

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.

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(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]

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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

not required by 5 USC 553 or any other provision of law to publish a notice of proposed rulemaking 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 environment statement is needed.

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 the notice related to 7 CFR Part 3015, subpart V published at 48 FR 2915 (June 24, 1983).

Executive Order 12778

This proposed rule has been reviewed in accordance with Executive Order 12778. The provisions of this proposed rule are not retroactive and preempt State laws to the extent that such laws are inconsistent with the provisions of this proposed rule. Before any legal action is brought regarding determinations made under provision of 7 CFR Part 1464, the administrative appeal provisions set forth at 7 CFR Part 780 must be exhausted.

Paperwork Reduction Act

This proposed rule does not change the information collection requirements that have been approved by OMB and assigned control number 0560-0058.

Background

Nested tobacco is tobacco in a lot containing a "nest" of inferior tobacco or foreign material, presumably, to increase the payment of loan weight of the lot. A formal definition of nesting is found in regulations codified at 7 CFR Part 29 and that definition is incorporated in the rules for the tobacco price support program found at 7 CFR Part 1464.

In some cases, the nesting may not be discovered until later in processing, well after a price support loan for the tobacco has been disbursed. Under current tobacco program rules in 7 CFR Part 1464.7 through 9, a producer found to have "knowingly" presented nested

tobacco (i) must refund the price support loan amount for the individual lot and (ii) will be declared to be ineligible for any other tobacco price support for that year.

Because of the severity of the consequences, there is sometimes a reluctance to make a finding that the violation was knowing and producers will sometimes contend that the nesting was the act of irresponsible employees or other handlers of tobacco. However, there is no apparent reason why a refund should not be demanded for a loan made on any adulterated (nested) lot whether it was, as to producer, "knowingly" nested or not. It must be the responsibility of the producer to present eligible tobacco. Nesting produces false weights, and processing problems, and by producing undue loan disbursements can cause losses that ultimately are born by the tobacco producer because of the "no net-cost" nature of the tobacco program.

The proposed rule would make explicit that a refund will be due from the loan recipient on the individual nested lot in all cases of nesting ("knowing" or not). However, the rules would allow the Farm Service Agency (FSA) county committee, with the concurrence of the FSA State committee, to reduce the amount of the refund demanded, in accordance with guidelines of the FSA Deputy Administrator for Farm Programs. This allowance will permit adjustments to avoid undue hardships to producers.

This rule would not adjust the terms under which a producer can lose eligibility for the entire crop year, for all lots, as a result of a nesting violation. For that, a "knowing" violation will still be required. The proposed rule is, instead, addressed to the accounting for the individual lot that is actually nested. This result would be accomplished by modifying Part 1464.8 to make more explicit that nested tobacco is *per se* ineligible for price support. Also, Part 1464.9 would be amended to remove the reference to "knowing" violations with regard to demands for refunds on individual lots.

Comments on this proposed rule are welcomed and should be submitted by the date indicated in this notice.

List of Subjects in 7 CFR Part 1464

Agriculture, Assessments, Loan program, Price support program, Tobacco, Warehouses.

Accordingly, it is proposed that 7 CFR Part 1464 be amended as follows:

PART 1464—TOBACCO

1. The authority citation for part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, 1445-1 and 1445-2; 15 U.S.C. 714b, 714c.

2. Section 1464.8 is amended by revising the introductory text to read as follows:

§ 1464.8 Eligible tobacco.

Eligible tobacco for the purpose of pledging such tobacco as collateral for a price support loan is any tobacco of a kind for which price support is available, as provided in § 1464.2, that is in sound and merchantable condition, is not nested as defined in 7 CFR Part 29, and:

* * * * *

3. Section 1464.9 is amended by revising paragraph (a) to read as follows:

§ 1464.9 Refund of price support advance.

* * * * *

(a) Received a price support advance on tobacco that was nested, as defined in part 29 of this title or otherwise not eligible for price support. The county committee, with concurrence of a State committee representative, may reduce the refund with respect to tobacco otherwise required in this part, in accordance with guidelines issued by the Deputy Administrator for Farm Programs.

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Signed at Washington, D.C., on February 5, 1996.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150-AF33

Reporting Reliability and Availability Information for Risk-significant Systems and Equipment

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to require that licensees for commercial nuclear power reactors report plant-specific summary reliability and availability data for risk-significant systems and equipment¹ to

¹ In relation to this proposed rule, the term equipment is intended to apply to an ensemble of components treated as a single entity for certain probabilistic risk assessments (PRAs) where a system or train treatment would not be appropriate.