

cured (type 21) and Virginia sun-cured (type 37) have accepted lower price support levels so their tobacco may remain competitive in world markets. Therefore, for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco, the 1997-crop support levels were set so as to only add, over 1996-crop levels, 65 percent of the difference between the 1997-crop "basic support level" and the 1996-crop "basic support level." For the other tobaccos covered in this notice there was no such recommendation and the support levels were set accordingly. Accordingly, the price support levels for Kentucky-Tennessee fire-cured (types 22-23), dark air-cured (types 35-36) and cigar filler and binder (types 42-44; 53-55) tobaccos were set to use of the MY 1996 level of support increased by the difference between the MY 1997 "basic support level" and the MY 1996 "basic support level." Chewing tobacco, smoking tobacco, and snuff manufacturing formulas limit the substitutability of one of these kinds of tobacco for another. Cigarettes, the principal outlet for flue-cured and burley tobaccos, do not require any of these five kinds of tobacco in their blends.

Accordingly, the following price support determinations were announced on February 27, 1997 for the 1997 crops of the tobaccos which are the subject of this notice:

| Kind and type | Support level (cents per pound) |
|---|---------------------------------|
| Virginia fire-cured (type 21) | 149.8 |
| Kentucky-Tennessee fire-cured (types 22-23) | 162.3 |
| Dark air-cured (types 35-36) | 139.8 |
| Virginia sun-cured (type 37) | 132.6 |
| Cigar-filler and binder (types 42-44 and 53-55) | 116.9 |

List of Subjects

7 CFR Part 723

Acreage allotments, Marketing quotas, Penalties, Reporting and recordkeeping requirements, Tobacco.

7 CFR Part 1464

Price supports, Tobacco.

Accordingly, 7 CFR parts 723 and 1464 are amended to read as follows:

PART 723—TOBACCO

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, 1377-1379, 1421, 1445-1, and 1445-2.

2. Section 723.113 is amended by adding paragraph (e) to read as follows:

§ 723.113 Fire-cured (type 21) tobacco.

* * * * *

(e) The 1997-crop national marketing quota is 2.395 million pounds.

3. Section 723.114 is amended by adding paragraph (e) to read as follows:

§ 723.114 Fire-cured (types 22-23) tobacco.

* * * * *

(e) The 1997-crop national marketing quota is 43.4 million pounds.

4. Section 723.115 is amended by adding paragraph (e) to read as follows:

§ 723.115 Dark air-cured (types 35-36) tobacco.

* * * * *

(e) The 1997-crop national marketing quota is 9.88 million pounds.

5. Section 723.116 is amended by adding paragraph (e) to read as follows:

§ 723.116 Sun-cured (type 37) tobacco.

* * * * *

(e) The 1997-crop national marketing quota is 156,400 pounds.

6. Section 723.117 is amended by adding paragraph (e) to read as follows:

§ 723.117 Cigar-filler and binder (types 42-44 and 53-55) tobacco.

* * * * *

(e) The 1997-crop national marketing quota is 8.4 million pounds.

PART 1464—TOBACCO

7. The authority citation for 7 CFR part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, and 1445-1; 15 U.S.C. 714b and 714c.

8. Section 1464.13 is amended by adding paragraph (e) to read as follows:

§ 1464.13 Fire-cured (type 21) tobacco.

* * * * *

(e) The 1997-crop national price support level is 149.8 cents per pound.

9. Section 1464.14 is amended by adding paragraph (e) to read as follows:

§ 1464.14 Fire-cured (types 22-23) tobacco.

* * * * *

(e) The 1997-crop national price support level is 162.3 cents per pound.

10. Section 1464.15 is amended by adding paragraph (e) to read as follows:

§ 1464.15 Dark air-cured (types 22-23) tobacco.

* * * * *

(e) The 1997-crop national price support level is 139.8 cents per pound.

11. Section 1464.16 is amended by adding paragraph (e) to read as follows:

§ 1464.16 Virginia sun-cured (type 37) tobacco.

* * * * *

(e) The 1997-crop national price support level is 132.6 cents per pound.

12. Section 1464.17 is amended by adding paragraph (e) to read as follows:

§ 1464.17 Cigar-filler and binder (types 42-44 and 53-55) tobacco.

