

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Consolidated Farm Service Agency

#### 7 CFR Part 723

#### Commodity Credit Corporation

#### 7 CFR Part 1464

RIN 0560-AD64 and AD65

**1995 Marketing Quotas and Price Support Levels for Fire-Cured (Type 21), Fire-Cured (Types 22-23), Maryland (Type 32), Dark Air-Cured (Types 35-36), Virginia Sun-Cured (Type 37), Cigar-Filler and Binder (Types 42-44 and 53-55), Cigar-Filler (Type 41), Cigar-Filler (Type 46), and Cigar Binder (Types 51-52) Tobaccos**

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

**ACTION:** Final rule.

**SUMMARY:** The purpose of this final rule is to codify the national marketing quotas and price support levels for the 1995 crops for several kinds of tobacco announced by press release on March 1, 1995.

In accordance with the Agricultural Adjustment Act of 1938, as amended (the 1938 Act), the Secretary determined the 1995 marketing quotas to be as follows: Fire-cured (type 21), 1.95 million pounds; fire-cured (types 22-23), 39.8 million pounds; Maryland (type 32), 6.45 million pounds; dark air-cured (types 35-36), 9.6 million pounds; Virginia sun-cured (type 37), 130,000 pounds; cigar-filler (type 41), 1.35 million pounds; cigar-filler and binder (types 42-44 and 53-55), 9.0 million pounds; cigar-filler (type 46), zero pounds; and cigar binder (types 51-52), 675,000 pounds.

This rule is necessary to adjust the production levels of certain tobacco to more fully reflect supply and demand conditions as provided by statute.

In accordance with the Agricultural Act of 1949 as amended (the 1949 Act), the Secretary determined the 1995 levels of support to be as follows (in cents per pound): Fire-cured (type 21), 143.0; fire-cured (types 22-23), 151.8; dark air-cured (types 35-36), 130.4; Virginia sun-cured (type 37), 127.6; cigar-filler and binder (types 42-44 and 53-55), 110.1; and cigar-filler (type 46), 86.1. Price support for Maryland (type 32), cigar-filler (type 41), and cigar binder (types 51-52) were not announced because producers of each of these kinds of tobacco had disapproved marketing quotas for many years and were not expected to approve quotas in separate referenda to be held March 27-30, 1995.

**EFFECTIVE DATE:** March 1, 1995.

#### FOR FURTHER INFORMATION CONTACT:

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#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This final rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not 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 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.

##### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable 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 of these determinations.

### Paperwork Reduction Act

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

### Statutory Background

This final rule is issued pursuant to the provisions of the 1938 Act and the 1949 Act.

On March 1, 1995, the Secretary determined and announced the national marketing quotas and price support levels for the 1995 crops of fire-cured (type 21), fire-cured (types 22-23), dark air-cured (types 35-36), Virginia sun-cured (type 37), cigar-filler and binder (types 42-44 and 53-55), and cigar-filler (type 46) tobaccos. In addition the Secretary announced marketing quotas for Maryland (type 32), cigar-filler (type 41) and cigar-binder (types 51-52). A number of related determinations were made at the same time which this final rule affirms. On the same date, the Secretary also announced that referenda would be conducted by mail with respect to Maryland (type 32), Virginia sun-cured (type 37), cigar-filler (type 41), and cigar-binder (types 51-52) tobaccos.

During March 27-30, 1995, eligible producers of Maryland (type 32), Virginia sun-cured (type 37), cigar-filler (type 41), and cigar binder (types 51-52) tobacco voted in separate referenda to determine whether such producers disapprove marketing quotas for the 1995, 1996, and 1997 marketing years (MYs) for these tobaccos. Of the producers voting, 9.9 percent favored marketing quotas for Maryland tobacco; 93.6 percent favored marketing quotas for Virginia sun-cured tobacco; 11.5 percent favored marketing quotas for cigar-filler (type 41); and 12.2 percent favored marketing quotas for cigar binder (types 51-52). Accordingly, among these tobaccos, quotas and price supports for only Virginia sun-cured tobacco are in effect for the 1995 MY. For the other three kinds, neither marketing quotas nor price supports will be in effect for the next 3 MYs.

In accordance with section 312(a) of the 1938 Act, the Secretary of Agriculture was required to proclaim not later than March 1 of any MY with respect to any kind of tobacco, other than burley and flue-cured tobacco, a