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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	[AO-SC] Docket No. **16-0136**;
	)	AMS-SC-16-0074;
Hazelnuts Grown in	)	SC16-982-1
Oregon and Washington	)	

Certification of Transcript and Notice of January 9 (Mon) 2017 Deadline to File Briefs

1. This certifies that the foregoing 341-page transcript (plus 84-page word index), to the best of my knowledge and belief, is a true transcript of the testimony given during the 1-day hearing on proposed amendments to Marketing Order No. 982 (7 CFR Part 982), on October 18, 2016 in Wilsonville, Oregon at the Holiday Inn, except for obvious or immaterial typing, spelling, or grammatical errors, and except for the following corrections:

> all corrections proposed on December 1, 2016, by the U.S. Department of Agriculture, Agricultural Marketing Service (AMS), Specialty Crops Program, Marketing Order and Agreement Division (MOAD), Acting Rulemaking Branch Chief Melissa Schmaedick.

In this age of electronic communication, it would be counterproductive for the Hearing Clerk to note the corrections on the "hard copy" of the transcript. Consequently, I order that the Hearing Clerk NOT follow the specifications to that effect in 7 C.F.R. § 900.10; I instead order that the "hard copy" of the transcript not be marked with the corrections. Each reader of the transcript should take into account the corrections proposed on December 1, 2016 referenced above.

2. Accordingly, Acting Rulemaking Branch Chief Melissa Schmaedick shall cause to be posted on the USDA AMS website, the following: the transcript; the corrections she proposed on December 1, 2016; and this Certification, preferably to be placed where the exhibits are already posted:

https://www.ams.usda.gov/rules-regulations/hazelnuts-grown-oregon-and-washington

3. I further certify that 24 exhibits were admitted into evidence, Exhibits 1-24. The exhibits can be found on the USDA AMS website:

https://www.ams.usda.gov/rules-regulations/hazelnuts-grown-oregon-and-washington

Exhibit 5 was admitted into evidence for the limited purpose of curing an ex parte communication. Tr. 21-27.

4. By **January 9 (Mon) 2017**, Briefs shall be filed with the Hearing Clerk.

A Brief may be filed as an attachment to an email (*see* paragraph 5); and courtesy copies of a Brief may be sent by email, including to at least those identified below.

Acting Rulemaking Branch Chief Melissa Schmaedick is requested to consider posting Briefs, also, on the USDA AMS website.

5. **The parties shall deliver all filings directly to the Hearing Clerk**. The Hearing Clerk's contact information is at the bottom of the last page, including not only address, but also FAX number and email address. Filings should ordinarily be submitted in quadruplicate and must ***arrive*** in the Hearing Clerk's office earlier than 4:30 pm Eastern to be stamped "Received" on the arrival date. Please use a next-business-day delivery service through a commercial carrier such as FedEx or UPS to ensure timely filing. [Mail through the U.S. Postal Service is diverted for irradiation and will be delayed.]

Or, e-mail to OALJHearingClerks@ocio.usda.gov if that proves convenient. For short filings (a few pages), you may instead utilize the Hearing Clerk's FAX number. When FAXing or emailing to the Hearing Clerk, submit once [NOT in quadruplicate].

The Hearing Clerk is requested to send by email this "Certification of Transcript and Notice of January 9 (Mon) 2017 Deadline to File Briefs" to:

(1) rupa.chilukuri@ogc.usda.gov Rupa Chilukuri, Esq. in Washington, D.C., USDA, Office of General Counsel;

(2) michelle.sharrow@ams.usda.gov Michelle P. Sharrow in Washington, D.C, USDA, Agricultural Marketing Service, Specialty Crops Program, Marketing Order and Agreement Division (MOAD), Rulemaking Branch, Branch Chief;

(3) melissa.schmaedick@ams.usda.gov Melissa Schmaedick in Moab, Utah, USDA, Agricultural Marketing Service, Specialty Crops Program, Marketing Order and Agreement Division (MOAD), Acting Rulemaking Branch Chief;

(4) barry.broadbent@ams.usda.gov Barry Broadbent in Portland, Oregon, USDA, Agricultural Marketing Service, Specialty Crops Program, Marketing Order and Agreement Division (MOAD), Marketing Specialist with the Northwest Marketing Field Office;

(5) [redacted] Polly Owen, Director, Hazelnut Marketing Board, in Aurora, Oregon; and

(6) [redacted] Meredith Nagely, Administrator, Hazelnut Marketing Board in Aurora, Oregon.

Done at Washington, D.C.
this 8th day of December 2016

[redacted]

Jill S. Clifton
Administrative Law Judge

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