* * * * *

(e) The 1997-crop national price support level is 116.9 cents per pound.

Signed at Washington, DC, on August 10, 1997.

Bruce R. Weber,

Acting Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 97-21796 Filed 8-15-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 918

[Docket No. FV-97-918-1 FR]

Fresh Peaches Grown in Georgia; Termination of Marketing Order No. 918

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; Termination of Order.

SUMMARY: This rule terminates the Federal marketing order regulating the handling of fresh peaches grown in Georgia (order) and the rules and regulations issued thereunder. The Georgia peach industry has not operated under the order since its provisions were suspended March 1, 1993. The order does not reflect current industry structure and operating procedures and there is no industry support for reactivating the order. Therefore, there is no need to continue this order.

EFFECTIVE DATE: September 17, 1997.

FOR FURTHER INFORMATION CONTACT: William G. Pimental, Southeast Marketing Field Office, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883-2276; telephone: (941) 299-4770, Fax: (941) 299-5169; or Kathleen Finn, Marketing Order Administration Branch, F&V, AMS, USDA, room 2530-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O.

Box 96456, room 2523-S, Washington, DC 20090-6456; telephone (202) 720-2491, Fax: (202) 720-5698.

SUPPLEMENTARY INFORMATION: This final rule is governed by provisions of § 608(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act and § 918.81 of the order.

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

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule 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.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

This final rule terminates the order regulating the handling of peaches grown in Georgia. Sections 918.81 and 918.82 of the order contain the authority and procedures for termination.

The order was initially established in 1942 to help the industry solve specific marketing problems and maintain orderly marketing conditions. It was the responsibility of the Peach Industry Committee (committee), the agency established for local administration of the marketing order, to periodically investigate and assemble data on the growing, harvesting, shipping, and marketing conditions of Georgia peaches. The committee tried to achieve orderly marketing and improve acceptance of Georgia peaches through the establishment of minimum size, maturity and quality requirements.

The Georgia peach industry has not operated under the marketing order for

over four years. The order and all of its accompanying rules and regulations were suspended March 1, 1993, for two years (58 FR 8209). At the request of the industry, the Department extended the suspension for two more years (60 FR 17633). Regulations have not been applied under the order since 1992, and no committee has been appointed since then. The only regulations the industry is using are for research, promotion, and advertising. This is handled locally by the Georgia Commodity Commission through a State program.

In 1942, when the marketing order was issued, there were over 300 growers of Georgia peaches. Currently, there are approximately 20 peach growers.

The Department contacted many current industry members with respect to the need for reinstating the marketing order. Virtually all the individuals corresponding with the Department stated they were not interested in reestablishing the order. There was a peach industry meeting held on February 6, 1997, in Byron, Georgia where the marketing order was a topic of discussion. There was no support from the attendees for reactivating or amending the order.

There have been changes in industry structure and operating procedures since the order was last amended. Making the marketing order reflect these changes could require further amendments. The steps necessary to amend and reactivate the existing order would be similar to what would be required to establish a new order. The need for a new or amended marketing order would have to be justified and supported by a large majority of Georgia peach growers. This would require a public hearing and a grower referendum. There is no determinable industry support for a marketing order. Thus, there is little justification to continue the current order.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 8 handlers of Georgia peaches who would be subject to regulation under the marketing order and approximately 20 peach growers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those having annual receipts of less than \$500,000. The majority of the Georgia peach growers and handlers may be classified as small entities.

This final rule terminates the order regulating the handling of peaches grown in Georgia. The order and its accompanying rules and regulations have been suspended since March 1, 1993. No regulations have been implemented since the 1990-91 season, and there is no indication that such regulations will again be needed.

The industry has been operating without a marketing order since its suspension. Reestablishing the order would mean additional cost to the industry stemming from assessments to maintain the order and any associated costs generated by regulation. By not reinstating the marketing order, the industry benefits from avoiding these costs. Because the industry has been operating without an order for four years, the termination of the order would have no noticeable effect on either small or large operations.

The Department attempted to solicit as much industry input on this decision as possible. The Department sent a letter to current industry members it was able to identify seeking comments on the need for reinstating the marketing order. There was a peach industry meeting held on February 6, 1997, in Byron, Georgia where the marketing order was a topic of discussion. In addition, the proposed rule provided the opportunity for all interested persons to comment on the termination of the marketing order.

