

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

#### 7 CFR Part 723

RIN 0560-AF14

#### Special Combinations for Tobacco Allotments and Quotas

AGENCY: Farm Service Agency, USDA.

ACTION: Final rule.

**SUMMARY:** This final rule adopts without change, an interim rule concerning tobacco farm combinations, published on May 14, 1998, (63 FR 26713). Comments were requested from interested parties, but none were received. The notice issued with the interim rule corrected a reference contained in a final rule published on February 24, 1998, (63 FR 9126) and by a regulation change, provided greater flexibility to tobacco farmers for special farm combinations. The interim rule also made certain clarifying changes to the regulations.

EFFECTIVE DATE: November 3, 1998.

**FOR FURTHER INFORMATION CONTACT:** Joe Lewis, Jr., Agricultural Program Specialist, Tobacco Branch, Tobacco and Peanuts Division, USDA, FSA, STOP 0514, 1400 Independence Avenue, SW, Washington, DC 20250-0514, telephone 202-720-0795.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866

This rule has been determined to be not significant and therefore was not reviewed by OMB under Executive Order 12866.

#### Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this final rule since the Farm Service Agency (FSA) is not required by 5 U.S.C. 553 or any other

provision of law to publish a notice of proposed rule making with respect to the subject matter of this rule.

#### 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.

#### Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

#### 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 at 48 FR 29115 (June 24, 1983).

#### Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988. The provisions of this final rule are not retroactive and preempt State laws to the extent that such laws are inconsistent with the provisions of this final rule. Before any legal action is brought regarding determinations made under provisions of 7 CFR part 723, the administrative appeal provisions set forth at 7 CFR parts 780 and 711, as applicable, must be exhausted.

#### Paperwork Reduction Act

This final rule does not contain new or revised information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*). The information collections required in 7 CFR part 723 are currently being administered under OMB control number 0560-0058.

#### Effective Date of Rule

It has been determined for purposes of all limitations that might apply, including any provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, that this rule

should be effective immediately. As the rule simply adopts an existing rule, provides additional flexibility to producers, and should not have any material adverse effect on anyone, it has been determined that it would be contrary to the public interest to delay the implementation date of the new regulations.

#### Background and Discussion

An interim rule published on May 14, 1998, (63 FR 26713), requested comments from interested parties on changes to 7 CFR 723.209, concerning tobacco farm combinations for administrative purposes. The notice issued with the interim rule also corrected a reference contained in a final rule, published on February 24, 1998, (63 FR 9126) concerning the same issue.

As for the regulations, the interim rule adopted clarifying language for § 723.209 and further amended § 723.209 to explicitly allow special combinations irrespective of whether any of the farms involved had a production flexibility contract under 7 CFR part 1412, and to allow for the relaxation of certain signature requirements. No comments were received in response to the interim rule and for the reasons given in the interim rule notice, it has been determined to adopt the interim rule as a final rule.

#### List of Subjects in 7 CFR Part 723

Acresage allotments, Auction warehouses, Dealers, Domestic manufacturers, Marketing quotas, Penalties, Reconstitutions, Tobacco.

#### Final Rule

Accordingly, the interim rule amending 7 CFR part 723, published on May 14, 1998 (63 FR 26713) is hereby adopted as a final rule as published.

#### PART 723—[AMENDED]

Signed at Washington, DC, on October 26, 1998.

**Keith Kelly,**

Administrator, Farm Service Agency.

[FR Doc. 98-29345 Filed 11-2-98; 8:45 am]

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