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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[Docket No. TB-93-22]

Standards; Amendment of Definition

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is amending the definition of "Rework" pertaining to the inspection of burley tobacco by adding language requiring that the average bale weight in a lot of untied baled burley not exceed 100 pounds.

EFFECTIVE DATE: July 1, 1995.

FOR FURTHER INFORMATION CONTACT: John Duncan, III, Director, Tobacco Division, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, D.C. 20090-6456, Telephone (202) 205-0567.

SUPPLEMENTARY INFORMATION: Notice was given in the **Federal Register** on November 29, 1994, that the Department was proposing to revise the definition "Rework" in Subpart C, Section 29.3053(b) to require that the bales in each lot not exceed an average weight of 100 pounds. This proposal was based on a recommendation by the Burley Tobacco Advisory Committee, representing producers, warehouses, and buyers, that an average bale weight of 100 pounds would improve 2 handling, reduce spoilage associated with heavy bales, and therefore, improve the image of American burley.

Interested parties were given an opportunity to comment on the proposed rule. A total of three comments were received, all of which favored the proposed rule.

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This 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. All tobacco warehouses and producers fall within the confines of "small business" which are defined by the Small Business Administration (13 CFR 121.2) as those having gross annual revenues for the last 3 years of less than \$500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. This final rule would not substantially affect the normal movement of the commodity in the marketplace. Compliance with this final rule would not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and would not alter the market share or competitive positions of small entities relative to the large entities and would in no way affect normal competition in the marketplace.

The information collection has been submitted for approval to OMB under Docket 0581-0056.

List of Subjects in 7 CFR Part 29

Administrative practice and procedure, Advisory Committees, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping requirements, Tobacco.

For the reasons set forth in the preamble, the regulations at 7 CFR Part 29 are amended as follows:

PART 29—TOBACCO INSPECTION

Subpart C—Standards

1. The authority citation for Subpart C continues to read as follows:

Authority: 7 U.S.C. 511b, 511m, and 511r.

2. Paragraph (b) of § 29.3053 is revised to read as follows:

§ 29.3053 Rework.

* * * * *

(b) Tobacco not properly tied in hands, not packed in bales approximately 1×2×3 feet, not oriented, not packed straight, bales not opened for inspection when chosen by a grader, lots exceeding an average bale weight of 100 pounds, or otherwise not properly prepared for market.

Dated: February 2, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95-3145 Filed 2-7-95; 8:45 am]

BILLING CODE 3410-02-P

Consolidated Farm Service Agency

7 CFR Part 729

RIN 0560-AD66

1995-Crop Peanuts National Poundage Quota

AGENCY: Consolidated Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: On December 15, 1994, the Secretary of Agriculture (Secretary) announced that the national poundage quota for quota peanuts was established at 1,350,000 short tons (st). This final rule codifies the announced quota. The quota is established pursuant to statutory requirements contained in the Agricultural Adjustment Act of 1938, as amended (the 1938 Act).

EFFECTIVE DATE: December 15, 1994.

FOR FURTHER INFORMATION CONTACT: John A. Craven, Consolidated Farm Service Agency (CFSA), United States Department of Agriculture (USDA), room 3739, South Building, P.O. Box 2415, Washington, DC 20013-2415, telephone 202-690-0446.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final 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