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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: Interim Rule and Technical Correction.

SUMMARY: This notice corrects a reference contained in a final rule, published on February 24, 1998, (63 FR 9126) which amended the tobacco regulations. Also, to provide greater flexibility to tobacco farmers, this notice further amends the regulations to: allow for special farm combinations even where neither of the farms to be combined has a production flexibility contract (PFC) and to modify the consent requirements for the special combinations allowed under that section. In addition other corrections have been made to the regulation for purposes of clarity.

DATES: Effective: May 14, 1998. Comments must be received by July 13, 1998, to be assured of consideration.

ADDRESSES: Submit comments on the interim rule to: Director, Tobacco and Peanuts Division, USDA, FSA, STOP 0514, 1400 Independence Avenue, SW, Washington, DC 20013–0514. Comments may be faxed to (202) 690–2298. All written submissions made pursuant to this rule will be made available for public inspection in Room 5750 of the South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., during regular Federal workdays.

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 interim 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 interim rule has been reviewed in accordance with Executive Order 12988. The provisions of this interim rule are not retroactive and preempt State laws to the extent that such laws are inconsistent with the provisions of this interim 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 interim 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*). A FR notice with a 60-day comment period for the information collections required in 7 CFR part 723 was published on September 25, 1997 (62 FR 50286). No comments were received. A request for revision and reinstatement has been submitted for approval.

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 might apply, that this rule should be effective immediately because the planting season for all kinds of tobacco began in early April and tobacco producers must make their final rotation and planting decisions. The nature of this interim rule and notice is to: (1) Correct a reference contained in a previous rule; (2) add greater flexibility for producers in combining farms for tobacco purposes only. As the rule simply provides for such flexibility and should not adversely affect anyone, it would be contrary to the public interest to delay the implementation date of the new regulations.

Background and Discussion

The final rule published on February 24, 1998, (63 FR 9126), adopted and modified the interim rule published on April 2, 1997 (62 FR 15599) which allowed, under § 723.209, for special combinations of flue-cured tobacco allotments and quotas on participating and nonparticipating farms with PFCs. Though the regulations, as modified through the February 24 rule were correct, the preamble to the February 24 publication incorrectly indicated that the special combinations allowed by that rule were limited to cases where the two farms being combined were owned by the same person. That was not the intention of the rule nor was such a limitation actually contained in the adopted regulations themselves. That erroneous reference in the February 24, 1998, preamble is hereby corrected. In addition, this rule adopts clarifying language for § 723.209 and further amends § 723.209 so as to explicitly

allow special combinations even if no PFC farm is involved. This will permit variances from normal combination rules that would otherwise apply under 7 CFR part 718. Such variances will allow for greater flexibility to farmers with special needs as might arise for tobacco-only combinations. There is a special need for farm combinations with respect to the tobacco program because it is one of the few programs with an existing farm-oriented poundage or quota system and because of limitations that exist with respect to the leasing of allotments and quotas. These special combinations allow for better farming practices, including crop rotation and mirror long-term practices in tobacco. The amendments to § 723.209 would, in addition, provide explicitly that for all special combinations allowed under § 723.209, the Deputy Administrator may waive consent requirements that would normally apply for combinations under the rules in 7 CFR part 718. Under the 7 CFR part 718 regulations, normally all of the owners and operators of both farms to be combined must consent to the combination. However, § 723.209 deals with limited and temporary, perhaps frequent, combinations that can involve tobacco farms that have many owners as the farms have been passed down among several generations. Locating, and obtaining a verifiable consent from all of the owners of tobacco farms for each such transaction can be very difficult and is not purposeful given that the farm will be continuing its basic operation in a manner similar to the way it has operated in the past.

List of Subjects in 7 CFR Part 723

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

For the reasons set forth in the preamble, 7 CFR part 723 is amended as follows:

PART 723—[AMENDED]

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. The heading for § 723.209 is revised and paragraph (c) is revised to read as follows:

§ 723.209 Determination of acreage allotments, marketing quotas, yields for combined farms; and special tobacco combinations.

* * * * *

(c) *Special tobacco combinations.* Notwithstanding other provision of this title, the Deputy Administrator may, upon proper application and to the extent deemed consistent with other obligations, permit farms, with respect to tobacco allotments and tobacco quotas, to be considered combined for purposes of this part and part 1464 of this title only without being combined for other purposes. This allowance shall apply for tobacco of all kinds and types and with respect to all farms even if one or more of the farms to be combined is the subject of a production flexibility contract (PFC) executed in connection with the program operated under the provisions of 7 CFR part 1412. Such special, limited combinations must otherwise meet the requirements of 7 CFR part 718 for combinations, except the signature (consent) requirements of § 718.201(a)(2) of that part. The Deputy Administrator may set such consent requirements for special farm combinations under this section as the Deputy Administrator believes necessary or appropriate. Further, in any case in which one of the farms is a PFC farm, none of the land on any PFC farm that would have been used for the production of tobacco can be used for the production of a ''PFC commodity'' as defined in this section. Such permission shall be conditioned upon the agreement of all interested parties that land on the PFC allotment or quota farm that would have been used for the production of tobacco shall not be used for the production of any PFC commodity. In the event that such production nonetheless occurs, the special tobacco combination may be made void, retroactive to the date of original approval. Such curative action will likely result in a finding of excess tobacco plantings and sanctions and remedies, which would likely include liability for penalties and other sanctions for excess marketings of tobacco. The Deputy Administrator may set such other conditions on the combinations as needed or deemed appropriate to serve the goals of the tobacco program and the goals of the PFC. The term *PFC commodity* for purposes of this section means wheat, corn, grain sorghum, barley, oats, upland cotton, and rice.

* * * * *

Signed at Washington, DC, on May 8, 1998.

Bruce R. Weber,

Acting Administrator,

Farm Service Agency.

[FR Doc. 98–12860 Filed 5–13–98; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–72–AD; Amendment 39–10516; AD 98–10–05]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Models B200, B200C, and B200T Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Models B200, B200C, and B200T airplanes (formerly referred to as Beech Models B200, B200C, and B200T airplanes). This AD requires replacing the wiring for the engine fire detector system with fire resistant wiring. This AD is the result of the discovery during aircraft production of the potential for the existing engine fire detector system wiring on the affected airplanes to fail because of high heat and/or fire. The actions specified by this AD are intended to prevent failure of the engine fire detector system if high heat and/or fire stopped an electrical signal between the engine fire detectors and the engine fire warning annunciator lights located in the cockpit, which could result in passenger injury in the event of an airplane fire.

DATES: Effective June 27, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 27, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–72–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Randy Griffith, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4145; facsimile: (316) 946–4407.