

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule amending 5 CFR part 532 published on January 31, 1996 (61 FR 3175), is adopted as final without any changes.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96-13839 Filed 6-3-96; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[Docket No. TB-95-18]

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 Sanford and Carthage-Aberdeen, North Carolina, to become the consolidated market of Sanford-Carthage-Aberdeen. A mail referendum was conducted during the period of April 15-19, 1996, among tobacco growers who sold tobacco on these markets in 1995 to determine producer approval/disapproval of the designation of these markets as one consolidated market. Growers approved the merger. Therefore, for the 1996 and succeeding flue-cured marketing seasons, the Sanford and Carthage-Aberdeen, North Carolina, tobacco markets shall be designated as and called Sanford-Carthage-Aberdeen. The regulations are amended to reflect this new designated market.

EFFECTIVE DATE: July 5, 1995.

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, 10903) announcing that a referendum would be conducted among active flue-cured producers who sold tobacco on either Sanford or Carthage-Aberdeen, during the 1995 season to ascertain if such producers favored the consolidation.

The notice of referendum announced the determination by the Secretary that the consolidated market of Sanford-Carthage-Aberdeen, North Carolina, would be designated as a flue-cured 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 Sanford, North Carolina, on November 7, 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 15-19 referendum were mailed to 622 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 156 responses: 127 eligible producers voted in favor of the consolidation; 27 eligible producers voted against the consolidation; and 2 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:

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 Section 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) North Carolina	* flue-cured	*	* Sanford-Carthage-Aberdeen.	* July 5, 1996.

Dated: May 28, 1996.
Kenneth C. Clayton,
Acting Administrator.
[FR Doc. 96-13832 Filed 6-3-96; 8:45 am]
BILLING CODE 3410-02-P

Natural Resources Conservation Service

7 CFR Part 610

Technical Assistance

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: Section 301(c) of the Federal Agriculture Improvement and Reform Act of 1996 (FAIRA) requires the Secretary of Agriculture to publish in the Federal Register, within 60 days of the enactment of FAIRA, the universal soil loss equation (USLE) and wind erosion equation (WEQ) used by the Department of Agriculture (the Department) as of the date of publication. The Natural Resources Conservation Service (NRCS) utilizes factors from the USLE, the revised universal soil loss equation (RUSLE) and the WEQ in equations to predict soil erosion due to water and wind. The Department was first required to use the factors from the USLE and WEQ to make highly erodible land (HEL) determinations under the Food Security Act (FSA) of 1985, Pub. L. 99-198. The FSA defined HEL as land that has the potential for an excessive annual rate of erosion in relation to the soil loss tolerance level as determined by the Secretary through application of factors from the USLE and WEQ.

This final rule sets forth the USLE and WEQ used by the Department as of this date and the circumstances under the equations are used. Since the first mandated use of the USLE in 1985, the technology used to predict soil erosion due to water has been refined. The refinement is reflected in a revised USLE (RUSLE) which will also be used under the circumstances described in this rule.

EFFECTIVE DATE: This rule is effective June 3, 1996.

FOR FURTHER INFORMATION CONTACT: David L. Schertz, National Agronomist, Natural Resources Conservation Service, P.O. Box 2890, Washington, D.C. 20013; Fax 202-720-2646 or Internet:dschertz@usda.gov.

SUPPLEMENTARY INFORMATION:

Rulemaking Analyses

EO 12291: Not major.

Regulatory Flexibility Act: No significant impact.

Paperwork Reduction Act: Does not apply.

National Environmental Policy Act: Not applicable.

Civil Rights Impact Analysis: Not applicable.

Federalism Assessment: Does not have sufficient federalism implications to warrant an assessment.

Unfunded Mandate: Not applicable.

Background And Purpose

The Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture (the Department), utilizes the universal soil loss equation (USLE), the revised universal soil loss equation (RUSLE) and the wind erosion equation (WEQ) to predict soil erosion due to water and wind. Section 301(c) of the Federal Agriculture Improvement and Reform Act of 1996 (FAIRA), which was enacted April 4, 1996, requires the Secretary of Agriculture to publish in the Federal Register by June 3, 1996, the USLE and WEQ used by the Department as of the date of publication. NRCS is publishing the equations and the rules under which the USLE, RUSLE, and WEQ factors are used for administering programs.

The equation for predicting soil loss due to erosion for both the USLE and RUSLE is $A=R \times K \times L \times S \times C \times P$. The factors in the equation have the following definitions:

1. *A* is the estimation of average annual soil loss in tons per acre caused by sheet and rill erosion.
2. *R* is the rainfall erosivity factor.
3. *K* is the soil erodibility factor.
4. *L* is the slope length and steepness factor.
5. *C* is the cover and management factor.
6. *P* is the support practice factor.

A paper published by K.G. Renard, et al., in the May-June, 1994 Journal of Soil and Water Conservation, volume 49(3), pages 213-220, entitled, "RUSLE revisited: Status, questions, answers, and the future", describes the revision. Primary differences between the USLE and RUSLE include the following:

R Factor: RUSLE includes more *R* values for the Western United States than the USLE. For the eastern United States, *R* values are generally the same as those used in the USLE but includes some revisions.

K Factor: Values used in RUSLE are similar to the USLE values but are adjusted to account for changes, such as freezing and thawing, and soil moisture. These adjustments are calculated at one-half month intervals for use in RUSLE

and are applicable in the northern and southern plains, midwest, southern, and eastern United States.

LS Factor: USLE uses one *LS* table; RUSLE uses four *LS* tables, as determined by the relationship of rill to interrill erosion. Although both the USLE and RUSLE can account for the effects of complex slopes, RUSLE simplifies this *LS* determination through the use of computer technology.

C Factor: USLE provides estimates of soil changes for 4-5 crop stage periods throughout the year. RUSLE provides estimates of cover and soil changes on one-half month intervals, especially in relation to canopy, surface residue, residue just under the surface, and the effects of climate on residue decomposition, roughness, roots, and soil consolidation.

P Factor: USLE uses *P* factors for contouring, contour stripcropping, and terracing from table values established for field slope ranges; and for terraces, the *P* factor is also based on channel gradients. RUSLE uses *P* factors for farming across the slope and includes new process-based routines to determine the effect of stripcropping and buffer strips. Values for farming across the slope are based on slope length and steepness, row grade, ridge height, storm severity, soil infiltration, and the cover and roughness conditions. The stripcropping *P* factor is based on the amount and location of soil deposition.

The equation for predicting soil loss due to wind erosion is $E=f(IKCLV)$. The factors in the equation have the following definitions:

1. *E* is the estimation of average annual soil loss in tons per acre.
2. *f* indicates the equation includes functional relationships that are not straight-line mathematical calculations.
3. *I* is the soil erodibility index.
4. *K* is the ridge roughness factor.
5. *C* is the climatic factor. All climatic factor values are expressed as a percentage of the value established at Garden City, Kansas. Garden City, Kansas was the location of early research in the WEQ and established the standard for climatic factors against which the other locations are measured.
6. *L* is the unsheltered distance across an erodible field, measured along the prevailing wind erosion direction.
7. *V* is the vegetative cover factor.

The Department was first statutorily required to use the factors from the USLE and WEQ to make highly erodible land (HEL) determinations under the Food Security Act (FSA) of 1985, Pub. L. 99-198. The Department published the equations used to determine HEL during promulgation of the regulations