

when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless such activities involve the provision of professional services or advice or are for compensation other than reimbursement of expenses.

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**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 29**

[TB-94-35]

**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 Tifton and Fitzgerald-Ocilla, Georgia, to become the consolidated market of Tifton-Fitzgerald-Ocilla. 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 Tifton and Fitzgerald-Ocilla, Georgia, tobacco markets shall be designated as and called Tifton-Fitzgerald-Ocilla. The regulations are amended to reflect this new designated market.

**EFFECTIVE DATE:** April 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, PO. Box 96456, Washington, DC. 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 6452-53) announcing that a referendum would be conducted among active flue-cured producers who sold tobacco on either Tifton or Fitzgerald-Ocilla, 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 Tifton-Fitzgerald-Ocilla, Georgia, 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 Ocilla, Georgia, on November 7, 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 152 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 45 responses: 41 eligible producers voted in favor of the consolidation; 1 eligible producer voted against the consolidation; and 3 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.

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 (hhh) to read as follows:

Territory	Types of tobacco	Auction markets	Order of designation	Citation
*	*	*	*	*
(hhh) Georgia .....	flue-cured .....	Tifton-Fitzgerald-Ocilla ...	.....	April 6, 1995.

Dated: March 1, 1995.

Lon Hatamiya,

Administrator.

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**7 CFR Part 29**

[TB-94-37]

**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 Kingstree and Hemingway, South Carolina, to become the consolidated market of Kingstree-Hemingway. A mail referendum was conducted during the