A proposed rule was published in the June 4, 1997, issue of the **Federal Register** giving interested persons until July 7, 1997, to file written comments. No comments were received.

The Department believes that conducting a termination referendum would merely reaffirm the Georgia peach industry's continued lack of interest in reactivating the marketing order and that conducting such a referendum would be wasteful of Departmental and public resources.

Therefore, pursuant to § 608c(16)(A) of the Act and § 918.81 of the order, the Secretary has determined that Marketing Order No. 918, covering peaches grown in Georgia, and the rules and regulations issued thereunder, no longer tend to

effectuate the declared policy of the Act, and are hereby terminated.

Trustees have been appointed to continue in the capacity of concluding and liquidating the affairs of the former committee. The trustees will be responsible for completing the order's unfinished business, including ensuring termination of all outstanding agreements and contracts, and the payment of all obligations. The trustees will be responsible for safeguarding program assets, holding committee records, and arranging for a financial audit to be conducted. All such actions by the trustees are subject to the approval of the Secretary. Those designated as trustees are Robert L. Dickey III, William H. Davidson, and Al Pearson. The trustees shall continue in their capacity until discharged by the Secretary.

The remainder of the reserves, after immediate expenses are paid, will be held by the trustees to be used to cover unforeseen, outstanding expenses obligated by the trustees.

Section 608c(16)(A) of the Act requires the Secretary to notify Congress 60 days in advance of the termination of a Federal marketing order. Congress has been so notified.

List of Subjects in 7 CFR Part 918

Marketing agreements, Peaches, Reporting and recordkeeping requirements.

PART 918—[REMOVED]

For the reasons set forth in the preamble, and under authority of 7 U.S.C. 601-674, 7 CFR part 918 is removed.

Dated: August 12, 1997.

Lon Hatamiya,

Administrator.

[FR Doc. 97-21732 Filed 8-15-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 97-084-1]

Change in Disease Status of the Dominican Republic Because of Hog Cholera

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations governing the importation of swine and pork and pork products by removing the Dominican Republic from the list of countries considered to be free from hog cholera. We are taking this action based on reports we have received from the Dominican Republic's Ministry of Agriculture that an outbreak of hog cholera has occurred in the Dominican Republic. As a result of this action, there will be additional restrictions on the importation of pork and pork products into the United States from the Dominican Republic, and the importation of swine from the Dominican Republic will be prohibited.

DATES: Interim rule effective August 4, 1997. Consideration will be given only to comments received on or before October 17, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-084-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 97-084-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. John Cougill, Senior Staff Veterinarian, Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231, (301) 734-3399.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease, African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.9 of the regulations restricts the importation into the United States of pork and pork products from countries where hog cholera is known to exist. Section 94.10 of the regulations, with certain exceptions, prohibits the importation of swine that originate in or are shipped from or transit any country in which

hog cholera is known to exist. Sections 94.9(a) and 94.10(a) of the regulations provide that hog cholera exists in all countries of the world except for certain countries listed in those sections.

Prior to the effective date of this interim rule, the Dominican Republic was included in the lists in §§ 94.9(a) and 94.10(a) of countries in which hog cholera is not known to exist. On August 4, 1997, the Dominican Republic's Ministry of Agriculture reported that an outbreak of hog cholera had occurred in that country. After reviewing the reports submitted by the Dominican Republic's Ministry of Agriculture, the Animal and Plant Health Inspection Service (APHIS) has determined that it is necessary to remove the Dominican Republic from the list of countries considered to be free of hog cholera.

Therefore, we are amending §§ 94.9(a) and 94.10(a) by removing the Dominican Republic from the list of countries in which hog cholera is not known to exist. We are making this amendment effective retroactively to August 4, 1997, because that is the day that an outbreak of hog cholera was confirmed by the Dominican Republic's Ministry of Agriculture. As a result of this action, the importation of swine from the Dominican Republic is prohibited, and pork and pork products from the Dominican Republic will not be eligible for entry into the United States unless the pork or pork products are cooked or cured and dried in accordance with the regulations.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the introduction of hog cholera into the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective on August 4, 1997. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.