

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 29

[Docket No. TB-95-15]

#### 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 Boone and West Jefferson, North Carolina, and Mountain City, Tennessee, to become the consolidated market of Boone-West Jefferson-Mountain City. A mail referendum was conducted April 15-26, 1996, among tobacco growers who sold tobacco on these markets the previous season to determine producer approval/disapproval of the designation of these three markets as one consolidated market. Growers approved the merger. Therefore, for the 1996 and succeeding burley marketing seasons, the Boone and West Jefferson, North Carolina, and Mountain City, Tennessee, tobacco markets shall be designated as and called Boone-West Jefferson-Mountain City. The regulations are amended to reflect this new designated market.

**EFFECTIVE DATE:** July 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Fial, Assistant to the Director, Tobacco Division, Agricultural

Marketing Service, United States Department of Agriculture, P.O. Box 96456, Washington, DC 20090-6456; telephone number (202) 260-0151.

**SUPPLEMENTARY INFORMATION:** A notice was published in the March 18, 1996, issue of the Federal Register (61 FR 10902) announcing that a referendum would be conducted among active burley producers who sold tobacco on either Boone, West Jefferson, or Mountain City, during the previous season to ascertain if such producers favor the consolidation.

The notice of referendum announced the determination by the Secretary that the consolidated market of Boone and West Jefferson, North Carolina, and Mountain City, Tennessee, would be designated as a burley tobacco auction market and receive mandatory Federal grading of tobacco sold at auction for the 1996 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 Boone, North Carolina, on September 15, 1995, 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 April 15-26 referendum were mailed to 3,423 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 923 responses: 685 eligible producers voted in favor of the consolidation; 204 eligible producers voted against the consolidation; and 34 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 the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), 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. It has been determined that this action will not have a significant 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).

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

Territory	Types of tobacco	Auction markets	Order of designation	Citation
*(nnn) North Carolina, Tennessee .....	* Burley .....	* Boone-West Jefferson-Mountain City .....	* July 15, 1996.	*

Dated: June 5, 1996.  
 Kenneth C. Clayton,  
*Acting Administrator.*  
 [FR Doc. 96-14971 Filed 6-12-96; 8:45 am]  
 BILLING CODE 3410-02-P

**7 CFR Part 29**

[Docket No. TB-95-13]

**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 Horse Cave, Glasgow, and Greensburg, Kentucky, to become the consolidated market of Horse Cave-Glasgow-Greensburg. A mail referendum was conducted during the period of April 15-26, 1996, among tobacco growers who sold tobacco on these markets the previous season to determine producer approval/disapproval of the designation of these three markets as one consolidated market. Growers approved the merger. Therefore, for the 1996 and succeeding burley marketing seasons, the Horse Cave, Glasgow, and Greensburg, Kentucky, tobacco markets shall be designated as and called Horse Cave-Glasgow-Greensburg. The regulations are amended to reflect this new designated market.

**EFFECTIVE DATE:** July 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Fial, Assistant to the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Washington, DC 20090-6456; telephone number (202) 260-0151.

**SUPPLEMENTARY INFORMATION:** A notice was published in the March 18, 1996, issue of the Federal Register (61FR, 10902) announcing that a referendum would be conducted among active burley producers who sold tobacco on either Horse Cave, Glasgow, or Greensburg markets to ascertain if such producers favored the consolidation.

The notice of referendum announced the determination by the Secretary that the consolidated market of Horse Cave-Glasgow-Greensburg, Kentucky, would be designated as a burley tobacco auction market and receive mandatory Federal grading of tobacco sold at auction for the 1996 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 Cave City, Kentucky, on September 13, 1995, 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 April 15-26 referendum were mailed to 7,602 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 2,124 responses: 1,815 eligible producers voted in favor of the consolidation; 213 eligible producers voted against the consolidation; and 96 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 the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), 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. It has been determined that this action will not have a significant 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).

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

Territory	Types of tobacco	Auction markets	Order of designation	Citation
(mmm) Kentucky	burley	Horse Cave-Glasgow-Greensburg, KY	July 15, 1996.	

Dated: June 5, 1996.  
 Kenneth C. Clayton,  
*Acting Administrator.*  
 [FR Doc. 96-14970 Filed 6-12-96; 8:45 am]  
 BILLING CODE 3410-02-P

**7 CFR Part 982**

[Docket No. FV96-982-1IFR]

**Hazelnuts Grown in Oregon and Washington; Assessment Rate**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule establishes an assessment rate for the

Hazelnut Marketing Board (Board) under Marketing Order No. 982 for the 1996-97 and subsequent marketing years. The Board is responsible for local administration of the marketing order which regulates the handling of hazelnuts grown in Oregon and Washington. Authorization to assess hazelnut handlers enables the Board to incur expenses that are reasonable and necessary to administer the program.