

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### 7 CFR Parts 68 and 800 and Chapter VIII<sup>1</sup>

#### Name Change and Amendment of References To Reflect Establishment of the Grain Inspection, Packers and Stockyards Administration

**ACTION:** Final rule.

**SUMMARY:** This rule amends 7 CFR parts 68 and 800 and chapter VIII to reflect the abolishment of the Federal Grain Inspection Service (FGIS) as an agency of the Department of Agriculture and the transfer of its program authority to a newly created agency, the Grain Inspection, Packers and Stockyards Administration (GIPSA).

**EFFECTIVE DATE:** January 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** George Wollam, GIPSA-FGIS, USDA, Room 0623 South Building, P.O. Box 96454, Washington, DC, 20090-6454; FAX (202) 720-4628; telephone (202) 720-0292.

**SUPPLEMENTARY INFORMATION:** Pursuant to Pub. L. 103-354, the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, the Secretary of Agriculture issued Secretary's Memorandum 1010-1 (SM 1010-1), Reorganization of the Department of Agriculture on October 20, 1994. SM 1010-1 orders the abolition of the Federal Grain Inspection Service and the establishment of the Grain Inspection, Packers and

Stockyards Administration, which assumes the function previously performed by FGIS. This rule amends 7 CFR parts 68 and 800 and the heading of chapter VIII to bring Agency regulations into alignment with the Departmental reorganization.

This rule relates to internal Agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12778 and 12868. Finally, this action is not a rule as defined by the Regulatory Flexibility Act. Pub. L. No. 96-354, and, thus, is exempt from the provisions of that Act.

#### List of Subjects in 7 CFR Parts 68 and 800

Administrative practice and procedures, Grain inspection, and Agricultural commodities.

For reasons set forth in the preamble and background, 7 CFR chapters I and VIII are amended as follows:

#### CHAPTER I—[AMENDED]

#### PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND THEIR PRODUCTS

1. The authority citation for Part 68 continues to read as follows:

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

2. Section 68.1 is amended by revising paragraphs (b)(2) and (b)(43) to read as follows:

#### § 68.1 Meaning of terms.

\* \* \* \* \*

(b) \* \* \*

(2) *Administrator.* The Administrator of the Grain Inspection, Packers and Stockyards Administration or any person to whom the Administrator's authority has been delegated.

\* \* \* \* \*

(43) *Service.* The Federal Grain Inspection Service of the Grain Inspection, Packers and Stockyards Administration of the United States Department of Agriculture.

\* \* \* \* \*

#### CHAPTER VIII—GRAIN INSPECTION, PACKERS AND STOCKYARD ADMINISTRATION (FEDERAL GRAIN INSPECTION SERVICE), DEPARTMENT OF AGRICULTURE

1. The heading of the 7 CFR chapter VIII is revised to read as set forth above.

#### PART 800—GENERAL REGULATIONS

2. The authority citation for part 800 continues to read as follows:

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

3. Section 800.0 is amended by revising paragraphs (b)(3) and (b)(91) to read as follows:

#### § 800.0 Meaning of terms.

\* \* \* \* \*

(b) \* \* \*

(3) *Administrator.* The Administrator of the Grain Inspection, Packers and Stockyards Administration or any person to whom authority has been delegated.

\* \* \* \* \*

(91) *Service.* The Federal Grain Inspection Service of the Grain Inspection, Packers and Stockyards Administration of the United States Department of Agriculture.

\* \* \* \* \*

#### § 800.0 [Amended]

4. Section 800.0 is further amended by removing footnote 1.

5. Section 800.2 is revised to read as follows:

#### § 800.2 Administrator.

The Administrator is delegated, from the Secretary, responsibility for administration of the United States Grain Standards Act and responsibilities under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*). The Administrator is responsible for the establishment of policies, guidelines, and regulations by which the Service is to carry out the provisions of the Act and the Agricultural Marketing Act of 1946. The regulations promulgated under the Agricultural Marketing Act of 1946 appear at part 68 of this title (7 CFR part 68). The Administrator is authorized by the Secretary to take any action required by law or considered to be necessary and proper to the discharge of the functions and services under the Act. The Administrator may delegate authority to the Deputy Administrator and other appropriate officers and

<sup>1</sup> The authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Grain Inspection, Packers and Stockyards Administration (7 U.S.C. 75a; 7 CFR 68.5).

employees. The Administrator may, in emergencies or other circumstances which would not impair the objectives of the Act, suspend for period determined by the Administrator any provision of the regulations or official grain standards. The Administrator may authorize research; experimentation; and testing of new procedures, equipment, and handling techniques to improve the inspection and weighing of grain. The Administrator may waive the official inspection and official weighing requirements pursuant to Section 5 of the Act.

