the 1995 crop of upland cotton. These actions are required by section 103B of the 1949 Act.

EFFECTIVE DATE: June 16, 1995.

FOR FURTHER INFORMATION CONTACT: Wayne E. Bjorlie, Consolidated Farm Service Agency, United States Department of Agriculture, room 3754-S, PO Box 2415, Washington, DC 20013-2415 or call 202-720-7954.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be economically significant and was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not

applicable to this final rule since the CCC 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 these determinations.

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: Cotton Production Stabilization—10.052.

Executive Order 12778

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

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 parts 1413 and 1427 set forth in this final rule do not contain information collections that require clearance by OMB under the provisions of 44 U.S.C. 35.

Final Regulatory Impact Analysis

The Final Regulatory Impact Analysis describing the options considered in developing this final rule and the impact of the implementation of the selected option is available on request from the above-named individual.

Background

This final rule amends 7 CFR part 1413 to set forth determinations on the 1995 ARP and PLD programs, and 7 CFR part 1427 to set forth the determination of the 1995 upland cotton price support

level. General descriptions of the statutory basis for the 1995 upland cotton ARP percentage determination in this final rule were set forth at 59 FR 49214 (September 27, 1994).

Nineteen comments were received regarding the 1995 ARP level. Twelve respondents recommended that the ARP level be set at zero percent, and one requested that a zero-percent ARP be considered. Another respondent requested that the ARP be set at the lowest possible percentage which would result in a stocks-to-use ratio of 29.5 percent. One respondent requested that the ARP level be set no higher than 5 percent and another recommended 5 percent. One respondent requested the ARP be set no higher than 8 percent. One commented that the ARP be set at 10 percent, and another recommended the ARP be set at no less than 15 percent.

After considering these comments, the Secretary of Agriculture (Secretary) on October 31, 1994, announced a 7.5-percent ARP level and a price support level of 51.92 cents per pound for the 1995 marketing year. The Secretary also announced that no PLD program will be offered. On December 21, 1994, a final ARP requirement of zero percent was announced for the 1995 crop of upland cotton. The Secretary determined that, based upon the most recent projections of carryover and total disappearance, a zero-percent ARP would result in a ratio of carryover to total disappearance of 29.5 percent.

Acreage Reduction Program

In accordance with section 103B(e)(1) of the 1949 Act, an ARP of zero percent has been established for the 1995 crop of upland cotton.

Paid Land Diversion

In accordance with section 103B(e)(5)(A) of the 1949 Act, a PLD program will not be made available to producers of 1995-crop upland cotton.

Price Support Rate

In accordance with section 103B(a)(1)(3) of the 1949 Act, the price support rate has been established with respect to the 1995 crop of upland cotton at 51.92 cents per pound.