

§ 319.8–10 [Amended]

2. In Subpart—Foreign Cotton and Covers, § 319.8–10(d) would be amended by removing the words “§ 319.59 (notice of quarantine No. 59 relating to the flag smut disease)” and adding the words “§ 319.59–2(a)(2)” in their place, and footnote 5 and its reference in the text would be removed.

§ 319.8–11 [Amended]

3. In Subpart—Foreign Cotton and Covers, § 319.8–11(a) introductory text, footnote 6 and its reference in the text would be redesignated as footnote 5.

§ 319.8–17 [Amended]

4. In Subpart—Foreign Cotton and Covers, § 319.8–17(d), footnote 7 and its reference in the text would be redesignated as footnote 6.

5. The authority citation for “Subpart—Wheat Diseases” would be removed.

§ 319.59 [Amended]

6. In Subpart—Wheat Diseases, § 319.59 would be amended as follows:

a. In paragraph (a), in the first sentence, the reference “§ 319.59–2(b)” would be removed and the reference “§ 319.59–2(c)” would be added in its place.

b. In paragraph (a), in the last sentence, the reference “§ 319.59–2(a)” would be removed and the reference “§ 319.59–2(a) and (b)” added in its place, and the reference “§ 319.59–2(b)” would be removed and the reference “§ 319.59–2(c)” added in its place.

c. In paragraph (b), in the first sentence, the words “abandoned by the importer for destruction” would be removed and the words “destroyed as deemed necessary by an inspector at the expense of the importer” would be added in their place.

d. In paragraph (b), in the last sentence, the words “abandoned for destruction by” would be removed and the words “destroyed as deemed necessary by an inspector at the expense of” would be added in their place.

7. In Subpart—Wheat Diseases, § 319.59–2 would be amended as follows:

a. In the introductory text of paragraph (a), the words “in paragraph (b)” would be removed and the words “in paragraph (c)” added in their place.

b. In paragraph (a)(1)(i), the word “*Triticums*” would be removed and the word “*Triticum*” added in its place.

c. Paragraph (a)(2) would be revised to read as set forth below.

d. In paragraph (b)(2), the words “(except for that portion of the Mexicali Valley described in paragraph (b)(3) of this section),” would be added after the word “Mexico”.

e. A new paragraph (b)(3) would be added to read as set forth below.

f. In paragraph (c)(2), the reference “7 CFR 319.37–14(b)” would be removed and the reference “§ 319.37–14(b)” added in its place.

§ 319.59–2 Prohibited articles.

(a) * * *

(2) Afghanistan, Algeria, Armenia, Australia, Azerbaijan, Bangladesh, Belarus, Bulgaria, Chile, China, Cyprus, Egypt, Estonia, Falkland Islands, Georgia, Greece, Guatemala, Hungary, India, Iran, Iraq, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Libya, Lithuania, Moldova, Morocco, Nepal, North Korea, Oman, Pakistan, Portugal, Romania, Russia, Spain, Tajikistan, Tanzania, Tunisia, Turkey, Turkmenistan, South Africa, South Korea, Ukraine, Uzbekistan, and Venezuela.

(b) * * *

(3) The following area of the Mexicali Valley in Mexico has been determined to be free from Karnal Bunt: Those portions of the municipality of Mexicali, in the State of Baja California, and the municipality of San Luis Rio Colorado, in the State of Sonora, that are included in the Distrito de Desarrollo Rural (Rural Development District) 002 Rio Colorado. Except for wheat (*Triticum* spp.) plants, which are prohibited importation under § 319.37–2(a), any articles described in paragraph (b)(1) of this section that are from that designated area may be imported into the United States subject to the following conditions:

(i) The articles are offered for entry at the port of Calexico, CA; and

(ii) The articles offered for entry are made available for examination by an inspector and remain at the port until released, or authorized further movement pending release, by an inspector; and

(iii) The articles are accompanied by a phytosanitary certificate issued by the Mexican national plant protection organization that certifies that the articles are from the area of the Mexicali Valley described in this paragraph and remained within that area prior to and during their movement to the United States.

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8. In Subpart—Packing Materials, § 319.69(b)(1) would be revised to read as follows:

§ 319.69 Notice of quarantine.

* * * * *

(b) * * *

(1) Cereal straw, hulls, and chaff (such as oats, barley, and rye) from all countries, except rice straw, hulls, and chaff, which are prohibited importation

from all countries by paragraph (a)(1) of this section, and except wheat straw, hulls, and chaff, which are restricted importation by § 319.59 from any country or locality listed in § 319.59–2.

* * * * *

Done in Washington, DC, this 21st day of January 1998.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–1808 Filed 1–26–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Part 1209**

[FV–97–705RO]

Mushroom Promotion, Research, and Consumer Information Order; Referendum Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This action gives notice that a referendum will be conducted to determine whether mushroom producers and importers favor continuance of the Mushroom Promotion, Research, and Consumer Information Order (Order). In order to continue, the Order must be approved by a majority of producers and importers voting in the referendum and that majority must represent more than 50 percent of the mushrooms produced and imported by those voting in the referendum. This action announces the voting period, representative period, and agents.

DATES: The referendum will be conducted by mail ballot from February 24 through March 13, 1998. Faxed ballots will be accepted. The representative period for establishing voter eligibility shall be the period from July 1, 1996, through June 30, 1997.