6. Section 800.7 is revised to read as follows:

**§ 800.7 Information about the Service, Act, and regulations.**

Information about the Grain Inspection, Packers and Stockyards Administration, Service, Act, regulations, official standards, official criteria, rules of practice, instructions, and other matters related to the official inspection or Class X or Class Y weighing of grain may be obtained by telephoning or writing the U.S. Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, P.O. Box 96454, Washington, D.C. 20090-6454, or any field office or agency of the Service.

7. In § 800.8 paragraphs (b), (d), and (e) are revised to read as follows:

**§ 800.8 Public information.**

\* \* \* \* \*

(b) *Public inspection and copying.* Materials maintained by the Service, including those described in 7 CFR 1.5, will be made available, upon a request which has not been denied, for public inspection and copying at the U.S. Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, at 14th Street and Independence Avenue, SW., Washington, D.C. 20250. The public may request access to these materials during regular working hours, 8:00 a.m. to 4:30 p.m., est, Monday through Friday except for holidays.

\* \* \* \* \*

(d) *Requests for records.* Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.6 and shall be addressed as follows: Office of the Administrator, Grain Inspection, Packers and Stockyards Administration; FOIA Request, U.S. Department of Agriculture, P.O. Box 96454, Washington, D.C. 20090-6454.

\* \* \* \* \*

(c) *Appeals.* Any person whose request under paragraph (d) of this section, is denied shall have the right to appeal such denial in accordance with

7 CFR 1.13. Appeals shall be addressed to the Administrator, Grain Inspection, Packers and Stockyards Administration, FOIA Appeal, P.O. Box 96454, Washington, D.C. 20090-6454.

Dated: January 24, 1995.

**James R. Baker,**  
*Administrator.*

[FR Doc. 95-2219 Filed 1-30-95; 8:45 am]

BILLING CODE 3410-EN-M

**Animal and Plant Health Inspection Service**

**7 CFR Part 301**

[Docket No. 94-059-2]

**Gypsy Moth Generally Infested Areas**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the list of generally infested areas under the gypsy moth quarantine and regulations by removing and adding areas in Ohio and Virginia. These changes affected 7 areas in Ohio and 5 areas in Virginia. These actions were necessary to restrict the interstate movement of regulated articles to prevent the artificial spread of gypsy moth and to delete unnecessary restrictions on the interstate movement of regulated articles.

**EFFECTIVE DATE:** March 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Terry McGovern, Operations Officer, Domestic and Emergency Operations, Plant Protection and Quarantine, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20738. The telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during February. Telephone: (301) 436-6365 (Hyattsville); (301) 734-6365 (Riverdale).

**SUPPLEMENTARY INFORMATION:**

**Background**

In an interim rule effective and published in the **Federal Register** on September 13, 1994 (59 FR 46899-46902, Docket No. 94-059-1), we amended the gypsy moth regulations in 7 CFR part 301 by removing Franklin County in Virginia from the list of generally infested areas in § 301.45-3(a), and by adding Carroll, Cuyahoga, Jefferson, Lucas, Portage, Stark, and Summit Counties in Ohio, and Bath, Greensville, and Highland Counties and the city of Emporia in Virginia to the list

of generally infested areas in that section.

Comments on the interim rule were required to be received on or before November 14, 1994. We received one comment in favor of the interim rule. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

**PART 301—DOMESTIC QUARANTINE NOTICES**

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR 301.45-3 and that was published at 59 FR 46899-46902 on September 13, 1994.

**Authority:** 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 25th day of January 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-2314 Filed 1-30-95; 8:45 am]

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**Commodity Credit Corporation**

**7 CFR Part 1435**

**RIN 0560-AC98 and 0560-AD41**

**1993-Crop and 1994-Crop Sugarcane and Sugar Beets Price-Support Loan Rates**

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Sugar Price-Support Program is conducted by the Commodity Credit Corporation (CCC) in accordance with Section 206 of the Agricultural Act of 1949, as amended (the 1949 Act). This final rule amends the regulation by setting forth 1993-crop and 1994-crop loan rates to be used in administering the Sugar Price-Support Program. The national (weighted-average) loan rate for 1993-crop and