

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

Farm Service Agency

7 CFR Part 723

RIN 0560-AF51

National Marketing Quotas for Fire-Cured (Type 21), Fire-Cured (Types 22-23), Dark Air-Cured (Types 35-36), Virginia Sun-Cured (Type 37), and Cigar-Filler and Binder (Types 42-44 and 53-55) Tobaccos

AGENCY: Farm Service Agency, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture (the Secretary) is required by the Agricultural Adjustment Act of 1938, as amended, (the Act) to proclaim by March 1, 1999, for referendum purposes, national marketing quotas for cigar filler and binder (types 42-44 and 53-55) tobacco for the 1999-2000, 2000-2001 and 2001-2002 marketing years (MYs) and to determine and announce the amounts of the national marketing quotas for fire-cured (type 21), fire-cured (types 22-23), dark air-cured (types 35-36), Virginia sun-cured (type 37), and cigar-filler and binder (types 42-44 and 53-55) kinds of tobacco for the 1999-2000 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 noon March 1, 1999, in order to be assured of consideration.

ADDRESSES: Comments must be submitted to the Director, Tobacco and Peanuts Division, Farm Service Agency (FSA), United States Department of Agriculture, STOP 0514, 1400 Independence Avenue, S.W., Washington, DC 20250-0514. 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 5750-South Building, 1400 Independence Avenue, S.W., Washington, DC 20250-0514.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Tobacco and Peanuts Division, FSA, USDA, STOP 0514, 1400 Independence Avenue, S.W., Washington, DC 20250-0514, telephone 202-720-5346. Copies of the cost-benefit assessment prepared for the rule can be obtained from Mr. Tarczy.

SUPPLEMENT INFORMATION:

Executive Order 12866

This proposed rule has been determined to be significant and was reviewed by OMB under Executive Order 12866.

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 Loan and Purchases—10.051.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this proposed 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 to this proposed rule since neither FSA nor the Commodity Credit Corporation (CCC) is 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

These proposed amendments do not contain information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35.

Unfunded Federal Mandates

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), for State, local and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Discussion

The proposed rule would amend 7 CFR part 723 to set forth the 1999-crop marketing quotas for these five kinds of tobacco.

Section 312(b) of the Act, provides that the Secretary shall determine and announce, not later than March 1, 1999, with respect to the kinds of tobacco specified in this proposed rule, the amount of the national marketing quota which will be in effect for MY 1999 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.

Also, Section 312(c) of the Act requires for this year that, within 30 days after proclamation of national marketing quotas for cigar filler and binder (types 42-44 and 53-55) tobacco, the Secretary must conduct a referendum of farmers engaged in the 1998 production of such kind of tobacco to determine whether they favor or oppose marketing quotas for MYs 1999, 2000 and 2001. This referendum is required because MY 1998 is the last year of the 3 consecutive MYs for which marketing quotas previously proclaimed will be in effect for this kind of tobacco.

The Secretary will proclaim the results of the referendum. As provided in the Act, if more than one-third of the farmers voting in a referendum for this kind of tobacco oppose the quota, the national marketing quota previously proclaimed will not become effective.

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 FSA 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 MY 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.

For four of these five kinds of tobacco, supply and demand are in balance.

Thus, changes in 1999 marketing quotas for these four kinds will likely be small.

Request for Comments

This rule proposes to amend 7 CFR part 723, subpart A to include 1999-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) and cigar-filler and binder (types 42–44 and 53–55) tobaccos. These five kinds of tobacco account for about 4 percent of total U.S. tobacco production.

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 1999-crop national marketing quota for fire-cured (type 21) tobacco will range from 2.2 to 3.0 million pounds. This range reflects the assumption that the national acreage factor will range from 0.9 to 1.1.

(2) Fire-Cured (Types 22–23) Tobacco

The 1999-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 1999-crop national marketing quota for dark air-cured (types 35–36) tobacco will range from 9.0 to 11.0 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 1999-crop national marketing quota for Virginia sun-cured (type 37) tobacco will range from 110,000 to 140,000 pounds. This range reflects the assumption that the national acreage factor will range from 0.9 to 1.1.

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

The 1999-crop national marketing quota for cigar-filler and binder (types 42–44 and 53–55) tobaccos will range from 4.0 to 4.6 million pounds. This range reflects the assumption that the national acreage factor will range from

0.8 to 1.0. Accordingly, comments are requested with respect to the foregoing issues.

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 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 (g) to read as follows:

§ 723.113 Fire-cured (type 21) tobacco

* * * * *

(g) The 1999-crop national marketing quota will range from 2.2 million pounds to 3.0 million pounds.

3. Section 723.114 is amended by adding paragraph (g) to read as follows:

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

* * * * *

(g) The 1999-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 (g) to read as follows:

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

* * * * *

(g) The 1999-crop national marketing quota will range from 9.0 million pounds to 11.0 million pounds.

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

* * * * *

§ 723.116 Sun-cured (type 37) tobacco

* * * * *

(g) The 1999-crop national marketing quota will range from 110,000 to 140,000 pounds.

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

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

* * * * *

(g) The 1999-crop national marketing quota will range from 4.8 million pounds to 6.0 million pounds.

Signed at Washington, DC on February 24, 1999.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 99–5016 Filed 2–24–99; 4:13 pm]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–110–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to all Dornier Model 328–100 series airplanes, that would have required repetitive inspections for chafing of various control cables, and replacement of any chafed cable with a serviceable cable. That proposal was prompted by chafing of various control cables found during inspections conducted at the manufacturer's facility and at overhaul facilities. This new action revises the proposed rule by expanding the areas to be inspected to detect damage and discrepancies, and providing for corrective action, if necessary; by adding a requirement for repetitive inspections of certain fairleads/swivel guides to detect damage and other discrepancies, and corrective action, if necessary; and by extending the compliance time for the initial inspections. The actions specified by this new proposed AD are intended to prevent failure of the pilot's control cables for the autopilot, elevator, rudder, aileron, and engine, which could result in reduced controllability of the airplane.

DATES: Comments must be received by March 23, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 96–NM–110–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.