

Rules and Regulations

Federal Register

Vol. 61, No. 41

Thursday, February 29, 1996

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DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 868

Removal of U.S. Grade Standards

AGENCY: Grain Inspection, Packers and Stockyards Administration.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule will remove the voluntary U.S. grade standards for Beans, Whole Dry Peas, Split Peas, and Lentils from the Code of Federal Regulations (CFR). These are an accumulation of regulations which have been developed for more than 75 years to facilitate the marketing of agricultural commodities by providing a uniform language which may be used to describe the quality of various agricultural commodities as valued in the marketplace. The voluntary standards and all subsequent revisions or new standards will be made available in a separate publication. This regulatory action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

In carrying out this responsibility, the Administrator of the Grain Inspection, Packers and Stockyards Administration (GIPSA), will ensure that proposed, new or revised voluntary standards will appear in the "Notices" section of the Federal Register and that the public will have an opportunity to comment.

EFFECTIVE DATE: February 29, 1996. Comments must be received by April 29, 1996.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Written comments may mailed or faxed to George Wollam, Regulatory Liaison, USDA, GIPSA, Room 0623-S, P.O. Box

96454, Washington, DC 20090-6454; FAX (202) 720-4628. Comments may also be sent by electronic mail or Internet to: gwollam@fgis.usda.gov.

All comments received will be available for public inspection during regular business hours in Room 0623-South Building, 1400 Independence Avenue, S.W., Washington, D.C. (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: George Wollam (202) 720-0292.

SUPPLEMENTARY INFORMATION: This regulatory action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

Executive Order 12866

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

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have preemptive effect with respect to any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. This rule is not intended to have retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule or the application of its provisions.

Effect on Small Entities

This action was reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C 601 *et seq.*). The Administrator of (GIPSA) has determined that this action will not have a significant economic impact on a substantial number of small entities. Although this action will remove provisions from the CFR, small entities should see no changes as the standards will be administered under the direction of the Administrator to ensure public input to their formulation and convenient availability to those who want copies of the standards.

Paperwork Reduction Act

In accordance with the provisions of the Paperwork Reduction Act, the information collection requirements contained in the provisions to be amended have been previously

approved by the Office of Management and Budget under control number 0580-0013.

Background

The Grain Inspection, Packers and Stockyards Administration is delegated by the Secretary of Agriculture, under the Agricultural Marketing Act of 1946 (AMA), to provide programs for Federal grading/certification services and to develop and establish efficient marketing methods and practices for designated agricultural commodities. For many years these agricultural programs have facilitated the marketing of agricultural commodities by developing official U.S. grade standards which provide uniform language that may be used to describe the characteristics of more than 19 commodities as valued by the market place. The AMA standards are widely used in private contracts, government procurement, marketing communication and, for some commodities, consumer information. The standards through the years have been promulgated as regulations and codified in the CFR.

Rapid changes in consumer preferences, together with associated changes in commodity characteristics, processing technology, and marketing practices have out paced the revision or issuance of regulations. As a result, industry and the marketplace could be burdened with outdated trading language. The President's regulatory review initiative has provided the impetus to develop new approaches to develop new approaches to meet more effectively the needs of U.S. industry, government agencies, and consumers and still reduce the regulatory burden.

To meet this initiative, regulations that are currently in the CFR which could be administered under the authority of GIPSA are being removed from the CFR. With respect to the official grade standards except those used to implement government price support. Therefore, the grade standards for Rice (7 CFR §§ 868.201-316) will continue to appear in the CFR, although the text will also be available from GIPSA, along with other grade standards.

This rule eliminates selected regulations which encompass approximately 22 pages of the CFR covering: Standards for Beans, Whole Dry Peas, Split Peas, and Lentils.

The following is an outline of those standards being removed from the CFR.

CFR section	Title of standards being removed from the CFR
868.101–142	Subpart B—United States Standards for Beans.
868.401–410	Subpart F—United States Standards for Whole Dry Peas.
868.501–510	Subpart G—United States Standards for Split Peas.
868.601–611	Subpart H—United States Standards for Lentils.

To ensure that these standards will be developed, issued, and revised in accordance with procedures that continue to ensure a fair and open process, all new and proposed revisions to standards being removed from the CFR's will be published in the Federal Register as "Notice" with adequate time for public comment. A final version of the standard will also be published in the Federal Register.

In developing or revising existing grade standards, the Administrator must first determine that a new or revised standard is needed to facilitate trade in a particular commodity. Second, because use of the standards is voluntary, there must be demonstrated interest and support from the affected industry or other interested parties. And third, the standards must be practical to use.

The initial requests for development or revision of a standard may come from the industry, trade or consumer groups, State departments of agriculture, the U.S. Department of Agriculture, or others. Once a request has been received, GIPSA will coordinate procedures to gather information needed to move forward with the new or revised standard. After this process is completed, a notice of proposed standards change will be published in the Federal Register to solicit comment from any interested parties (normally 30 to 60 days). After evaluating the comments received from interested parties, GIPSA will determine whether to proceed, develop a new proposal, or terminate the process. The public will be informed through a press release and notice in the Federal Register.

In addition to publication in the Federal Register, GIPSA will distribute copies of each standard on request as a pamphlet or other means under the direction of the Administrator of GIPSA.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause

exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) The standards are voluntary; (2) no changes are being made to the standards by this docket, and (3) this is in-line with the President's regulatory review initiative.

List of Subjects in 7 CFR Part 868

Administrative practice and procedures, Agricultural commodities, Beans, Whole Dry Peas, Split Peas, and Lentils.

For the reasons set forth in the preamble, 7 CFR Part 868 is amended as follows:

PART 868—GENERAL REGULATIONS AND STANDARDS FOR CERTAIN AGRICULTURAL COMMODITIES

1. The authority citation for Part 868 continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended (7 U.S.C. 1621 et seq.).

Subpart B (§§ 868.101–868.142)— [Removed and Reserved]

2. In part 868, Subpart B (§§ 868.101 through 868.142) is removed and reserved.

Subpart F (§§ 868.401–868.410)— [Removed]

3. In part 868, Subpart F (§§ 868.401 through 868.410) is removed.

Subpart G (§§ 868.501–868.510)— [Removed]

4. In part 868, Subpart G (§§ 868.501 through 868.510) is removed.

Subpart H (§§ 868.601–868.611)— [Removed]

5. In part 868, Subpart H (§§ 868.601 through 868.611) is removed.

David R. Shipman,

Acting Administrator.

[FR Doc. 96–4587 Filed 2–28–96; 8:45 am]

BILLING CODE 3410–EN–P

Agricultural Marketing Service

7 CFR Part 979

[Docket No. FV95–979–1FIR]

Melons Grown in South Texas; Increased Expenses and Establishment of Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as

a final rule, without change, the provisions of an amended interim final rule that increased the level of authorized expenses and established an assessment rate to generate funds to pay those expenses under Marketing Order No. 979 for the 1995–96 fiscal period. Authorization of this budget enables the South Texas Melon Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: October 1, 1995, through September 30, 1996.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, or Belinda G. Garza, McAllen Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1313 East Hackberry, McAllen, TX 78501, telephone 210–682–2833.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 156 and Order No. 979 (7 CFR part 979), regulating the handling of melons grown in South Texas, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, South Texas melons are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable melons handled during the 1995–96 fiscal period, which began October 1, 1995, and ends September 30, 1996. This 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 requesting 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