

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

Consolidated Farm Service Agency

7 CFR Part 723

RIN 0560-AD64, -AD65

National Marketing Quotas 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 (Type 41), Cigar Filler (Type 46) Cigar-Filler and Cigar-Binder (Types 42-44 & 53-55), and Cigar Binder (Types 51 & 52) Tobaccos

AGENCY: Consolidated Farm Service Agency, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture (the Secretary) is required by the Agricultural Adjustment Act of 1938 (the Act), as amended, to proclaim by March 1, 1995, national marketing quotas for Maryland (type 32), Virginia sun-cured (type 37), cigar filler (type 41), and cigar binder (types 51 & 52) tobacco for the 1995-96, 1996-97, and 1997-98 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), Maryland (type 32), dark air-cured (types 35 & 36), Virginia sun-cured (type 37), cigar-filler (type 41) cigar-filler (type 46), cigar-filler and cigar-binder (types 42-44 & 53-55), and cigar binder (types 51 & 52) kinds of tobacco for the 1995-96 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 3, 1995, in order to be assured of consideration.

ADDRESSES: Send comments to Robert Miller, Consolidated Farm Service Agency (CFSA), United States Department of Agriculture (USDA),

room 3739, South Building, P.O. Box 2415, Washington, DC 20013-2415. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, except holidays, in room 3739, South Building, 14th and Independence Avenue, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, CFSA, USDA, room 3739, South Building, P.O. Box 2415, Washington, DC 20013-2415, on 202 720-8839.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The proposed 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 proposed 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 part 723 set forth in this proposed 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.

Discussion

This proposed rule would amend 7 CFR part 723 to set forth the 1995-crop marketing quotas for these nine kinds of tobacco.

Section 312(b) of the Act provides that the Secretary shall determine and

announce, not later than March 1, 1995, with respect to kinds of tobacco specified in this proposed rule, the amount of the national marketing quota which will be in effect for MY 1995 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 Maryland (type 32), Virginia sun-cured (type 37), Pennsylvania filler (type 41), and cigar binder (types 51-52) the Secretary conduct referenda of farmers engaged in the 1994 production of each kind of tobacco to determine whether they favor or oppose marketing quotas for MY's 1995, 1996, and 1997. These referenda are required because MY 1994 is the last year of the three consecutive MYs for which marketing quotas previously proclaimed will be in effect; or because marketing quotas previously proclaimed were disapproved by producers in referenda held in 1992.

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 marketing year 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 1995-crop national marketing quotas 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 (type 41), cigar-filler (type 46), cigar-filler and cigar-binder (types 42-44 & 53-55) and cigar binder (types 51 & 52) tobaccos. These nine kinds of tobacco account for about 6 percent of total U.S. tobacco production.

Accordingly, comments are requested concerning the proposed establishment of the national marketing quotas for the subject tobaccos at the following levels:

(1) Fire-Cured (Type 21) Tobacco

The 1995-crop national marketing quota for fire-cured (type 21) tobacco will range from 1.5 to 2.0 million pounds. This range reflects the assumption that the national acreage factor will range from 0.75 to 1.0.

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

The 1995-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 will range from 0.8 to 1.0.

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

The 1995-crop national marketing quota for dark air-cured (types 35 & 36) tobacco will range from 8.0 to 10.0 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 1995-crop national marketing quota for Virginia sun-cured (type 37) tobacco will range from 80,000 to 100,000 pounds. This range reflects the assumption that the national acreage factor will range from 0.8 to 1.0.

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

The 1995-crop national marketing quota for cigar-filler and cigar-binder (types 42-44 & 53-55) tobacco will range from 8.0 to 10.0 million pounds. This range reflects the assumption that the national acreage factor will range from 0.8 to 1.0.

(6) Cigar Filler (Type 46) Tobacco

The 1995-crop national marketing quota for cigar-filler (type 46) tobacco will be zero.

(7) Maryland (Type 32) Tobacco

The national acreage factor will be 1.0 and the national marketing quota will be 5.8 million pounds.

(8) Pennsylvania Filler (Type 41) Tobacco

The national acreage factor will be 1.0 and the national marketing quota will be 1.5 million pounds.

(9) Cigar Binder (Types 51 & 52) Tobacco

The national acreage factor will be 1.0 and the national marketing quota will be 670,000 pounds.

List of Subjects in 7 CFR Part 723

Acreage allotments, Marketing quotas, Penalties, Reporting 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, 1413e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372-75, 1377-1379, 1421, 1445-1, and 1445-2.

2. Sections 723.113 is amended by adding paragraph (c) to read follows:

§ 723.113 Fire-cured (type 21) tobacco.

(a) * * *

(b) * * *

(c) The 1995-crop national marketing quota will range from 1.5 million pounds to 2.0 million pounds.

3. Section 723.114 is amended by adding paragraph (c) to read a follows:

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

(a) * * *

(b) * * *

(c) The 1995-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 (c) to read as follows:

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

(a) * * *

(b) * * *

(c) The 1995-crop national marketing quota will range from 8.0 million pounds to 10.0 million pounds.

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

§ 723.116 Sun-cured (type 37) tobacco.

(a) * * *

(b) * * *

(c) The 1995-crop national marketing quota will range from 80,000 to 100,000 pounds.

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

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

(a) * * *

(b) * * *

(c) The 1995-crop national marketing quota will range from 8.0 million pounds to 10.0 million pounds.

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

§ 723.118 Cigar filler (type 46) tobacco.

(a) * * *

(b) * * *

(c) The 1995-crop national marketing quota is 0.0 million pounds.

8. Section 723.119 is added to read as follows:

§ 723.119 Maryland (type 32) tobacco.

The 1995-crop national marketing quota is 5.8 million pounds.

9. Section 723.120 is added to read as follows:

§ 723.120 Pennsylvania filler (type 41) tobacco.

The 1995-crop national marketing quota is 1.5 million pounds.

10. Section 723.121 is added to read as follows:

§ 723.121 Cigar binder (types 51 & 52) tobacco.

The 1995-crop national marketing quota is 670,000 pounds.

Signed at Washington, DC on January 19, 1995.

Bruce R. Weber,

Acting Administrator, Consolidated Farm Service Agency.

[FR Doc. 95-1852 Filed 1-24-95; 8:45 am]

BILLING CODE 3510-05-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20 and 35

RIN 3150-AF10

Medical Administration of Radiation and Radioactive Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to clarify that the medical