

seasons, subject to the results of the referendum. The determination was based on the evidence and arguments presented at a public hearing held in Fair Bluff, North Carolina, on November 10, 1994, pursuant to applicable provisions of the regulations issued under the Tobacco Inspection Act, as amended. The referendum was held in accordance with the provisions of the Tobacco Inspection Tobacco Act, as amended (7 U.S.C. 511d) and the regulations set forth in 7 CFR 29.74.

Ballots for the February 6-10 referendum were mailed to 735 producers. Approval required votes in favor of the proposal by two-thirds of the eligible voters who cast valid ballots. The Department received a total of 308 responses: 293 eligible producers voted in favor of the consolidation; 6 eligible producers voted against the consolidation; and 9 ballots were determined to be invalid.

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12788, Civil Justice Reform. This action is not intended to have retroactive effect. The final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Additionally, in conformance with the provisions of Pub. L. 96-354, the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Most tobacco producers and many tobacco warehouses are small businesses as defined in the Regulatory Flexibility Act. This action will not substantially affect the normal movement of the commodity in the marketplace. The Administrator has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 29

Administrative practices and procedures, Advisory committees, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping procedures, Tobacco.

For the reasons set forth in the preamble, 7 CFR Part 29, subpart D, is amended as follows:

PART 29—[AMENDED]

Subpart D—Order of Designation of Tobacco Markets.

1. The authority citation for 7 CFR Part 29, Subpart D, continues to read as follows:

Authority: Sec. 5, 49 Stat. 732, as amended by sec. 157(a) (1), 95 Stat. 374 (7 U.S.C. 511d).

§ 29.8001 [Amended]

2. In § 29.8001, the table is amended by adding a new entry (jjj) to read as follows:

Territory	Types of tobacco	Auction markets	Order of designation	Citation
*	*	*	*	*
(jjj) North Carolina	flue-cured	Clarkton-Chadbourn	April 6, 1995.

Dated: March 1, 1995.
 Lon Hatamiya,
Administrator.
 [FR Doc. 95-5540 Filed 3-6-95; 8:45 am]
 BILLING CODE 3410-02-P

7 CFR Part 29

[TB-94-32]

Tobacco Inspection; Growers' Referendum Results

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document contains the determination with respect to the referendum on the merger of Fairmont and Fair Bluff, North Carolina, to become the consolidated market of Fairmont-Fair Bluff. A mail referendum was conducted during the period of February 6-10, 1995, among tobacco growers who sold tobacco on these markets in 1994 to determine producer approval/disapproval of the designation of these markets as one consolidated market. Growers approved the merger. Therefore, for the 1995 and succeeding flue-cured marketing seasons, the Fairmont and Fair Bluff, North Carolina, tobacco markets shall be designated as

and called Fairmont-Fair Bluff. The regulations are amended to reflect this new designated market.

EFFECTIVE DATE: April 6, 1992.

FOR FURTHER INFORMATION CONTACT: Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Washington, D.C. 20090-6456; telephone number (202) 205-0567.

SUPPLEMENTARY INFORMATION: A notice was published in the February 2, 1995, issue of the Federal Register (60 FR, 6453) announcing that a referendum would be conducted among active flue-cured producers who sold tobacco on either Fairmont or Fair Bluff, during the 1994 season to ascertain if such producers favored the consolidation.

The notice of referendum announced the determination by the Secretary that the consolidated market of Fairmont-Fair Bluff, North Carolina, would be designated as a flue-cured tobacco auction market and receive mandatory Federal grading of tobacco sold at auction for the 1995 and succeeding seasons, subject to the results of the referendum. The determination was based on the evidence and arguments presented at a public hearing held in Fair Bluff, North Carolina, on November 10, 1994, pursuant to applicable

provisions of the regulations issued under the Tobacco Inspection Act, as amended. The referendum was held in accordance with the provisions of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations set forth in 7 CFR 29.74.

Ballots for the February 6-10 referendum were mailed to 1,100 producers. Approval required votes in favor of the proposal by two-thirds of the eligible voters who cast valid ballots. The Department received a total of 570 responses: 467 eligible producers voted in favor of the consolidation; 84 eligible producers voted against the consolidation; and 19 ballots were determined to be invalid.