ADDRESSES: Copies of the Mushroom Promotion, Research, and Consumer Information Order may be obtained from: Referendum Agent, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, Room 2535-S, Stop Code 0244, Washington, DC 20090–6456, telephone number (888) 720–9917, fax (202) 205–2800.

FOR FURTHER INFORMATION CONTACT:

Stacey L. Bryson, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, Room 2535-S,

Stop Code 0244, Washington, DC 20090-6456, telephone (202) 720-6930 or (888) 720-9917.

SUPPLEMENTARY INFORMATION: A referendum will be conducted among mushroom producers and importers to determine whether the continuance of the Mushroom Promotion, Research, and Consumer Information Order (Order) [7 CFR 1209] is favored by persons voting in the referendum. The Order is authorized under the Mushroom Promotion, Research, and Consumer Information Act (Act) [7 U.S.C. 6101-6112].

The representative period for establishing voter eligibility for the referendum shall be the period from July 1, 1996, through June 30, 1997. Paragraph (b)(2) of § 1926 of the Act requires that the Order be approved by a majority of producers and importers voting in the referendum which majority, on average, annually produces and imports into the United States more than 50 percent of mushrooms annually produced and imported by all those persons voting in the referendum. Only mushroom producers and importers who either produced or imported, on average, over 500,000 pounds of mushrooms annually during the representative period will be eligible to vote in the referendum. Persons who have received an exemption from assessment for the entire representative period are ineligible to vote. The referendum shall be conducted by mail ballot from February 24 through March 13, 1998. Faxed ballots will be accepted.

Section 1926 of the Act provides that the Secretary of Agriculture (Secretary) shall conduct a referendum effective 5 years after the date on which the Order became effective. The Order became effective on January 8, 1993. The referendum must be conducted among mushroom producers and importers to ascertain whether they favor continuation, termination, or suspension of the Order. Persons voting in the referendum will certify their eligibility to vote and will designate their status either as a mushroom producer or importer. Producers and importers will be required to certify the pounds of mushrooms they either produced or imported during the representative period.

The Order shall continue in effect if it is approved by a simple majority of producers and importers voting in the referendum and that majority represents more than 50 percent of the mushrooms produced and imported by those voting in the referendum. If the Secretary determines that suspension or termination of the Order is favored by

a majority of the producers and importers voting in the referendum, which majority, on average, annually produces and imports into the United States more than 50 percent of the mushrooms annually produced and imported by all those voting in the referendum, the Secretary shall terminate or suspend the collection of assessments under the Order and suspend or terminate activities under the Order as soon as practicable.

In accordance with the Paperwork Reduction Act of 1995 [Pub. L. 104-13], the referendum ballot has been approved by the Office of Management and Budget (OMB) and has been assigned OMB number 0581-0093. There are approximately 138 eligible voters. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot. The total burden on the total number of voters will be 34.5 hours.

Referendum Order

It is hereby directed that a referendum be conducted among mushroom producers and importers to determine whether they favor the continuance of the Order. The representative period for establishing voter eligibility for the referendum shall be the period from July 1, 1996, through June 30, 1997. A referendum shall be conducted by mail ballot from February 24 through March 13, 1998. Faxed ballots will be accepted.

By interim final rule, referendum procedures were published in the **Federal Register** on December 23, 1997 [62 FR 66973]. Comments concerning the provisions of the rule must be received by January 22, 1998. The Procedure for the Conduct of Referenda in Connection with the Mushroom Promotion, Research, and Consumer Information Order [7 CFR 1209.300-1209.307] shall be used to conduct the referendum. Ballots will be mailed to all known mushroom producers and importers on or before February 17, 1998. Eligible voters who do not receive a ballot by mail may call the following toll-free telephone number to receive a ballot: 1 (888) 720-9917. All ballots will be subject to verification. Ballots must be received by the referendum agents by mail or fax no later than March 13, 1998, to be counted.

Stacey L. Bryson and Martha B. Ransom, Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2535-S, Stop Code 0244, P.O. Box 96456, Washington, D.C. 20090-6456, are designated as the referendum agents of

the Secretary of Agriculture to conduct the referendum.

Ballots to be cast in the referendum, and any related material relevant to the referendum, will be mailed by the referendum agents to all known mushroom producers and importers. Only mushroom producers and importers who either produced or imported, on average, over 500,000 pounds of mushrooms annually during the representative period will be eligible to vote in the referendum. Persons who have received an exemption from assessment for the entire representative period are ineligible to vote.

List of Subjects in 7 CFR Part 1209

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Mushrooms, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 6101-6112.

Dated: January 21, 1998.

Enrique E. Figueroa,

Acting Administrator, Agricultural Marketing Service.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 71

[Docket No. 97-099-1]

EIA; Handling Reactors at Livestock Markets

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations pertaining to livestock facilities under State or Federal veterinary supervision to require that any livestock facility accepting equines classified as reactors to equine infectious anemia must quarantine these animals at all times at least 200 yards from all equines that are not reactors to this disease. Currently, livestock facilities accepting reactors to equine infectious anemia are required to quarantine the reactors that will remain at the facility for longer than 24 hours at least 200 yards away from all other animals. This proposed amendment would help to prevent the interstate spread of equine infectious anemia, a contagious, vector-borne disease affecting equines.