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12788, Civil Justice Reform. This action is not intended to have retroactive effect. The final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Additionally, in conformance with the provisions of Public Law 96-354,

the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Most tobacco producers and many tobacco warehouses are small businesses as defined in the Regulatory Flexibility Act. This action will not substantially affect the normal movement of the commodity in the marketplace. The Administrator has determined that this action will not have a significant economic impact on a substantial number of small entities.

For the reasons set forth in the preamble, 7 CFR part 29, subpart D, is amended as follows:

PART 29—[AMENDED]

Subpart D—Order of Designation of Tobacco Markets.

1. The authority citation for 7 CFR Part 29, Subpart D, continues to read as follows:

Authority: Sec. 5, 49 Stat. 732, as amended by sec. 157(a) (1), 95 Stat. 374 (7 U.S.C. 511d).

29.8001 [Amended]

2. In § 29.8001, the table is amended by adding a new entry (kkk) to read as follows:

Territory	Types of tobacco	Auction markets	Order of designation	Citation
*(kkk) North Carolina	* flue-cured	* Fairmont-Fair Bluff	*	* April 6, 1995.

Dated: March 1, 1995.
 Lon Hatamiya,
 Administrator.
 [FR Doc. 95-5537 Filed 3-6-95; 8:45 am]
 BILLING CODE 3410-02-P

7 CFR Part 56
[Docket No. PY-92-004]
RIN 0581-AA60

Voluntary Shell Egg Grading

AGENCY: Agricultural Marketing Service, USDA.
ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is issuing amendments to the voluntary shell egg grading regulations and standards in response to new technology and current practices in the shell egg industry and to conform to statutory requirements. The amended regulations define washed ungraded eggs and clarify the definition of a quality assurance inspector; add age and disability as types of prohibited discrimination in providing grading services; clarify the type of facilities and equipment to be supplied to a grader and the method by which cartons of eggs are to be identified; update grading room requirements to include mechanized shell egg operations and to require rinse water to be at least as warm as wash water; harmonize the standards for quality of individual shell eggs for B quality in U.S. Nest-Run grades with the U.S. Standards for Quality of Individual Shell Eggs for B quality; and delete wholesale shell egg grades and weight classes.

EFFECTIVE DATE: April 6, 1995.

FOR FURTHER INFORMATION CONTACT: Larry W. Robinson, Chief, Grading Branch, 202-720-3271.

SUPPLEMENTARY INFORMATION:

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The AMS Administrator has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because the revisions reflect current industry production and marketing practices.

The information collection requirements that appear in § 56.17(b) and § 56.37 to be amended by the rule have been previously approved by the Office of Management and Budget and assigned OMB Control No. 0581-0128, under the Paperwork Reduction Act of 1980.

Background

Periodically the Poultry Division of AMS reviews its existing regulations. As a result of a review, it was determined that several revisions were necessary to make the shell egg standards and regulations for grading shell eggs more useful and efficient.

The grading of shell eggs by the AMS is a voluntary program, provided under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), and is offered on a fee-for-service basis. The grading program is designed to assist orderly marketing of shell eggs.

Therefore, the standards must keep abreast of new technology and advancements in production and marketing practices.

Accordingly, AMS is amending the voluntary shell egg grading regulations to redefine "quality assurance inspector" to exclude from this designation a plant owner, manager, foreman, or supervisor and to clarify that the quality assurance inspector is authorized to examine product.

The amendments also define the term "washed ungraded eggs" to mean shell eggs which have been washed but not subject to any grading or segregation for quality.

The amendments update the regulations to comply with current statutory requirements regarding providing grading services and licensing graders without discrimination due to age or disabilities.

The facilities and equipment which the applicant furnishes the graders are expanded to include other facilities and equipment as may otherwise be required.

The amendments revise the regulations to comply with the Nutrition Labeling and Education Act of 1990.

Also revised are the existing methods of identifying cartons to require that each officially identified carton of shell eggs be lot numbered on either the carton or the consumer package.

The amendments revise the minimum facility and operating requirements for shell egg grading and packing plants by updating grading room requirements.

Shell egg cleaning operations also are revised to require that the temperature of the water used to spray rinse shell eggs be at least as warm as the water used to wash the shell eggs. Additionally, the National Supervisor is specifically authorized to approve